

MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held in the Rockdale Town Hall - Council Chambers
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 9 August 2017 at 7:00 pm**

AGENDA

- 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**
- 2 OPENING PRAYER**
- 3 APOLOGIES**
- 4 DISCLOSURES OF INTEREST**
- 5 MINUTES OF PREVIOUS MEETINGS**
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- 6 ADMINISTRATOR MINUTES**
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- 7 PUBLIC FORUM**

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.
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9 MINUTES OF COMMITTEES

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10 QUESTIONS WITH NOTICE**11 CALL FOR RESCISSION MOTIONS**

Attendees at meetings of Council are notified that the meetings are audio recorded for minute-taking purposes, and live streamed to the community.

Meredith Wallace
General Manager

Council Meeting

9/08/2017

Item No	5.1
Subject	Minutes of the Council Meeting - 12 July 2017
Report by	Lauren Thomas, Governance Officer
File	SF16/1260

Officer Recommendation

That the Minutes of the Council meeting held on 12 July 2017 be confirmed as a true record of proceedings.

Present

Greg Wright, Administrator

Also present

Meredith Wallace, General Manager
Michael McCabe, Director City Futures
Steven Poulton, Acting Director City Presentation
Debra Dawson, Director City Life
Daniel Fabri, Director City Performance
Karin Hartog, Major Projects Director
Fausto Sut, Manager Governance and Risk
John Maunder, Acting Manager Finance
Karen Purser, Manager Community Engagement & Capacity Building
Bobbi Mayne, Manager Procurement
Vince Carrabs, Head of Communications & Events
John Crawford, Project Lead Information Technology
Anne Suann, Governance Officer

The Administrator opened the meeting in the Botany Town Hall at 7.00 pm.

The Administrator informed the meeting, including members of the public, that the meeting will be audio recorded for minute taking purposes, and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

1 Acknowledgement of Traditional Owners

The Administrator affirmed that Bayside Council respects the traditional custodians of the land on which this meeting takes place, and elders past and present, and acknowledged the Gadigal and Bidjigal clans.

2 Opening Prayer

Pastor Al Persohn from Botany City Church opened the meeting in prayer.

3 Apologies

There were no apologies received.

4 Disclosures of Interest

There were no disclosures of interest.

5 Minutes of Previous Meetings**5.1 Council Meeting – 14 June 2017**

Minute 2016/111

Resolved by the Administrator

That the Minutes of the Council Meeting held on 14 June 2017 be confirmed as a true record of proceedings.

5.2 Extraordinary Council Meeting – 29 June 2017

Minute 2016/112

Resolved by the Administrator

That the Minutes of the Extraordinary Council Meeting held on 29 June 2017 be confirmed as a true record of proceedings.

6 Administrator Minutes**6.1 Federal Funding for Ador Reserve**

Minute 2016/113

Resolved by the Administrator

That this Minute be received and noted.

6.2 Smart Cities and Suburbs Program – Grant Applications

Minute 2016/114

Resolved by the Administrator

That this Minute be received and noted.

7 Public Forum

The Administrator invited the following public speaker to address the Council:

- 1 Ms Chris Francis speaking against the officer's recommendation (Item 9.1 – Traffic Committee Minutes, specifically Item BTC17.98)

8 Reports

8.1 Stronger Communities Fund Reporting – Major Projects

Minute 2016/115

Resolved by the Administrator

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 January – 30 June 2017 to be submitted to the NSW Office of Local Government.

8.2 Voluntary Planning Agreement Proposal for Kingsland Road South, Bexley

Minute 2016/116

Resolved by the Administrator

That Council authorises the exhibition of the draft Voluntary Planning Agreement in conjunction with the Planning Proposal.

8.3 Voluntary Planning Agreement Proposal for 177 Russell Avenue, Dolls Point

Minute 2016/117

Resolved by the Administrator

That Council delegates the General Manager to finalise the Voluntary Planning Agreement and authorises its exhibition in conjunction with the Planning Proposal.

8.4 Bayside Design Excellence Guidelines

Minute 2016/118

Resolved by the Administrator

That Council adopts the attached Bayside Design Excellence Guidelines dated July 2017.

8.5 Eastlakes Reserve Upgrade Works Tender

Minute 2016/119

Resolved by the Administrator

- 1 That the report be received and noted.
- 2 That in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005 Council declines to accept any of the tenders submitted for the Eastlakes Reserve Upgrade works.
- 3 That in accordance with clause 178(4)(a) of the Local Government (General) Regulation 2005 Council resolves to decline to invite fresh tenders or applications as it has undertaken a public tender process inviting tenders from the open market. There would be no advantage in calling fresh tenders as Council has just undertaken this process and it is unlikely that new tenders would provide an improved service for Council and additionally the construction of Eastlakes Reserve would be delayed if fresh tenders were sought. Negotiations with the preferred contractor will provide the opportunity for a better result and reduce the risk to Council.
- 4 That in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005 Council delegates authority to the General Manager to enter into negotiations with Glascott Landscape & Civil Pty Ltd (and if required Planet Civil Pty Ltd).
- 5 That Council delegates authority to the General Manager to enter into and execute the GC 21 contract for the Eastlakes Reserve upgrade works.
- 6 That in accordance with clause 178(4)(b) of the Local Government (General) Regulation 2005 Council advises that the decision to enter into negotiations with Glascott Landscape & Civil Pty Ltd is as a direct result of them being considered the preferred contractor following a comprehensive tender evaluation.

8.6 Disability Inclusion Action Plan 2017-2021

Minute 2016/120

Resolved by the Administrator

That Council adopts the Disability Inclusion Action Plan 2017- 2021.

8.7 Bayside Procurement Policy

Minute 2016/121

Resolved by the Administrator

That Council adopts the attached draft Procurement Policy subject to the 'Methods of Procurement and Financial Thresholds' being attached to the policy as an appendix.

8.8 Expenses & Facilities Policy

Minute 2016/122

Resolved by the Administrator

- 1 That the Expenses & Facilities Policy attached to this report be adopted subject to the number of Christmas Cards referred to in Section 12.7 being reduced to 100.
- 2 That the Expenses & Facilities Policy be refreshed and placed on Council's website.

8.9 Code of Meeting Practice

Minute 2016/123

Resolved by the Administrator

- 1 That the draft Code of Meeting Practice attached to this report be adopted.
- 2 That the draft Code of Meeting Practice be refreshed and placed on Council's website.

8.10 Schedule of Council Meeting Dates and Venues - September to December 2017

Minute 2016/124

Resolved by the Administrator

- 1 That Council confirms the Ordinary Meeting dates in accordance with the Code of Meeting Practice for October to December 2017 at Rockdale Town Hall as follows:
 - Wednesday 11 October 2017
 - Wednesday 8 November 2017
 - Wednesday 13 December 2017
- 2 That Council holds an Extraordinary Meeting on 27 September 2017 to elect the Mayor and Deputy Mayor and appoint delegates to external bodies.

8.11 Fire and Rescue NSW Report – 1 Market Street, Rockdale

Minute 2016/125

Resolved by the Administrator

That report Reference number BFS 17/965 (13485) dated 30 May 2017 forwarded on behalf of the Commissioner of Fire and Rescue NSW be tabled at

Council's meeting as required by Section 121ZD (2) of the Environmental Planning and Assessment Act 1979.

9 Minutes of Committees

9.1 Bayside Traffic Committee – 5 July 2017

Minute 2016/126

Resolved by the Administrator

That the Minutes of the Bayside Traffic Committee meeting held on 5 July 2017 be received and the recommendations therein be adopted with the exception of BTC17.98 being deferred to address the issues raised by the Public Forum speaker.

9.2 Local Representation Committee – 5 July 2017

Minute 2016/127

Resolved by the Administrator

That the Minutes of the Local Representation Committee meeting held on 5 July 2017 be received.

10 Confidential Items

The Administrator did not close the meeting to the press and public.

10.1 CONFIDENTIAL – Eastlakes Reserve Upgrade Works Tender

It is noted that the attachment to this report is confidential for reasons outlined in Section 10A (2) (d) of the Local Government Act 1993 (commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it), and that in accordance with section 11 (2) and (3) of the Local Government Act 1993 it is withheld from the press and public.

The Administrator closed the meeting at 7:22 p.m.

Council Meeting

9/08/2017

Item No	6.1
Subject	Administrator Minute – Bayside Logo Competition
File	F17/401

Motion

That Council's decision be recieved and noted.

Administrator Minute

It gives me great pleasure tonight to introduce the winners of the Bayside Council Logo competition. As you may be aware, all amalgamated councils are required to adopt a new logo, as befits a new organisation.

Where other newly amalgamated councils engaged professional graphic designers to develop their new logos, our General Manager believed strongly that the new logo and livery for Bayside Council should come from within our new community, and reflect the community's vision for the new council.

We went out to the community and were overwhelmed by the quantity and quality of the entries. We received 78 entries, from 40 residents. Each entry demonstrated a level of consideration and thought that really showed a commitment to the new organisation.

The selection committee had a very difficult time shortlisting the finalists, and they were not alone. More than 1900 people voted in the People's Choice Award and they clearly struggled to choose between the top two selections, with less than 10% between the winner and runner up.

Prizes will be given out tonight in a range of categories. Those who were not lucky enough to be selected to be here tonight have been awarded a Certificate of Appreciation. Personally, and on behalf of Bayside Council I would like to thank everyone who took the time to enter this competition – later in the year we will be mounting an exhibition of all of the entries and our residents will see for themselves the breadth of talent that sits within our community.

The selection of the major prize, for the logo that will represent Bayside Council into the future was a difficult one – not only does the logo have to represent the vision of Bayside, it needs to work graphically on signage, letterhead and everywhere you see logos displayed.

I think you will agree that all of the logos represented here tonight are worthy winners, and that the logo selected as the Bayside Council Logo is a great representation of all the Bayside Council stands for.

Attachments

Nil

Council Meeting

9/08/2017

Item No	6.2
Subject	Administrator Minute – Botany Golf Club; Review of Fees and Charges
File	SF16/1260

Motion

That the Fees and Charges Schedule 2017-18 for Botany Golf Club, course rate for club members, be re-exhibited at the discounted rate described in this minute.

Administrator Minute

Council has recently become aware that the rate for a Botany Golf Club member to play a round of golf at Botany Golf Course has not been consistent with the rate exhibited and adopted by Council in previous years. While the former Council advertised two rates, one for pensioners and another for all other players, in reality a third rate was being applied.

Botany Golf Club has operated under a lease from Council since 1978 for use of the club house and off street parking. Council runs the 'Pro Shop' in a separate building, arranging course bookings, payment of course fees and retail sales of associated golf related products.

Since 2008 there have been a number of representations to Council from the Club operator to apply rental reductions due to alleged financial hardship. While the former Council of the City of Botany Bay did not endorse a reduction in rent, nevertheless an informal arrangement was struck with Council's Financial Controller to reduce the rent by up to 50%. Further reductions were agreed in 2015 in line with the reduction of members exclusive use hours.

In developing the 2017-18 Fees and Charges for Bayside care was taken to reflect the previous adopted rates for the two former Councils with only minimal increases applied where justified. A pensioner rate of \$19 and a standard fee of \$28 per golf round was exhibited for the statutory period which was identical to the previous year's charges. After the exhibition and adoption of the Fees and Charges Schedule the discontinuation of the 'members only' fee of \$17.50 was questioned by a non pensioner member.

Somewhat difficult to understand is why the pensioner rate was higher than the member rate. However as the member rate was not reported to Council or publicly advertised, the thinking behind this remains unclear.

The Member for Maroubra, the Honourable Michael Daley, MP has made representations to Council on behalf of the Club. He has suggested that the discounted rate for Club members be continued for another 12 months to allow Council time to assess future arrangements with the Club in negotiations prior to the end of the current lease in December 2018. It will also allow the Club and Council to quantify the benefit, or not, of retaining a 'members only' rate.

Re-exhibition of the fees associated with Botany Golf Course will allow members of the public and the Golf Club to comment on the inclusion of a 'members only' rate to play the

Botany course. After exhibition Bayside Council will be able to adopt the additional rate, if it is considered appropriate.

For the purpose of exhibition, I intend to put forward a 'members only' fee which is between the rate charged to pensioners and the general, casual player's rate. The advertised discount to members will be \$5 per round, meaning that a member would pay \$23 per round instead of the current \$28.

Attachments

Nil

Council Meeting

9/08/2017

Item No	6.3
Subject	Administrator Minute – Administrator’s End of Term Report
File	F16/249

Motion

That this Minute be received and noted and the Administrator’s End of Term Report be made publicly available.

Administrator Minute

The Council meeting this evening will be my last as Administrator of Bayside Council. As many would know, the Bayside community goes to the polls on Saturday, 9 September to elect the first new cohort of fifteen councillors to represent the new Bayside Council. Though my position continues until just before the first meeting of the new Council, this is probably the last public opportunity for me to say farewell.

It has been a very great honour to represent the Bayside community for the past 12 months and to offer some, small contribution to the development of the new and larger Council organisation. The privilege of working with a good many local community organisations, agencies and individuals has only been matched by my good fortune in working collaboratively with the outstanding staff and management of the Council.

Bringing two quite different Councils together in a merger has been challenging for many. Certainly, the logistics have been a challenge for staff and management, while some community groups and individuals have had deeper, philosophical issues to reconcile. On the whole, however, for most of our 160,000 residents and other stakeholders the merger has simply been business as usual. Indeed, we have tried hard to ensure that there has been as little disruption to everyday life for our residents as is possible. Seamless continuity of service delivery and support to our citizens has been our aim and, I believe, we have largely achieved that aim.

Naturally, the work of building one new Council from the two former Councils continues. Unlike the other 19 new Councils created by the NSW Government’s ‘Fit for the Future’ policy and program, Bayside has had considerably less time to carry out the transition. We commenced four months after the others but I am certain that we have made outstanding progress and have achieved as many of the significant milestones as the others. This is a credit to the staff and management of Bayside - their enthusiasm, professionalism and dedication to the task.

There have already been demonstrable benefits from the merger. Some reductions in fees and charges, harmonisation of service levels, financial savings and a broader range of jobs for Council staff. However, the greatest benefit I see is the higher level of operational and strategic capacity for the new organisation in delivering for its community.

There are many things that smaller Councils simply cannot achieve because of their size and scale. I have first-hand experience of this as I have worked over recent years with one of the smallest councils in NSW. While “bigger is better” is not the answer to everything, there are

certainly real benefits to having larger scale and capacity. We have seen examples of this in Bayside already. When one of the former councils found itself to be unable to manage its asset renewal program because of lack of funding, the larger pool of funds created by the merger allowed the acceleration of the plant replacement program creating better outcomes for staff safety and service efficiency. Similarly, securing a seat at the negotiating table with government and other agencies is easier when you represent a larger, and growing, population.

Tonight I am tabling my report on the past 12 months and the transition process to date. I also provide some guidance to the new Council on issues that have not yet been completed, or commenced, but do need to be addressed if the maximum benefit of this process is to be achieved. Twelve months is not long enough to see the full transition achieved and the work will need to be continued. The list that I leave behind represents a series of significant opportunities for the new Council to improve its delivery of essential services and facilities to its community.

Notwithstanding the opportunities that have been presented as a result of the merger, there are also several shadows that remain unresolved and will have significant impacts on the new Council.

On Wednesday 26 July 2017 the NSW Independent Commission against Corruption released its report on its "Operation Ricco" investigations into substantial corruption allegations relating to the former City of Botany Bay Council. The report outlines significant and systematic corruption having occurred over a number of years within the ranks of the former Council organisation. A total of eight recommendations have been directed to the new Bayside Council, by ICAC, as a result and I am confident that we have undertaken sufficient work since the merger to satisfactorily address all of those recommendations.

Somewhat aligned to the ICAC matter, the NSW Auditor-General has been undertaking the audit of the financial accounts for the former City of Botany Bay Council for the 15 months immediately prior to the merger. The Auditor-General has expressed some serious reservations about the financial systems, policies and practices of the former Council and is consulting with the ICAC on several other issues. The difficulties in arriving at an audited position for the year **prior** to the merger will have impacts on the ability of the new Council to complete an audit for the first financial year **after** the merger. The practical outcomes of these matters remain to be seen.

Both of the ICAC and Auditor-General issues will be addressed in more detail by the new Council, once elected and in place.

Finally, may I offer my sincere thanks to the broad range of people and organisations who have contributed to the success of the past year:

- The residents of the entire area have been accepting of the changes and many have made welcome and valuable suggestions.
- Twenty of the former councillors of the two previous Councils also worked with me until July as members of our Local Representation Committee. I thank them for their efforts and interest.
- Government agencies, particularly the Department of Premier and Cabinet, have rendered excellent support and assistance, often in a tumultuous political environment.
- Businesses, community and sporting organisations and non-government agencies have been supportive and genuinely interested in working differently with the new Council.

- All of the local members of Parliament, both State and Federal, have been co-operative and supportive, despite having differing policy views about Council mergers. The Members for Rockdale and Heffron, as the largest electorates in the Council area, have been particularly keen to work with Council for the betterment of their constituents.
- The general staff of the Council have been enthusiastic in their work and continue to work with change, despite the uncertainties that it sometimes brings.
- The executive staff of the Council, the Directors and Managers – now all appointed and in place – are embracing the opportunities that have been presented to the community and are working diligently on translating those opportunities into benefits.
- Executive Assistant to the Administrator, Veronica Giles-Cook, has been an excellent guide to the community and a great support to me.
- Council's General Manager, Meredith Wallace, has the real job of delivering on the merger and providing the larger Bayside community with a Council organisation in which the community can safely place its trust and confidence. Ms Wallace is an excellent leader and chief executive and I count myself to be very fortunate to have worked with her for the past year.

Having thanked all of these people and organisations, it would be disingenuous to fail to recognise that there are some people who are unhappy with the merger, either for political, practical or personal reasons. I accept and understand their position though I may not share their view. It is my hope that those people may come to engage with the new Council for the benefit of the whole community over time.

Ladies and gentlemen, I commend to you my End of Term report, thank you for your co-operation and support and I wish the new Councillors and the Bayside community every success for the future.

Greg Wright
Administrator

Attachments

Administrator's End of Term Report

Bayside Council

Serving Our Community

Administrator's **End of Term** Report





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1 Introduction



On 9 September 2016 the New South Wales Government, by Governor's proclamation, dissolved the former Council of the City of Botany Bay and the Rockdale City Council and merged them to form the new Bayside Council. At that time, all of the positions of councillor and Mayor of the two Councils were declared vacant and I was appointed as Administrator to stand in their stead for a 12 month period until fresh elections were to be held on 9 September 2017.

Together with the interim General Manager, also appointed by proclamation, I was given the task of creating the new Council organisation and transitioning the two former entities into one modern local government authority.

This document is my report on the challenges, achievements and the progress of the past year. It is provided to give some context to the newly elected Council and to record, for the community of Bayside, how we went about building a new Council.

In addition, a separate document will be provided to the new Council with a range of initiatives that have been identified during the transition period but have not been able to be completed or commenced due to the truncated timeframe of the administration period. That document will set out the respective issues, provide some context and background and will identify the work still required. Where practical, recommendations will be provided for the new Council's guidance. Of course, the new Council is under no obligation to adopt any of those recommendations.

It has been a great privilege to work with the management, staff and communities of the Bayside local government area. By Administrator's Minute at the Council's meeting of 9 August 2017 I set out, in particular detail, those people and organisations to whom I owe a debt of gratitude for their contribution to the successful merging of the two former councils. I extend my heartfelt thanks, once again, to all involved.

A handwritten signature in black ink, appearing to read 'Greg Wright', with a large, stylized loop at the beginning.

Greg Wright

Administrator
Bayside Council

9 September 2016 – 9 September 2017

2 Background

2.1 The Local Government reform process

The NSW Government had been working with local councils since 2011 to strengthen council performance and to ensure that the local government sector was well placed to meet future community needs.

Following a sector-wide consultation in 2011 called “Destination 2036”, an Independent Local Government Review Panel (ILGRP) was commissioned to undertake a comprehensive review of local government in NSW and to make recommendations for reform to the NSW Government. The ILGRP subsequently made a series of wide ranging recommendations for structural reform and improvements to the sector.

After considering the ILGRP’s report the Government initiated the “Fit for the Future” reforms which, among other matters, required each Council to undertake a self assessment against key performance indicators and submit proposals demonstrating how they would meet future community needs, as represented by the performance indicators.

In 2015 the NSW Government appointed the Independent Pricing and Regulatory Tribunal (IPART) to assess each Council’s submission. Both the City of Botany Bay and the Rockdale City Council made “Fit for the Future” submissions to remain as stand alone Councils. Both Councils satisfied the financial performance criteria of the assessment, however, IPART concluded that both of the Councils (along with 60% of Councils in NSW) were ‘not fit’ primarily because they did not satisfy the required benchmark for scale and capacity that would be needed to meet the needs of residents then and into the future.

Having considered the IPART report and recommendations, the NSW Government, in January 2016, formally proposed that the two Councils should be merged and commenced a review and community consultation process.

Between January and April 2016 an assessment of the merger proposal was undertaken by a delegate of the Chief Executive of the NSW Office of Local Government, Mr Rod Knockles. That assessment included a public enquiry, community and Council submissions and an assessment, by the Delegate, of the eleven criteria set out in Section 263(3) of the Local Government Act. Though the former Rockdale City Council was broadly supportive of a merger that did not financially disadvantage ratepayers and residents, the City of Botany Bay Council was firmly opposed to the proposal.

On 20 April 2016 the Delegate submitted his report to the Chair of the NSW Local Government Boundaries Commission recommending *“that the proposed merger of the City of Botany Bay Council and Rockdale City Council proceed...”*.

In May of that year the NSW Government announced its intentions to merge a total of 41 existing Councils into 24 new Councils. However, several of the Councils quickly launched legal proceedings attempting to overturn the merger process, including the City of Botany Bay.

Pending the outcome of the legal proceedings, the Government deferred 5 of the proposed metropolitan mergers and proceeded with the creation of 19 new Councils on 12 May 2016. The merger of Botany Bay and Rockdale was one of the mergers deferred at that time.

In late August 2016, after losing its case in the NSW Supreme Court, the City of Botany Bay Council conceded its position and, on 9 September 2016 the merged Bayside Council became the 20th new Council in NSW.

The merger process has been a source of considerable political and community contention since the various merger proposals were announced in January 2016. Just prior to finalising this report the NSW Government abandoned the outstanding metropolitan mergers, having already abandoned the outstanding rural and regional mergers some months previously.

2.2 The role of the Administrator

Established by proclamation, the role of the Administrator is set out within the NSW Local Government Act of 1993.

The proclamation states that *"The Administrator of the new council has, during the initial period, the functions of the council and the mayor of the council"*. The "initial period" in Bayside's case was 12 months from 9 September 2016. Within the local government legislation the functions of the council and the mayor are set out in Sections 223, 226 and 232.

Simply put, my view of the Administrator's role, in the framework of a merger, encompasses the roles of:

1. Making decisions on behalf of the community in the context of the Council meeting process;
2. Representing the community and the Council at public occasions;
3. Advocating on behalf of both individual citizens and the broader community;
4. Providing support to the General Manager and staff in implementing the merger.

Certainly, the formal decision making processes have been undertaken in a proper and transparent manner. We have conducted Council meetings at least monthly during the Administration period and have transacted the business of the Council in accordance with the legislation and the Code of Meeting Practice.

In addition, I have attended as many community events, meetings and other functions as was possible. As only one individual replacing 22 former councillors, this was always going to be difficult and I am grateful to the members of the Local Representation Committee (comprising 20 of the former councillors) for assisting me in this process. I trust that I have adequately represented the community's interests and have enjoyed my interactions with local groups and individuals. Of particular pleasure to me was conducting 11 Citizenship Ceremonies during the year and officially conferring Australian citizenship on 1,182 Bayside residents.

However, the role that has been of the most importance, in my humble opinion, has been to support the General Manager in her role and to offer some modest advice gleaned from my 40 years in the local government sector in NSW including time as a former Council General Manager and as an Administrator in another Council context.

2.3 The former councils of the City of Botany Bay and Rockdale City

The merge of the former Botany and Mascot Municipal Councils approximately 100 years ago, created the Botany Municipal Council and in 1996, the name change to incorporate City status was granted to the City of Botany Bay. Located on the northern shores of Botany Bay, the former Council was relatively small, by metropolitan Sydney standards, in both population (44,700 people) and geographic size (22 square kilometres). The area was a collection of traditional, low density, working class suburbs and contained a range of commercial and industrial activities including the Port of Botany, manufacturing plants and a large portion of Kingsford Smith Airport. In recent years, the area had begun a significant urban transformation with the rezoning of substantial areas of industrial lands to high density residential and the construction of high rise apartment developments, particularly in the suburb of Mascot.

Though only slightly larger geographically (27 square kilometres), the former Rockdale City Council had a significantly larger population than the former City of Botany Bay at the time of the current merger (108,000 people). This reflected a much smaller industrial and commercial footprint and more of its area given over to low density residential uses. Occupying much of the western shoreline of Botany Bay and proceeding approximately three kilometres inland, the council area is dissected by the Princes Highway and South Coast rail line. This area is also being converted to higher density urban uses along the highway and rail corridor and in the locality of Wolli Creek particularly. Rockdale City Council was also the product of an earlier amalgamation of the former municipalities of Rockdale (West Botany) and Bexley in 1948.

The following table identifies the relative sizes of several key elements of the two former Councils:

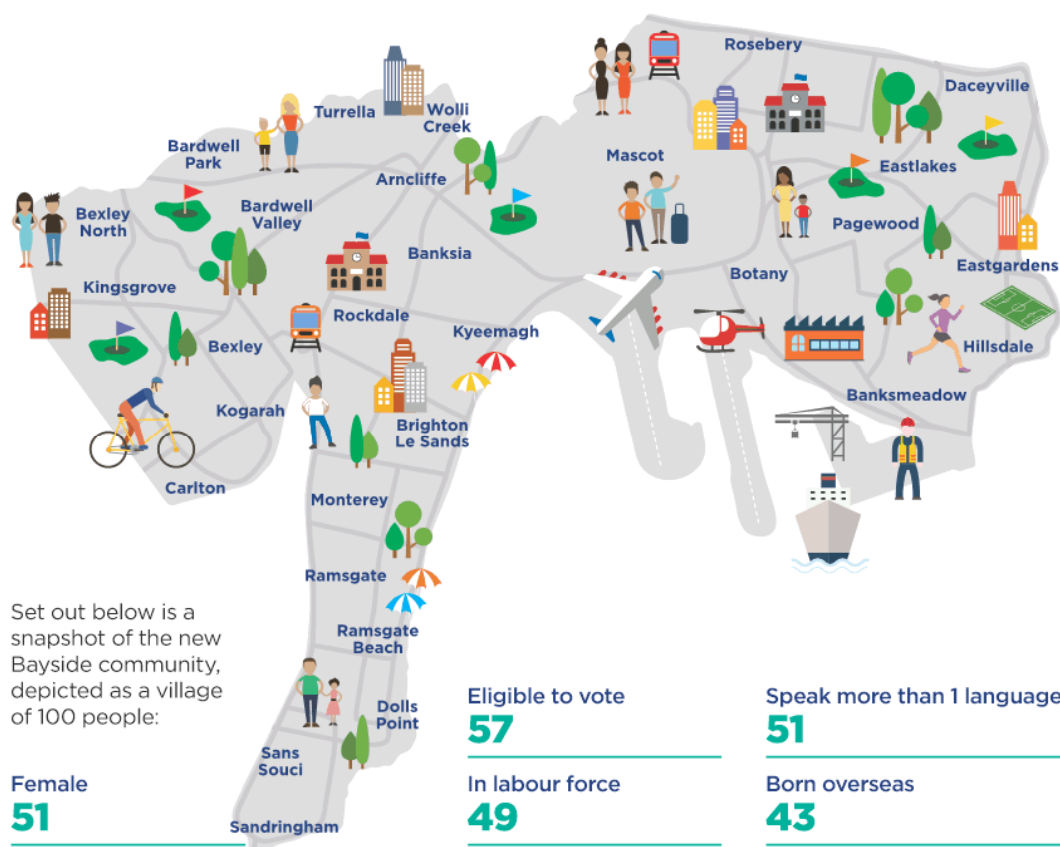
	City of Botany Bay	Rockdale City Council
Population	44,700	108,000
Annual Operating Budget	\$65,554,000	\$89,153,031
Asset Base	\$164.5 million	\$359.7 million
Total Staff	430 FTE	364 FTE
Number of elected Councillors	7	15
Number of properties	16,215	40,211
Average Residential Rate	\$678.65 per annum	\$1,138.44 per annum
Average Garbage Charge	\$481.00 per annum	\$443.00 per annum (including the domestic admin fee)
Number of Businesses	4,423	8,886
Employment (Local jobs)	18,397	44,953

As part of the "Fit for the Future" reform program (described in 2.1 above) both of the former Councils were determined, by the IPART's 2015 assessment, to be "not fit" to remain a stand alone entity.

The key commonality of the two former Councils was their shared positioning around Sydney's major airport and Botany Bay.

3 The New Bayside Council

Bayside Council now comprises a large proportion of southern and eastern Sydney; occupies 50 square kilometres in area and is home to a population of nearly 160,000 people. Its population is increasing rapidly due to high levels of urban growth and renewal experiencing the second highest level of new dwelling approvals in New South Wales for 2016/2017.



Female
51

Male
49

Children & youth (0-24)
29

Older people (65+)
15

Citizens
74

Eligible to vote
57

In labour force
49

Live alone
24

Own/buying home
55

Renting
32

Volunteers
10

Speak more than 1 language
51

Born overseas
43

Born in China
5

Born in Greece
3

Born in Lebanon
2

Need assistance (daily care)
5



In addition to the new community's profile, the Council organisation itself is now much larger:

	Bayside Council
Population	160,000 (est.)
Annual Operating Budget	\$197 million
Asset Base	\$527 million
Total Staff	850
Number of elected Councillors	15
Number of properties	56,426
Average Residential Rate	\$678.65 per annum
Average Garbage Charge	\$481.00 per annum
Number of Businesses	13,309
Employment (Local jobs)	63,350

The new Council is stronger in so many ways than its forebears.

It is certainly much stronger in a financial sense with access to the substantial reserves of the former councils and the flexibility inherent in a \$200 million annual budget; it has a larger voice in metropolitan Sydney covering four State Government electorates and three Federal electorates with a population base of 160,000 people; and it has access to a more diverse range of staff jobs and the ability to attract and retain a broader range of applicants and a broader range of specialist skills.

A perhaps under-rated strength is the ability to deal with the issues of the major international airport with one voice and one approach providing consistency for all parties.

4 The Challenges

Developing a new Council from two former Councils will always be a challenging task. Differences in service types and service levels; pricing and costing approaches; custom and practice; demographic and economic differences; staffing establishments and structures; and cultural differences in both the organisations themselves and the communities they represent can all be challenges to the transition process and provide obstacles to effective integration.

Some of the challenges encountered in the Bayside merger include:

4.1 The financial cost of change

Bringing two sizeable organisations together, under a new name, is always going to be a relatively expensive exercise. As part of the merger program, the NSW Government made an operational grant available to the new Council of \$10 million to meet the costs of the merger. The funding was provided at the outset and there were no holding costs involved in the Council having to fund the expenses and then seek reimbursement.

There is little doubt, however, that the total cost over time of the merger will exceed the \$10 million provided. Ultimately a broad range of activities will be required to continue the merger process and some of those activities will require continued funding. Notwithstanding this, significant savings in expenditure are projected as a result of the merger and some of those savings will be required to fund merger related expenses.

Expenditure has been, and will continue to be, required to fund personnel changes (senior staff redundancies and salary harmonisation), livery changes (stationery and signage), systems integration, accommodation changes at offices and depots, and a myriad of other operational requirements. A Project Management Office was established to work specifically on transitional merger issues and was funded from the NSW Government's contribution.

At the time of writing, it is estimated that \$3.7 million has been spent on merger related activity and \$14.7 million is still required to be spent over the next two years. Of course, some of that expenditure will pay dividends in better services as a result of harmonisation however the proportion involved is difficult to quantify and an exercise of that type would not be economically useful at this time.



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4.2 Relatively short timeframes

Unlike the other 19 new Councils, Bayside has had only a bare 12 months to accomplish the majority of merger activity, 4 months less than the other Councils. This has imposed a considerable amount of additional pressure on staff and management in many respects. It is true that utilising the experience of the earlier Councils in transition has been of some benefit however it has still been necessary to carry out much of the required work within the shortened timeframe.

Notwithstanding the minimal period, the Council has achieved most of the benchmarks provided by the Government during the process.

Of particular benefit has been the settling of the new organisational structure and the populating of the three most senior tiers of the organisation. Final appointments were made in June and it is anticipated that the remainder of the staffing structure will be fully appointed by the changeover in September.

Information technology improvements have largely been implemented, bringing both former Councils to a series of common platforms in recent months. Common email, records and financial systems have been introduced and release of a single web site is imminent.

Given the short timeframes and the complexity of bringing the two organisations together, it has not been possible to build an entirely new Operational Plan and Budget for the 2017/2018 financial year. The adopted Budget, particularly, is more akin to simply bringing two different budgets together than a new, purpose built Budget. With the next iteration, in 2018, it will be possible to reflect the savings envisaged and the opportunities that those additional funds will present.

4.3 Service harmonisation

The two former Councils operated in very different ways in many respects and bringing together disparate service levels and standards is a continuing challenge. Service harmonisation is perhaps the greatest challenge facing the new Council and will continue to exercise the minds of management and the newly elected Councillors for some time yet.

The challenges include not only differing standards of service but different modes of delivery. As just one example, the former Botany Council utilised its own day labour and vehicles to collect domestic waste (except green waste) while the former Rockdale Council was part of a regional contract for waste collection. Today there remains this disparity in the mode of delivery and the cost structures in this area.

Together with management, I have compiled a list of matters requiring some determination around service harmonisation for the new Council. The list has been prioritised for the benefit of the new councillors as it will be a fundamental need for the organisation over time to ensure that there is equity and fairness in the way all residents and stakeholders are treated across the entire area of the Council.

4.4 Pricing and rating

As with service harmonisation, there are very different approaches taken to both the revenue and expenditure sides of the two former Councils.

The NSW Government, in proclaiming the new area, decreed that there can be no fundamental changes to the rating system for the first four years of the new Council's existence. This will continue to be a source of inequity among ratepayers for that period at least.

Both of the former Councils had very different approaches to rating policy. The former City of Botany Bay adopted a policy position that kept residential rates at low levels and pushed the rating burden onto commercial properties, while the former Rockdale City Council had a more even distribution of the rating revenue across all rating categories. In a similar vein, Rockdale had secured agreement from its community to impose a Special Rate Variation to generate additional funding for asset revitalisation. In Botany's case, this wasn't a priority as is evidenced by the relatively poor condition of many buildings, plant and equipment. I make no judgement as to which, if either, of these two differing approaches is better – simply observing that matters such as this will need to be dealt with over time. To illustrate the point, the average residential rate in the former Botany area was \$649 (total residential rate revenue / total residential assessments) while in the former Rockdale area it is \$970. The average business rate is \$10,382 in Botany and \$2,641 in Rockdale.

Similar disparities occur across a variety of pricing systems that will need to be addressed.

4.5 Community concern and opposition

There has been some resistance to the merger in some quarters of the community, noticeably the former Botany area where the former Council had promoted an anti-amalgamation campaign until it lost its court proceedings in August 2016. That resistance has not manifested itself in any significant impediment to the merger but has proved distracting on occasions. There have been several oppositional, social media activities throughout the merger period, however they appear to represent only a small (less than 1,000 participants) proportion of the population.

4.6 Practice, procedure and policy harmonisation

There is an enormous catalogue of policy, practice and procedure required in the metropolitan local government context. It will be a continuing challenge to harmonise practice and procedure as well as determining appropriate policy settings for the combined community and organisation. These elements of organisational infrastructure require regular review (either as the result of statutory obligation or simple good governance practice) and it will be important to grasp each of those review opportunities to harmonise the framework in which the new organisation functions.

4.7 Staff matters

By and large, the new Council's staff complement has been most willing to work with the new organisation in an effective and co-operative manner. There has been resistance in some areas of operations (as should be realistically expected) however it has been noticeable that engagement has improved as the staffing structure was finalised and career paths and team arrangements have been clarified. It is becoming clear that the new, larger staff organisation can offer greater opportunities for staff seeking greater challenges. In particular, the General Manager and executive staff have very effectively championed the changes in a consultative and participative manner with the general staff.

Of more concern has been the loss of corporate knowledge brought about by changes to the senior staff arrangements. The nature of the merger meant that senior staff were presented with redundancy opportunities that were very attractive. From two General Managers and a total of six Directors down to one General Manager and four Directors, the shrinking of the senior staff cohort has seen the loss of three very senior staff and the consequent loss of their corporate knowledge. It should be re-affirmed, however, that all of the departures were amicable and conducted with the utmost respect and dignity.

At the tier 3 manager levels there have been departures also although many of those were for opportunities in other organisations rather than for redundancy purposes.

Nevertheless, there has been some difficulty in gaining a full understanding of some of the policy context and operational activity, particularly on the Botany side, that has only been exacerbated by poor records and systems (see section 4.6 above).

4.8 Overcoming poor practice and questionable corrupt conduct

It has been common knowledge for some time that the former City of Botany Bay had been the subject of an investigation by the Independent Commission Against Corruption (ICAC) in relation to very significant corruption and fraud issues. The ICAC's report into Operation Ricco was tabled in Parliament just weeks ago, on Wednesday 26 July 2017.

In addition, or perhaps as a contributing factor, the Auditor-General in conducting the audit of the final financial year's accounts (2015 – 2016) has identified a range of other deficiencies in financial policy and practice in that Council.

It would be inappropriate to comment further on these issues, as the new Council will be extensively briefed on the issues, but suffice to say these matters have been a major distraction for the management of the new organisation and dealing with them has been extremely expensive in terms of both time and money.

The ICAC Act requires Bayside Council to respond, *"...in writing within three months (or such longer period that the Commission may agree in writing) after receiving the recommendations, whether they propose to implement any plans of action in response to the recommendations and, if so, the plan of action"*.

I can safely say that all of the matters covered by the recommendations have already been addressed as part of the implementation of the merger. Council's management will prepare an appropriate response for the new Council to endorse prior to the expiry of the three month period.

5 The Achievements

Despite the challenges outlined above, the new Bayside Council organisation has made substantial progress in bringing together – and improving – the operations of the two former Councils.

Specifically, the following matters have been successfully implemented:

5.1 Stronger Communities funding

The NSW Government made a \$10 million grant available to the new Council on start up for major infrastructure projects (\$9 million) and smaller grants to eligible community grants (\$1 million).

Three major projects were funded under the infrastructure component across the combined area following a dedicated community consultation program. Eastgardens Library and Customer Service Centre was funded for a major refurbishment, extension and upgrade to the total of \$2.5 million. That work is now nearing completion. In addition, \$2.5 million was allocated for major landscape and car park works at Pine Park along the Sans Souci foreshore; and \$4 million for upgrades to facilities and landscape improvements at Cahill Park, Wolli Creek.

The \$1 million community grants program was broken into two tranches of \$500,000 each. The first tranche was allocated among 11 groups in early May and the second tranche has now been opened for applications and will be allocated by the new Council after the September election.



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5.2 Bayside Planning Panel

As Administrator, I resolved to transfer the elected Council's right to approve development applications that could not be determined by qualified staff under delegated authority. That approval power was vested in a new Bayside Planning Panel comprising a roster of five experts with qualifications in town planning, architecture, engineering and the like; and a roster of four community representatives who demonstrated the skills and acumen to sit on such a panel.

A very highly skilled and qualified range of panellists was appointed after a public expressions of interest process and commenced meeting in April. Feedback from applicants, objectors and others has been extremely positive. The panel is meeting every two weeks and has not had any deleterious impact on approval times. Very few of the former councillors have attended a meeting to assess it for themselves and I would commend that to the new councillors before making any decision to return approval powers to the elected Council. I am aware that a number of former councillors have explicitly stated their opposition to the independent panel but I would urge at least a 12 month trial before any review.

5.3 Information Systems Upgrade

The former Rockdale City Council had, before the merger, contracted to upgrade its corporate information systems and had selected Technology One as the provider through a public tender process. In doing so, and with a merger likely, it had also negotiated into the contract an extension to cover a potentially merged Council at the same licence rates.

This foresight enabled the new Council to proceed effectively with the implementation of the new systems – the finance and asset management systems in the first round. This has been complete and has added significant capacity in respect of the poorly implemented systems that were in place at the former City of Botany Bay.

The merger gave rise to the opportunity to both consolidate IT infrastructure and harmonise duplicated software applications.

Bayside has transitioned the infrastructure of both former councils to a single server environment housed in the cloud at the GovDC (data centre), lowering costs and increasing flexibility, availability and security. The team also modernised the network between Council facilities offering much greater data speed at a lower cost. This infrastructure and network environment will enable an integrated system for the sharing of data and the delivery of voice and video communication using the internet to replace an outdated and unserviceable analogue telephone system.

Application harmonisation has resulted in an initiative to reduce the software suite from 43 to 19 distinct applications. The benefits include a common email system, a single electronic document management system, one finance, rating and property system and the development of a Council intranet enabling seamless information sharing with the Councillor portal, developed for the newly elected Council.

Council is also creating a new website using insights from the community to enable much improved dealing with Council. This is the first step to providing a greater range of digitised services in the future to achieve anytime, anywhere and any device service delivery.

5.4 Medium term staff accommodation

The merging of the staff cohort in common locations and teams has been a priority of the management Executive. Co-location of teams is fundamental to the building of cohesion, consistency and common corporate culture. None of the existing buildings or depots of either former Council were suitable "as is" to utilise as common sites and so a range of options has been adopted.

In terms of the majority of administrative and professional staff, the Rockdale administrative centre has been selected as having the most capacity and alterations are under way at present to accommodate approximately 80 additional administrative and technical staff. The Hillsdale Community Centre is currently nearing the completion of a refit to accommodate much of the City Life division and the Bexley depot has had a renovation of two buildings to accommodate the Major Projects team and the Environmental Health and Compliance team. Given the age, condition and capacity of the former Mascot administrative centre, it has not been selected for longer term accommodation of staff and will be available to the Council for re-allocation or disposal.

In the longer term it would be desirable to acquire a larger administrative centre purpose designed for the use of the Council's major teams, particularly if it could promote sustainable building practices and offer easy access to reliable public transport. There are a number of opportunities available and these are discussed in a separate paper to the new Council.

5.5 Financial savings

As part of the initial merger proposal the NSW Government commissioned accounting firm KPMG to model the potential financial savings for the new Council. At the time the KPMG estimate of the net financial benefit was \$52 million over twenty years. The KPMG modelling was relatively generic in nature and was the source of much controversy among both opponents and proponents of council mergers. Ultimately it proved to be a critical element in one of the court cases.

Soon after the merger was proclaimed the management of the Council undertook its own modelling utilising more locally reflective data and came to the conclusion that the KPMG estimates were a reasonable approximation of the savings potential. It was clear that the composition of the savings was different between the two assessments but the broad total was likely to be achieved.

Notwithstanding the arguments, in principle, about the savings total and how it was developed, it is clear that there are very obvious financial savings to be made. Two obvious examples include:

1. Fewer senior executives - \$750,000 per annum / \$15 million over 20 years
2. Fewer Councillors - \$90,000 pa / \$1.8 million over 20 years

In addition, an assessment of community event expenditure could see savings of \$3 million due to the differing way that each Council had run events. There are many other examples and a separate report will be provided to the new Council in due course.



5.6 Refreshed Executive Team

As identified in Section 3.7, there has been a transition of senior staff as a direct result of the merger. In coming down from a total of 2 General Managers and 6 Directors to one and four, respectively, the Council has made significant savings. It has also provided an opportunity to refresh the team and introduce new blood and new ideas. Once the original structure was determined it comprised four directors, one from the former Rockdale, one from the former Botany, one from outside of the Council and one who was originally a contractor to Botany. Subsequent to the offers being made to these individuals, the former Botany director declined and sought a redundancy which was granted. After a further external recruitment process, a former Rockdale employee was promoted to the position. This mix of executive staff from both former Councils and outside of the area has proven to be creative and collaborative and I commend them all to the new councillors.

5.7 Asset renewal and fleet replacement

It has been mentioned earlier in this report that the former Rockdale Council had secured community support for a major building asset renewal program funded by a special rate variation. That program had been underway for two years and the Council's other assets, including fleet and plant assets were renewed on a regular basis. Regrettably, the same could not be said for the former Botany Council. Despite its success and good work in some areas, asset renewal had not been a strong suit for the Council. In fact, the vehicle and plant fleet was of such poor quality and condition that I was gravely concerned about our work health and safety obligations, let alone service efficiency.

In becoming aware of the poor state of the plant fleet and the risks that it represented, a decision was made to implement an accelerated plant renewal program. The former Council had provided for the replacement of garbage trucks (separately funded by the domestic waste management charge) but not the "general fund" assets. A total of \$9 million was committed to replacing the fleet over two or three years. Largely this will be funded from reserves of the former Rockdale Council and this demonstrates the greater operational capacity that is possible as a result of the merger.

5.8 New corporate livery and logo

By taking a pragmatic approach to the likelihood of the merger, the former Rockdale Council had undertaken some preliminary work on new corporate livery prior to the merger. The teal colouring and Bayside name configuration was available on day 1 of the merger.

By moving to a completely different name (the State Government's choice, not Council's), typestyle and colouring than either of the two former Councils, the opportunity has been taken to provide a fresh image that doesn't suggest any seniority of one former council over another and reinforces the new organisation's position.

The development of a new corporate logo has taken a somewhat different path. Rather than commissioning an expensive graphic design exercise from the commercial design industry, the development of a logo was offered to the Bayside community. Essentially, a public competition was arranged and an extraordinary range of potential logos were submitted. Entries were restricted to Bayside residents and came from children, amateur and professional designers. The shortlisted logos were all of exceptional quality and the final winner will be determined at the final Council meeting of the Administration period.

Savings of hundreds of thousands of dollars and a great community development initiative in one program!

5.9 Strategic Reference Groups

In common with many NSW Councils, the two former councils had a range of committees to manage or advise on a myriad of local issues. Most of them were operational in nature and, despite the participants' best efforts, were limited in scope and capacity. With two or three notable exceptions, we disbanded them all.

Instead we have established six Strategic Reference Groups to advise the Council on matters of importance at a higher, strategic level. An impressive range of applicants have sought to be a part of these groups, following an extensive community consultation process. Four of the six groups will deal with issues thematically and based around the Council's delivery structure:

- | | |
|----------------------|--|
| 1. City Life | Community development and community services |
| 2. City Futures | Planning and development, property and traffic |
| 3. City Presentation | Roads and streets, recreation and waste services |
| 4. City Performance | Corporate performance, audit and risk |

In addition, there are two specific groups to deal with high profile demographic issues:

5. Youth
6. Seniors

These Strategic Reference Groups are just being established as the Administration period comes to a close. I would commend them to the new Councillors and ask them to implement a 12 month trial period to establish the benefit of this higher level of community engagement.

5.10 Independent Audit & Risk Committee

Although both former Councils had Audit Committees, the new Council has developed a more strategic model and a broader range of independent members. Following an extensive expressions of interest process four well qualified independent members have been appointed. The Administrator is also a member and will be replaced with two councillors from the new Council. Unlike the members of the former committees, the members of the new committee are remunerated.

The independent members are:

Jennifer Whitten Bayside resident and qualified accountant with experience in assurance and business advisory services.

Barry Munns Head of Audit at the City of Sydney with extensive experience in corruption prevention, fraud control and business continuity.

Catriona Barry Bayside resident and General Manager of Rainbow Club Australia and Harvard Business School graduate.

Lewis Cook Bayside resident and executive Chairman of eLearning company, Obvious Choice with vast experience in IT, governance and management.

Given the issues coming to light as a result of the work of both the ICAC and the Auditor-General, the new Committee will have a difficult, but vital, role to play over the coming term.





5.11 Events and Community celebrations

In the past, the former Rockdale City Council had a dedicated team of event staff to design, organise and run community events and celebrations. The former City of Botany Bay, on the other hand, had one dedicated staff member and outsourced much of the organisation and delivery of these types of events. The Botany approach has recently been criticised by the Auditor-General as being unnecessarily expensive. My view is that it was indeed expensive, overly expensive, however it did aspire to a very high standard. The question, of course, is whether that standard is justified.

By employing the salaried team to develop and deliver the events and celebrations, rather than the expensive contractors, it is estimated that \$3 million in savings will be achieved. Already a number of events on the Botany side that were previously outsourced have been delivered by employed staff to good reviews by the participants.

5.12 Overcoming Poor Practice and Corrupt Conduct

Given that the ICAC investigation, Operation Ricco, had conducted a public inquiry, many of the failures of financial practice and good governance were known to the former leadership team of the City of Botany Bay and that of the former Rockdale City Council.

The General Manager of the former City of Botany Bay at the time of the merger had, in fact, begun the work of improving the situation there by employing independent consultants and contractors to review and revise the financial systems and practices. Due to the severity of the problem, however, progress was relatively slow.

Upon the merger being proclaimed it became a high priority for the General Manager of the new Council to ensure that poor practice was eliminated and better governance processes implemented. It was helpful that the former Rockdale Council had, at that time, contemporary policy and practice in place.

With the release of the ICAC report has come eight major recommendations for the new Council to implement and I am confident that, as part of the merger transition work, all of them have been complied with prior to their release.

Beyond the financial management sphere there are many areas of policy and practice, from both former Councils, that have benefitted from the merger process and the necessary review that comes with the merger.

6 Work Still To Be Done

I mentioned early in this report that 12 months was too short a period in which to achieve the full transition of the two former Councils into one new organisation. Much has been achieved but just as much still needs to be addressed.

There are a number of major issues that have been identified during the past year that need attention but time has not permitted a thorough review of all of them. Instead I leave behind a series of brief issues papers, on a variety of matters, that I hope will provide the new Council with some guidance will make the most of the opportunities presented for its community by the merger.

Given the sometimes commercial or sensitive nature of these discussions, I do not propose to publish them in the public realm in detail. However, I have set out below a listing of those matters so that the public and the community of Bayside might understand the scale and diversity of the matters still to be resolved.

Briefing papers on the following topics will be provided to the newly elected Councillors:

- ◆ Standardisation of service levels, delivery techniques, pricing and access
- ◆ Service level reviews generally
- ◆ Harmonisation of the broader policy framework and content
- ◆ Longer term considerations around rating and property issues
- ◆ One, new Local Environmental Plan for the Bayside Council area
- ◆ Long term office accommodation
- ◆ Membership of regional and special interest groups
- ◆ Independent planning and reporting (Community Strategic Plan) update
- ◆ Airport Business Unit

Apart from these issues that I feel are important, there will be a wide ranging series of briefings and workshops provided by Council management to the new councillors over the first three months of the new Council. They will be both operational and strategic in nature and I commend this to the new councillors, as much has changed.





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Council Meeting

9/08/2017

Item No	6.4
Subject	Administrator Minute – Presentation - Knights of St George Heart Association
File	F17/137

Motion

That this Administrator Minute be received and noted.

Administrator Minute

This Minute recognises the success of the recent Albie Thomas Bayside Fun Run held on 28 May 2017 and the contribution to community spirit by the Knights of St George Heart Association and the St George District Athletics Club.

This year, Bayside Council provided financial support to the St George District Athletics Club to assist in organising and holding the annual fun run event.

I am pleased to advise that the fun run raised \$2,000 which is being donated tonight to the Knights of St George Heart Association towards the Cardio Thoracic Unit at St George Hospital.

The Albie Thomas Bayside Fun Run was named after the Club's past president, Albie Thomas a former multi-Olympian and world record holder, who passed away in 2013. In memory of his achievements and passion for running the event - it is now named after him.

It is my privilege to present the cheque to the fun run organiser, St George District Athletic Club Treasurer, Mr David Beck and to the beneficiary of the fun run, The Knights of St George Heart Association, Secretary, Susan Leahy.

On behalf of Council and the community, I express our appreciation for the significant contribution of both organisations. Bayside Council is pleased to be a part of this annual community event.

Attachments

Nil

Council Meeting

9/08/2017

Item No	8.1
Subject	Brighton Le Sands Parking - Expressions of Interest
Report by	Jeff Appel, Consultant Development Manager
File	F09/515

Summary

Council, in the first stage of the Brighton Le Sands Masterplan, identified a short fall of up to 211 car spaces in the Brighton Le Sands core area.

The Boulevard Car Park in Brighton Le Sands is an ageing Council asset that requires renewal and is a key component to providing car parking solutions for the town centre.

Given the need to provide parking solutions in the town centre and to address Council's parking assets, it is proposed to conduct an Expression of Interest campaign (EOI).

Officer Recommendation

- 1 That Council conduct an Expression of Interest campaign (EOI) to address the forecasted shortfall in parking of 211 car spaces within the Core Study Area as identified in the Brighton Le Sands Parking Strategy (Attachment 1).
 - 2 That the Council owned car park at 1-7 The Boulevard Brighton Le Sands be included within the scope of the EOI.
 - 3 That Council's Strategic Priorities Reserve funds the EOI for services as detailed in the 'financial implications' section of this report.
 - 4 That a further report be submitted to Council at the conclusion of the EOI.
-

Background

Brighton Le Sands is a significant regional entertainment and recreation area located on the foreshore of Botany Bay. Council is currently undertaking an economic and infrastructure Study as part of the Brighton Le Sands Masterplan.

Previously, Council undertook the Brighton Le Sands Parking Strategy (Attachment 1) as the first stage in the Masterplan process. The priority action of this Strategy is to address the forecasted shortfall in parking of up to 211 car spaces within the Core Study Area (Page 13 of Attachment 1).

A summary of the Brighton Le Sands Parking Strategy is summarised as follows:-

There are a total of 2,595 car parking spaces within Brighton Le Sands, including a number of clearway parking spaces on The Grand Parade. Of these, 2,168 car spaces are located on-street and 427 spaces are located off-street within the Cole's car park and The Boulevard car parking station. In addition, some 336 spaces are provided

within the privately operated car park associated with the Novatel development located on the northwest corner of The Grand Parade/ Bay Street intersection.

Within the core area (Bay Street and Town Centre), there are a total of 1,314 car parking spaces, including 887 on-street and 427 off-street car spaces.

The occupancy profile of the overall area, has a minimum occupancy rate of 45 - 60% and occurs early in the day and a peak occupancy rate of 75 - 80% occurs in the evening after 7pm. A higher demand for parking is evident on Saturday, with capacity reaching above 80%. The occupancy profile for the core area, has a higher parking demand than the overall Strategy area with demands peaking above 90%. Similar to the overall Strategy area results, Saturdays are shown to contain higher parking demands with capacity reaching up to 96%.

Councils' independent research has identified 167 additional spaces would be required to reduce the existing occupancy to a more manageable 85% within the Core Strategy Area. Forecast land uses and the associated additional future parking demands suggested, 211 additional spaces will be required to reduce future occupancies to 85% within the Core Strategy Area peak demand period.

Council is the owner of the Boulevard Car Park at 1-7 The Boulevard Brighton Le Sands (the Boulevard Car Park) which provides a total of 250 car parking spaces. Council has identified the Boulevard Car Park as an 'aged' asset in need of renewal. The asset will form a key part of providing an 'off street' solution to the current and forecast car parking shortfall in Brighton Le Sands.

Council receives enquiries from the development market and adjoining owners for the Boulevard Car Park, as it is a large land parcel in a highly attractive area. Under the Rockdale LEP 2011 the property is zoned SP3 Tourist.

Given that there are no extenuating circumstances to deal directly with any one party from the development market and/or adjoining owners, probity and legal advice has recommended that Council test the open market. An EOI is proposed to address the forecasted shortfall in parking of 211 car spaces within the Core Study Area and give consideration to redevelop the Boulevard Car Park.

Proposed Expression of Interest Campaign

Given the need to provide parking solutions to the town centre and the developer interest in the Boulevard Car Park, it is proposed to conduct an EOI to address the forecasted shortfall in parking of 211 car spaces within the Core Study Area as identified in the Brighton Le Sands Parking Strategy.

It is expected that EOI respondents will have to address the following minimum EOI scope:

- An ability to demonstrate existing control of property in the Brighton Le Sands Core Study Area;
- An ability to positively and significantly address the forecasted shortfall in parking of 211 car spaces within the Core Study Area including public domain outcomes;
- Advise on the impact that their proposal will have on Council's existing off street car parking assets which are located within the Core Study Area including the Boulevard Car Park;

- Advise on the impact and proposed changes that their proposal will have on planning associated with land use, transport and infrastructure;
- Other recommendations listed within the Implementation Plan of the Brighton Le Sands Parking Strategy (page 58 and 59 of Attachment 1) that may also form part of respondent's proposal;
- Terms the respondent would propose as part of their proposal; and
- An ability to demonstrate funding and timing/realisation of their proposal

Council will provide the data collected to date on parking demand and asset condition of the Boulevard Car Park.

All owners of deposited plans and the owner's corporations for strata plans within the Core Study Area will be advised in writing of the EOI.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input checked="" type="checkbox"/>	Budget for EOI fist stage

The total cost to undertake the EOI is estimated to be less than \$150,000. Council officers are currently procuring services via quotations to support the EOI which includes property agency, marketing, financial analysis/advisory and legal services.

It is proposed that the EOI is funded via Council's Strategic Priorities Reserve.

Community Engagement

Not applicable.

Procurement

Not applicable	<input type="checkbox"/>	
Applicable – procurement method	<input checked="" type="checkbox"/>	EOI 3 quotes

Attachments

Brighton Le Sands Car Parking Strategy (under separate cover)

Council Meeting

9/08/2017

Item No	8.2
Subject	Cooks Cove Update
Report by	Michael McCabe, Director City Futures
File	F15/56

Summary

This report provides a summary of the matters currently being considered by Council for the Cooks Cove Precinct and requests that Council extends the negotiation protocol in response to the Indicative Development Proposal from John Boyd Properties.

Officer Recommendation

That Council extend the negotiation protocol to 1 March 2018 with Olympic Murals Pty Ltd (John Boyd Properties) and Kogarah Golf Club Limited.

Background

Property Negotiations

Following the 18 November 2015 resolution of Council regarding Cooks Cove an Indicative Development Proposal (IDP) from John Boyd Properties (JBP) was submitted to Council for consideration.

As part of the IDP, JBP represent the Kogarah Golf Club Limited (KGC) in regard to occupying public land (Crown and Council land) by way of a proposed agreement for lease (99 years) between Bayside Council and Kogarah Golf Club.

Council entered into a negotiation protocol agreement dated 20 July 2016 with Olympic Murals Pty Ltd (John Boyd Properties) and KGC that expired on 30 June 2017. To date, no defined outcome has been agreed between parties.

This report recommends to extend the negotiation protocol to 1 March 2018.

Development Application

Development Application (DA-2017/179) was lodged by Cook Cove Inlet Pty Ltd (John Boyd Properties) on 18 November 2016.

Independent assessment of DA-2017/179 is underway and no determination date has been set.

Land owners consent to DA-2017/179 is required prior to determination. To date, Council has not granted land owner's consent and is not aware of any other land owners providing consent.

The Sydney Central Planning Panel are the consent authority.

Planning Proposal

A draft Land Use and Infrastructure Strategy (LUIS) for the Bayside West Precincts which includes the Arncliffe Precinct, Banksia Precinct and the Cooks Cove Precinct was published by the Department of Planning & Environment (DPE). The exhibition period for this was 20 January 2017 to 28 February 2017.

A summary of the feedback received by the DPE is at:

<http://www.planning.nsw.gov.au/~media/Files/DPE/Reports/bayside-west-precincts-community-consultation-report-2017-04.ashx>

Attachment 1 is a map of the Bayside West Precincts showing the Cooks Cove Precinct.

The LUIS identifies the northern portion of the Cooks Cove Precinct (north of the M5), as suitable for mixed use, residential development. The strategy recommends additional investigations into how future development within Cooks Cove can be a catalyst for providing a new local centre with homes, jobs, shops, cafes and restaurants, in an attractive, liveable and convenient place where people enjoy living, working and visiting.

On 17 May 2017, John Boyd Properties lodged a Planning Proposal (the PP) to introduce new planning controls for the Cooks Cove Precinct to allow for development of the site.

Council are currently in the process of engaging consultants to undertake an independent assessment of the PP.

The PP must be consistent with the recommendations of the LUIS.

Financial Implications

Not applicable ☐

Included in existing approved budget ☒

To date all costs expended by Council are reimbursed by John Boyd Properties in accordance with the negotiation protocol.

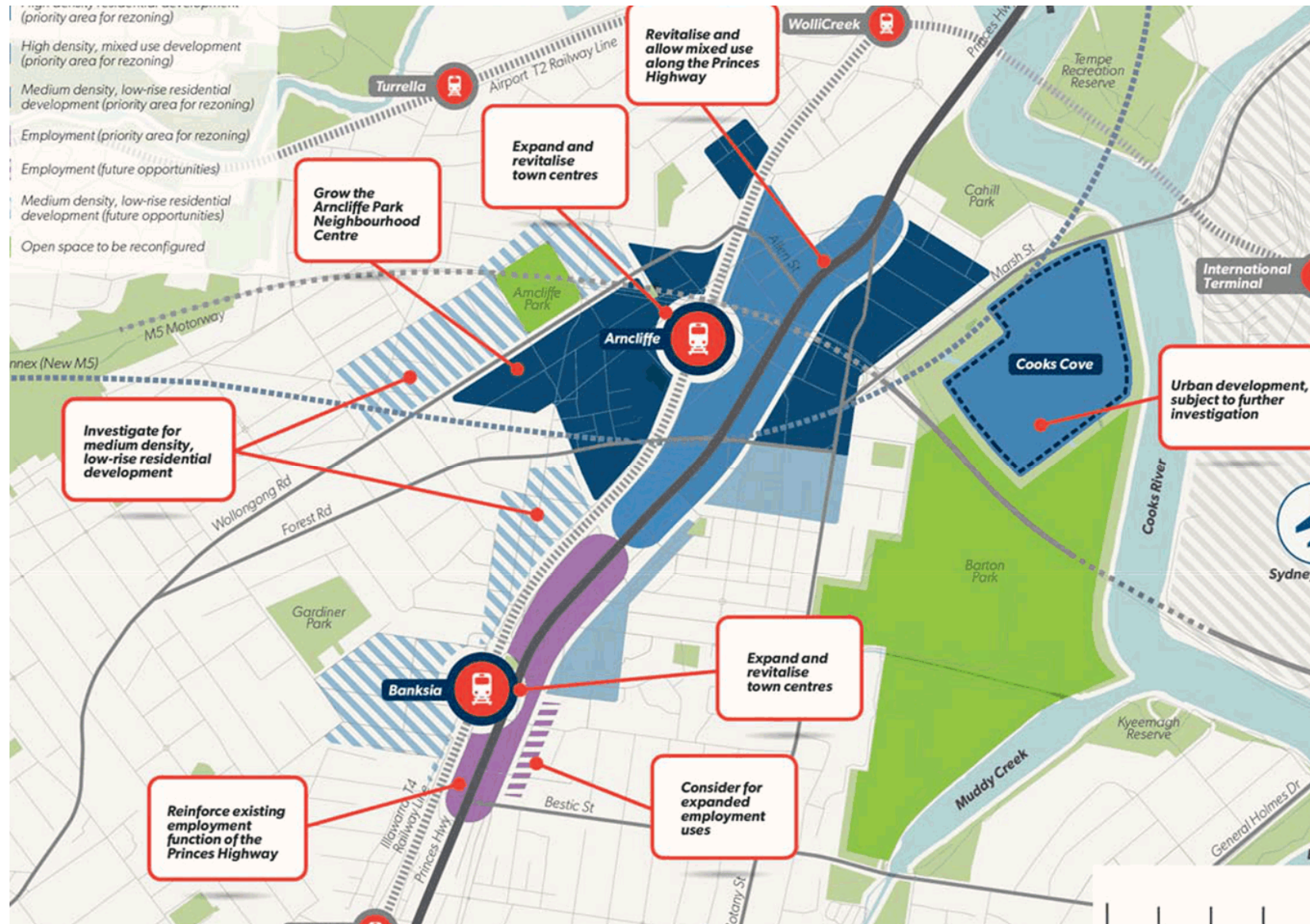
Additional funds required ☐

Community Engagement

Not Applicable

Attachments

Bayside West Precincts Showing the Cooks Cove Precinct



Council Meeting

9/08/2017

Item No	8.3
Subject	Housekeeping Amendment to Botany Bay Development Control Plan 2013 - Amendment No. 8
Report by	Sung Pak, Strategic Planner
File	SF16/1260

Summary

The draft Amendment No.8 to the Botany Bay Development Control Plan (BBDCP) 2013 seeks to address a number of duplications and formatting issues, to clarify definitions, to update references to external documents and to make implementation of the DCP simpler and easier.

The BBDCP 2013 (Draft Amendment No.8 - Housekeeping Amendment) was on public exhibition from Wednesday 31 May to Friday 30 June 2017. There was one (1) submission received which outlines the concerns of access and parking requirements for people with disabilities.

Officer Recommendation

- 1 That the draft amendment to the DCP in Attachment 2 of this report, be adopted by Council in accordance with the *Environmental Planning & Assessment Act 1979* and Clause 21(1)(a) of the *Environmental Planning & Assessment Regulation 2000*.
 - 2 That Council gives public notice of its adoption of the DCP as amended within 28 days in accordance with the *Environmental Planning & Assessment Act 1979* and Clause 21(2) of the *Environmental Planning & Assessment Regulation 2000*.
-

Background

The Botany Bay Development Control Plan 2013 was adopted by the former City of Botany Bay Council on 11 December 2013 and came into effect on 17 December 2013. The previous housekeeping amendment of the BBDCP was completed as Amendment No.4 (came into effect on 8 March 2016) which addressed a number of duplications and formatting issues, clarified definitions, and condensed and rearticulated the document to be more succinct.

Amendment No.5 introduced new controls regarding Secondary Dwellings and clarified controls pertaining to all ancillary development and buildings to rear lanes in Part 4A – Dwelling Houses. The amendment came into effect 2 August 2016.

Amendment No.6 deleted Urban Block 3 from Part 9A – Mascot Station Town Centre Precinct following concerns about the impacts of the proposed building of Urban Block 3 on the amenity of the adjacent Mascot Oval, Lionel Bowen Park and low density residential zones. The amendment came into effect 2 August 2016.

Amendment No.7 amended controls in Part 6 – Employment Zones and Part 9B – Botany South to ensure that caretaker dwellings are ancillary to an approved industrial or business use and will only be used by a caretaker, owner or operator of an approved business on the site. The amendment came into effect 25 October 2016.

As Amendment No.5, 6 and 7 addressed specific issues and did not involve any housekeeping review, a number of duplications, inconsistencies and areas requiring clarifications have been identified in the BBDCP since the previous housekeeping amendment (Amendment No.4)

The draft Amendment No.8 (Housekeeping Amendment) has been prepared to address a number of duplications and formatting issues to clarify and to make DCP much easier to understand.

This amendment edits the following BBDCP chapters:

- Part 2 – Notification & Advertising
- Part 3A – Parking & Access
- Part 3C – Access & Mobility
- Part 3E – Subdivision & Amalgamation
- Part 3J – Aircraft Noise & OLS
- Part 3L – Landscaping & Tree Management
- Part 3N – Waste Minimisation & Management
- Part 4A – Dwelling Houses
- Part 4B – Multi Dwelling Housing
- Part 4C – Residential Flat Buildings
- Part 6 – Employment Zones
- Part 7C – Child Care Centres
- Part 9A – Mascot Station Town Centre Precinct.

Submission

The following is a summary of the one external submission received and a discussion of the issues raised. Attachment 1 is the submission received.

The submission outlines the applicant's concerns in relation to: (1) application of controls for access and parking facilities for travel/tourism accommodation; and (2) whether there is a registration process for all public wheelchair accessible toilets in public buildings in the National Public Toilet Map by the Australian Government Department of Health.

The applicant seeks clarification of how access and mobility controls apply to temporary or short-term holiday accommodation such as Airbnb, whether they apply in the same manner as other types of accommodation for people with a disability.

Under Clause 3C.1.1 of the BBDCP 2013, the *Disability (Access to Premises – Building) Standards 2010* (referenced as the ‘Premises Standard’) apply to all Class 1b, 2, 3 and 5-10 buildings. All rental accommodation and short-term holiday accommodation are categorised as Class 1b and 2 and as such they must comply with the *Building Code of Australia (BCA)* and *The Premises Code*. Council has an obligation to meet the requirement and provisions of accessibility under the *Environmental Planning & Assessment Act 1979 (EP&AA)* and the *Commonwealth Disability Discrimination Act 1992 (DDA)* for people with a disability when assessing and determining development applications. Applicants submitting development applications for such developments should be accompanied by an access report and are to meet the requirements set out in the Premises Code and Council’s controls prior to issue of an Occupation Certificate.

The National Public Toilet Map was commissioned and developed by the Australian Government Department of Health in conjunction with a number of service and data providers, including the Australian Bureau of Statistics (ABS). The information and data of all developments (that includes any public buildings with accessible toilets) that have obtained their final Occupation Certificate are provided to the ABS and the State Government each year. There is no separate registration required for any public buildings with accessible toilets at Local Government level, and the website and ongoing maintenance for the National Public Toilet Map is managed by the Australian Government Department of Health.

Based on the above no further changes to the BBDCP 2013 Part 3C – Access & Mobility is required. The existing provisions in their current form are adequate to ensure appropriate access and facilities for people with a disability are provided in developments.

Financial Implications

If Council resolves to adopt the draft BBDCP 2013 (Amendment No.8), there will be minor costs for advertising in the local newspaper and printing of the adopted amendment to the BBDCP 2013.

Community Engagement

In accordance with Clause 21(1)(a) of the *Environmental Planning & Assessment Regulation 2000* the Council, after considering any submissions about the draft DCP may approve the plan in the form in which it was publicly exhibited.

This report recommends that Council refers the amendment to the DCP (as detailed in this report and Attachments 2-14) to Council for adoption. The relevant requirements for public exhibition in accordance with Clause 21 of the *Environmental Planning & Assessment Regulation 2000* are as follows:

- The council must give public notice of its decision in a local newspaper within 28 days after the decision is made.
 - A development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.
-

Attachments

- 1 Submission Received During Public Exhibition
- 2 Report to Council on 10 May 2017 - BBDCP Amendment No. 8
- 3 Amendment BBDCP 2013 Part 2 - Notification and Advertising
- 4 Amendment BBDCP 2013 Part 3A - Parking and Access
- 5 Amendment BBDCP 2013 Part 3C - Access and Mobility
- 6 Amendment BBDCP 2013 Part 3E - Subdivision and Amalgamation
- 7 Amendment BBDCP 2013 Part 3J - Aircraft Noise and OLS
- 8 Amendment BBDCP 2013 Part 3L - Landscaping and Tree Management
- 9 Amendment BBDCP 2013 Part 3N - Waste Minimisation and Management
- 10 Amendment BBDCP 2013 Part 4A - Dwelling Houses
- 11 Amendment BBDCP 2013 Part 4B - Multi Dwelling Housing
- 12 Amendment BBDCP 2013 Part 4C - Residential Flat Buildings
- 13 Amendment BBDCP 2013 Part 6 - Employment Zones
- 14 Amendment BBDCP 2013 Part 7C - Child Care Centres
- 15 Amendment BBDCP 2013 Part 9A - Mascot Station Precinct

From: Greg Killeen [mailto:gwkillen@optusnet.com.au]
Sent: 04 June 2017 16:37
Subject: RE: Council's Development Control Plan feedback

Hello,

Further to my previous email below I want to clarify if it is the DCP Part 3 C Access and Mobility is the appropriate document to include the requirement for the building certifier to register any accessible public toilets on the Federal government's "National Toilet Map" website?

As a former Botany Council Access Committee Member, I proposed and it was subsequently adopted by the Council, that the Council was implementing the requirement for the building certifier to register all public wheelchair accessible toilets contained in a public building to obtain certification and ultimately the occupation certificate.

Could you please clarify if this requirement was implemented by the Council, and if it is the DCP part 3C that is the appropriate document for this information to be contained in, or in something else?

Could you please reply to confirm you have received this email and I look forward to your reply.

Regards,

Greg Killeen

From: Greg Killeen [mailto:gwkillen@optusnet.com.au]
Sent: Sunday, June 04, 2017 4:26 PM
To: 'council@bayside.nsw.gov.au' <council@bayside.nsw.gov.au>
Subject: Council's Development Control Plan feedback

Hello,

Thank you for providing the opportunity to comment on the Council's Development Control Plan. As a former Botany Council access committee member I contributed to its development, particularly the Part 3 C Access and Mobility sector. My only additional comment is to seek clarification as to what and how Council will address temporary travel/tourism accommodation services such as Air B&B. If this type accommodation is required to have a business application development application with Council will it require allocated parking for people with disability or will this only be required depending on the type and accessibility of the property being used?

Could you please reply to confirm that you have received my email and I look forward to your reply.

Regards,

Greg Killeen

NOTE: as I am using speech recognition software to draft this message and in my haste I may not proofread it before sending so please accept this apology in advance if the message has grammatical errors or is erroneous which may cause a complete misinterpretation of the intent of the message.

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Item

Council Meeting dd/mm/yyyy

Council Meeting**10/05/2017**

Item No	8.3
Subject	Housekeeping Amendment to Botany Bay Development Control Plan 2013 – Amendment No. 8
Report by	Anne Qin – Urban Designer
File	S15/63-05

Summary

Draft Amendment No. 8 (Housekeeping Amendment) to the Botany Bay Development Control Plan 2013 (BBDCP) has been prepared to address a number of duplications and formatting issues, to clarify definitions, to update references to external documents and to make implementation of the DCP simpler and easier.

This amendment edits the following BBDCP chapters:

- Part 2 - Notification & Advertising
 - Part 3A - Car Parking
 - Part 3C - Access & Mobility
 - Part 3E - Subdivision & Amalgamation
 - Part 3J - Aircraft Noise & OLS
 - Part 3L - Landscaping & Tree Management
 - Part 3N - Waste Minimisation & Management
 - Part 3A - Parking & Access
 - Part 3N - Waste Minimisation & Management
 - Part 4A - Dwelling Houses
 - Part 4B - Multi Dwelling Housing
 - Part 4C - Residential Flat Buildings
 - Part 6 - Employment Zones
 - Part 7C - Child Care Centres
 - Part 9A - Mascot Station Town Centre Precinct
-

Council Resolution

Minute 2017/82

Resolved by the Administrator

- 1 That Council places the draft BBDCP (Amendment No. 8) as shown in Attachment 1 to 13 on public exhibition for a minimum of 28 days in accordance with the provisions of *Environmental Planning & Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
 - 2 That at the conclusion of the exhibition period, a report on submissions be received.
-

Officer Recommendation

- 1 That Council places the draft BBDCP (Amendment No. 8) as shown in Attachment 1 to 13 on public exhibition for a minimum of 28 days in accordance with the provisions of *Environmental Planning & Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
 - 2 That at the conclusion of the exhibition period, a report on submissions be referred to Council.
-

Background

The Botany Bay Development Control Plan 2013 was adopted by the former City of Botany Bay Council on 11 December 2013 and came into effect on 17 December 2013. The previous housekeeping amendment of the BBDCP was completed as Amendment No. 4 (came into effect on 8 March 2016) which addressed a number of duplications and formatting issues, clarified definitions, and condensed and rearticulated the document to be more succinct.

Amendment No. 5 introduced new controls regarding Secondary Dwellings and clarified controls pertaining to all ancillary development and buildings to rear lanes in **Part 4A - Dwelling Houses**. The amendment came into effect on 5 April 2016.

Amendment No. 6 deleted Urban Block 3 from **Part 9A - Mascot Station Town Centre Precinct** following concerns about the impacts of the proposed building of Urban Block 3 on the amenity of the adjacent Mascot Oval, Lionel Bowen Park, and low density residential zones. The amendment came into effect 2 August 2016.

Amendment No. 7 amended controls in **Part 6 - Employment Zones** and **Part 9B - Botany South** to ensure that caretaker dwellings are ancillary to an approved industrial or business use and will only be used by a caretaker, owner or operator of an approved business on the site. The amendment came into effect 25 October 2016.

As Amendments No. 5, 6 and 7 addressed specific issues and did not involve any housekeeping review, a number of duplications, inconsistencies and areas requiring

Item 8.3

Council Meeting 10/05/2017

clarification have been identified in the BBDCP since the previous housekeeping amendment (Amendment No. 4).

It is noted that Bayside Council currently has 2 Local Environmental Plans (LEPs) – Botany Bay and Rockdale with 2 corresponding Development Control Plans (DCPs) – Botany Bay and Rockdale. It is likely that these development controls will be replaced in the longer term by a Bayside specific LEP and DCP. The recommended amendments will assist with the harmonising of the existing development controls.

Proposed Amendments

The amendments proposed to be made to the BBDCP are listed as follows:

Item 1 To reference the SCPP	
Part 2 - Notification & Advertising	
Existing DCP Provision	<p>2.2.9 Development applications referred to the Joint Regional Planning Panels (JRPP)</p> <p>More information on the role of JRPPs is available at http://www.planning.nsw.gov.au/joint-regional-planning-panels</p>
Proposed Amendment (in <i>italics</i>)	<p>2.2.9 Development applications referred to the <i>Sydney Central Planning Panel (SCPP)</i></p> <p>More information on the role of SCPP is available at: http://www.planningpanels.nsw.gov.au/</p>
Explanation	<p>The planning panels that were responsible for determining regionally significant development applications (Joint Regional Planning Panels) were reconstructed in late 2016. Bayside Council is located within the Central Sydney district, which is now covered by the Sydney Central Planning Panel (SCPP). Website link to SCPP has been provided.</p>

Item 2 To remove the inclusion of printed notification plans in notification letters	
Part 2 - Notification & Advertising	
Existing DCP Provision	<p>2.4.1 Notification Letter</p> <p>...</p> <p>(iii) An invitation to view the plans;</p> <p>(iv) The time and location where the development application can be inspected, including the dates the plans will be available;</p> <p>(v) The time period within which written submissions are to be lodged; and</p>

	(vi) A note explaining that only valid objections will be reported to Council.
Proposed Amendment (in <i>italics</i>)	<p>2.4.1 Notification Letter</p> <p>...</p> <p>(iii) <i>An invitation to view the application online on the Council's website and/or at Council's customer service centres;</i></p> <p>(iv) The time period within which written submissions are to be lodged; and</p> <p>(v) A note explaining that only valid objections will be reported to Council.</p>
Explanation	As part of the introduction of digital lodgements in early 2017, hardcopies are removed from the DA submission requirements. All applications will be made available for inspection on Council's website or digitally on a screen at the customer service centres.

Item 3 To remove the requirement for the display of printed notification plans and detailed information regarding notification plans

Part 2 - Notification & Advertising

Existing DCP Provision	<p>2.4.2 Notification Plans</p> <p>Notification plans that will accompany the notification letter shall:</p> <p>(i) Be prepared by the applicant and submitted with the development application;</p> <p>(ii) Include a site plan showing the relationship of existing buildings and proposed buildings to lot boundaries and buildings on adjoining properties (where appropriate);</p> <p>(iii) Be drawn at a scale so as to delineate the features of the proposed building;</p> <p>(iv) Include drawings at a scale that clearly show dimensions in order to indicate size, height and position of the proposed building on the site on which it is to be erected; and</p> <p>(v) Clearly indicate proposed building works such as alterations and additions to existing buildings by means of bubble or cross hatching.</p> <p>A copy of the A4 plans for building works will be forwarded to adjoining neighbours and the Secretary of the Body Corporate, where applicable. Plans for certain development as determined by Council (or a person having delegated authority to determine the application) will be forwarded to Council's Library at Eastgardens Shopping Centre at Pagewood and Mascot Library for display during the exhibition period.</p>
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Item 8.3

Council Meeting 10/05/2017

Proposed Amendment (in <i>italics</i>)	<p>2.4.2 Notification Plans</p> <p><i>Notification plans will be made available for the public to view on Council's website and at the customer service centres during the public notification period.</i></p> <p><i>Notification plans shall be prepared by the applicant and submitted with the Development Application, Section 96 Modification, Section 82A Review Application and/or Building Certificate Application.</i></p> <p><i>Applicants are to refer to Council's guidelines for the requirements of notification plans, available on the Council website.</i></p>
Explanation	<p>The Development Advisory Services team (DAS) has prepared a DA Guideline which details the requirements for notification plans. This is located on Council's website for ease of access for the general public and to streamline future amendments to the requirements for notification plans. Amendments to online guidelines are not subject to the process of mandatory public exhibition and community consultation.</p>

Item 4 To delete duplicate references to "Site Notices"	
Part 2 - Notification & Advertising	
Existing DCP Provision	<p>2.3.5 Site Notices</p> <p>The site notice will be installed on or before the start of the notification period, unless there are exceptional circumstances such as extreme bad weather. Council will replace a site notice if the contact officer for the application is advised by fax, email or letter that it has been removed or damaged during the first week of the notification period. Unauthorised removal of the sign will not result in the re-notification of the application; extension of the notification period or make the notification process void. For applications requiring a notice in the newspaper refer to Table 3.</p> <p>2.4.3 Site Notices</p> <p>Council will provide notification signs to be placed on a development site. The site notices are to be prominently placed on the main frontage(s) of the site(s) able to be read from a public place.</p> <p>Notices must contain details of the proposed development, information on the exhibition period and a sketch plan of the site.</p>
Proposed Amendment (in <i>italics</i>)	<p>2.3.5 Site Notices</p> <p><i>Council will provide notification sign(s) to be placed on a development site. The site notices are to be prominently placed on the main frontage(s) of the site(s) to enable them to be read from a public place. Notices must contain details of the proposed development and information on the exhibition period.</i></p>

	The site notice will be installed on or before the start of the notification period, unless there are exceptional circumstances such as extreme bad weather. Council will replace a site notice if the contact officer for the application is advised by fax, email or letter that it has been removed or damaged during the first week of the notification period. Unauthorised removal of the sign will not result in the re-notification of the application; extension of the notification period or make the notification process void. For applications requiring a notice in the newspaper refer to Table 3.
Explanation	2.4.3 Site Notices is a duplication of 2.3.5 Site Notices . The content for 2.4.3 is relocated to 2.3.5 .

Item 5 To correct list of adjoining Councils	
Part 2 - Notification & Advertising	
Existing DCP Provision	Part 2, Schedule 3 Adjoining Councils – Marrickville, Randwick, Rockdale and City of Sydney
Proposed Amendment (in <i>italics</i>)	Part 2, Schedule 3 Adjoining Councils – <i>Inner West, Randwick and City of Sydney</i>
Explanation	The former Rockdale and Botany Bay Councils have been amalgamated. The former Marrickville Council has been amalgamated to form part of the Inner West Council.

Item 6 To introduce a provision for car wash bays in multi dwelling housing			
Part 3A - Parking & Access			
Existing DCP Provision	Table 1 - Car Parking Provisions by Land Use <table> <tr> <td>Multi dwelling housing</td><td> 1 space / studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; and 1 designated visitor space / 5 dwellings </td></tr> </table>	Multi dwelling housing	1 space / studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; and 1 designated visitor space / 5 dwellings
Multi dwelling housing	1 space / studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; and 1 designated visitor space / 5 dwellings		
Proposed Amendment (in <i>italics</i>)	Table 1 - Car Parking Provisions by Land Use <table> <tr> <td>Multi dwelling housing</td><td> 1 space / studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; </td></tr> </table>	Multi dwelling housing	1 space / studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling;
Multi dwelling housing	1 space / studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling;		

		1 designated visitor space / 5 dwellings; and <i>1 car wash bay per development (visitor parking may be equipped with cold water tap and sewer connection and used as a car wash bay)</i>	
Explanation	The existing DCP does not specify a minimum requirement for the provision of car wash bays in multi dwelling housing. The proposed control is consistent with the provision for car wash facilities in the Rockdale DCP 2011.		

Item 7 To introduce a provision for car wash bays in residential flat buildings (RFBs)		
Part 3A - Parking & Access		
Existing DCP Provision	Table 1 - Car Parking Provisions by Land Use	
	Residential flat buildings	1 space / studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; and 1 designated visitor space / 5 dwellings
Proposed Amendment (in <i>italics</i>)	Table 1 - Car Parking Provisions by Land Use	
	Residential flat buildings	1 space / studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; 1 designated visitor space / 5 dwellings; and <i>1 car wash bay per development (visitor parking may be equipped with cold water tap and sewer connection and used as a car wash bay)</i>
Explanation	Neither the BBDCP nor SEPP 65 / Apartment Design Guide contain a minimum provision for car wash bays in a RFB development. The proposed control is consistent with the provision in the Rockdale DCP 2011.	

Item 8 To introduce a minimum number of accessible dwellings in residential flat buildings			
Part 3C - Access & Mobility			
Existing DCP Provision	Table 1 - Access Requirements		
	Development type: Residential apartment buildings, conversion of non-residential buildings into apartments, shop top housing, multi dwelling housing and live/work buildings (includes mixture of classes for those including commercial and industrial components)		

	<p>General access requirements: for all persons through the principal entrance of a building and access to all common facilities.</p> <p>Refer to BCA and AS1428.1</p>
Proposed Amendment (in <i>italics</i>)	<p>Table 1 - Access Requirements</p> <p>Development type: Residential apartment buildings, conversion of non-residential buildings into apartments, shop top housing, multi dwelling housing and live/work buildings (includes mixture of classes for those including commercial and industrial components)</p> <p>General access requirements: for all persons through the principal entrance of a building and access to all common facilities. <i>Development is to provide barrier free access to at least 20% of dwellings.</i></p> <p>Refer to BCA, AS1428.1 and AS 4299.</p>
Explanation	<p>The BBDCP lacks the control for the minimum number of accessible dwellings for disabled visitors. The proposed control is consistent with the provision for accessible dwellings in the Rockdale DCP 2011. Reference is also made to AS 4299 Adaptable Housing, which presents the objectives and principles of adaptable housing and provides guidelines on planning and design.</p>

Item 9 To reduce the required access corridor width for battle-axe subdivisions	
Part 3E - Subdivision & Amalgamation	
Existing DCP Provision	<p>3E.2.2 Residential Torrens Title</p> <p>C13 The width of an access corridor to a battle-axe lot shall be at least:</p> <ul style="list-style-type: none"> a. 4.5 metres for lengths less than 30 metres; and b. 5 metres for lengths exceeding 30 metres.
Proposed Amendment (in <i>italics</i>)	<p>3E.2.2 Residential Torrens Title</p> <p>C13 The width of an access corridor to a battle-axe lot shall be at least <i>3.5m for sites of less than 120m in depth from the primary street frontage to rear boundary.</i></p>
Explanation	<p>Fire & Rescue NSW has advised that fire and rescue vehicles do not need to enter a battle-axe property if the site has a depth of 120m or less, and therefore does not require the access corridor width that has been specified within the existing provision. The access corridor width of 3.5m is adopted, which is consistent with the existing RDCP 2011 requirements.</p>

Item 10 To update reference to the Australian Standard for Aircraft Noise Intrusion	
Part 3J - Aircraft Noise & OLS	
Existing DCP Provision	Part 3J All references to AS2021-2000
Proposed Amendment (in <i>italics</i>)	All instances in Part 3J to be replaced with: <i>AS 2021:2015</i> Other DCP Parts only make reference to "AS 2021"
Explanation	To make reference to the updated Australian Standard.

Item 11 To provide reference to the Handbook "Acoustics – Guidance on producing information on aircraft noise"	
Part 3J - Aircraft Noise & OLS	
Existing DCP Provision	3J.1.2 Definitions Australian Standard (AS) 2021-2000 - Acoustics - Aircraft Noise Intrusions - Building Siting and Construction: The Standard provides guidance to State & Local Government authorities regarding land use planning, building construction and on the acoustic adequacy of existing buildings in areas in the vicinity of airports and aircraft flight paths.
Proposed Amendment (in <i>italics</i>)	3J.1.2 Definitions Australian Standard (AS) 2021-2015 - Acoustics - Aircraft Noise Intrusions - Building Siting and Construction: The Standard provides guidance to State & Local Government authorities regarding land use planning, building construction and on the acoustic adequacy of existing buildings in areas in the vicinity of airports and aircraft flight paths. <i>Applicants can refer to the supplementary Handbook published by the Standards Australia Committee "Acoustics – Guidance on producing information on aircraft noise." (Publication SA HB 149:2016) to gain an understanding of aircraft noise and its impacts.</i>
Explanation	Standards Australia has published a handbook to supplement the revised AS 2021:2015 intended to improve the availability of information about aircraft noise in a form that will allow individuals to make personal judgements about the impact of that noise on themselves. The handbook is available as a source of information for developers and the general community

Item 12 To update NASF Guidelines	
Part 3J - Aircraft Noise & OLS	
Existing DCP Provision	<p>3J.4 National Airports Safeguarding Framework</p> <p>Note: For all development please refer to:</p> <ul style="list-style-type: none"> ▪ Guideline B: Managing the Risk of Building Generated Windshear and Turbulence at Airports; ▪ Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports, this risk needs to be addressed and minimised; ▪ Guideline D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation; and ▪ Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports.
Proposed Amendment (in <i>italics</i>)	<p>3J.4 National Airports Safeguarding Framework</p> <p>Note: For all development please refer to:</p> <ul style="list-style-type: none"> ▪ Guideline B: Managing the Risk of Building Generated Windshear and Turbulence at Airports; ▪ Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports, this risk needs to be addressed and minimised; ▪ Guideline D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation; ▪ Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports; <i>and</i> ▪ <i>Guideline G: Protecting Aviation Facilities - Communication, Navigation and Surveillance (CNS)</i>
Explanation	NASF has introduced a new guideline for CNS facilities that needs to be incorporated into local government planning frameworks.

Item 13 To remove duplicated information for Landscape Documentation	
Part 3L - Landscaping & Tree Management	
Existing DCP Provision	<p>3L.2 General Requirements</p> <p>C9 Landscape documentation is required to be submitted in accordance with Table 1.</p>

Table 1 - Development Application Landscape Submission Requirements		
Development Type	Documentation to be Submitted	To be prepared by
New Residential Dwellings, Secondary Dwellings, Ancillary Buildings, First Floor Additions, Alterations and Additions, Swimming Pools & Fences.	Accurate survey plan and site plan indicating all trees, palms and vegetation on the property, on adjoining properties close to boundaries and Council street trees; height, canopy width and trunk diameter/circumference and whether trees are proposed to be retained or removed.	Surveyor/Designer NOTE: An Arborist Report may be required.
	Landscape planting plan indicating open spaces and landscape treatment including indicative tree species and boundary screen planting (pools).	Landscape designer or horticulturalist preferably.
	Fence construction details (incorporating provisions for tree preservation and protection of tree roots, if applicable).	Draftsman/Engineer
Multi Dwelling Housing & Residential Flat Buildings	Tree survey and Arboricultural Report/Tree Assessment	Consulting Arborist (AQF 5)
	Detailed (construction level) landscape documentation, site analysis, schedule of finishes, specification construction details plan, section and elevations. Landscape maintenance schedule. Public Domain Plan	Registered Landscape Architect and/or Landscape specialist for green rooves/walls
Industrial Development	Tree survey and Arboricultural Report/Tree Assessment	Consulting Arborist (AQF 5)

		Detailed (construction level) landscape documentation, site analysis, schedule of finishes, construction details plan, section and elevations. Landscape maintenance schedule.	Landscape Architect
	Commercial / Mixed Use Development	Tree survey and Arboricultural Report/Tree Assessment	Consulting Arborist (AQF 5)
		Detailed (construction level) landscape documentation, site analysis, schedule of finishes, specification construction details plan, section and elevations. Landscape maintenance schedule. Public Domain Plan	Registered Landscape Architect. AND/OR Specialised Landscape Architect for green walls/green rooves.
	Child Care Centres, Community Centres & Related Buildings (schools, churches)	Accurate survey plan indicating all trees, palms and vegetation on property, on adjoining properties close to boundaries and Council street trees; height, canopy width and trunk diameter/circumference and whether trees are proposed to be retained or removed	Surveyor and Designer NOTE: An Arborist Report may be required.
		Landscape/Planting Plan	Landscape Designer/Architect
	Car Parks	Tree survey and Arboricultural Report/Tree Assessment	Consulting Arborist (AQF 5)
		Detailed (construction level) landscape documentation, schedule of finishes, construction details plan, specifications. Landscape maintenance schedule.	Landscape Architect

	Subdivision and Demolition Applications	Accurate survey plan indicating all trees, palms and vegetation on property, on adjoining properties close to boundaries and Council street trees; height, canopy width and trunk diameter/circumference and whether trees are proposed to be retained or removed	Surveyor
	Fences	Accurate survey plan indicating all trees, palms and vegetation on property, on adjoining properties close to boundaries and Council street trees; height, canopy width and trunk diameter/circumference and whether trees are proposed to be retained or removed	Surveyor
		Fence construction details (incorporating provisions for tree preservation and protection of tree roots, if applicable)	Draftsman/Engineer
	Third Party Advertising Signage	Tree survey and Arboricultural Report/Tree Assessment	Consulting Arborist
		Detailed perspective sketches and/or photo montages	Architect
		Detailed (construction level) landscape documentation, site analysis, schedule of finishes. Landscape maintenance schedule.	Landscape Architect; and/or Specialised Landscape Architect for green walls.
	Development adjoining Wetland zones or natural areas	Flora & Fauna Assessment Assessment of Significance Species Impact Statement	Ecological Consultant – professionally trained qualified and experienced.

Item 8.3

Council Meeting 10/05/2017

Proposed Amendment (in <i>italics</i>)	3L.1.2 Development Application Submission Requirements		
	C1 Landscape documentation is required to be submitted in accordance with Table 1 .		
	Table 1 - Development Application Landscape Documentation Submission Requirements		
	Development Type	Documentation to be Submitted	To be prepared by
	New Residential Dwellings, Secondary Dwellings, Ancillary Buildings, First Floor Additions, Alterations and Additions	<ul style="list-style-type: none"> <i>Landscape Plan</i> <i>Arborist Report / Tree Assessment where applicable</i> 	Surveyor/Designer <i>Consulting Arborist (AQF 5)</i>
	Swimming Pools	<ul style="list-style-type: none"> <i>Landscape Plan</i> <i>Specifications and Construction Details</i> 	<i>Surveyor/Designer</i> <i>Draftsman/Engineer</i>
	Multi Dwelling Housing & Residential Flat Buildings	<ul style="list-style-type: none"> <i>Arborist Report / Tree Assessment</i> <i>Landscape Plan</i> <i>Schedule of Finishes</i> <i>Specifications and Construction Details</i> <i>Landscape Maintenance Schedule</i> <i>Public Domain Plan</i> 	Consulting Arborist (AQF 5) Landscape Architect and/or Landscape specialist for green roof/wall
	Industrial Development	<ul style="list-style-type: none"> <i>Arborist Report / Tree Assessment</i> <i>Landscape Plan</i> <i>Schedule of Finishes</i> <i>Specifications and Construction Details</i> 	Consulting Arborist (AQF 5) Landscape Architect

		<ul style="list-style-type: none"> • <i>Landscape Maintenance Schedule</i> 	
	Commercial / Mixed Use Development	<ul style="list-style-type: none"> • <i>Arborist Report / Tree Assessment</i> • <i>Landscape Plan</i> • <i>Schedule of Finishes</i> • <i>Specifications and Construction Details</i> • <i>Landscape Maintenance Schedule</i> • <i>Public Domain Plan</i> 	<p>Consulting Arborist (AQF 5)</p> <p>Landscape Architect and/or Landscape specialist for green roof/wall</p>
	Child Care Centres, Community Centres and Related Buildings (e.g. schools, churches)	<ul style="list-style-type: none"> • <i>Survey Plan</i> • <i>Landscape Plan</i> • <i>Arborist Report / Tree Assessment where applicable</i> 	<p>Surveyor</p> <p>Designer</p> <p>Consulting Arborist (AQF 5)</p>
	Car Parks	<ul style="list-style-type: none"> • <i>Arborist Report / Tree Assessment</i> • <i>Landscape Plan</i> • <i>Schedule of Finishes</i> • <i>Specifications and Construction Details</i> • <i>Landscape Maintenance Schedule</i> 	<p>Consulting Arborist (AQF 5)</p> <p>Landscape Architect</p>
	Subdivision and Demolition Applications	<ul style="list-style-type: none"> • <i>Survey Plan</i> 	Surveyor
	Fences	<ul style="list-style-type: none"> • <i>Survey Plan</i> • <i>Specifications and Construction Details</i> 	<p>Surveyor</p> <p>Draftsman/Engineer</p>
	Third Party Advertising	<ul style="list-style-type: none"> • <i>Arborist Report / Tree Assessment</i> 	Consulting Arborist (AQF 5)

	Signage	<ul style="list-style-type: none"> • Detailed perspective sketches and/or photo montages • Landscape Plan • Schedule of Finishes • Specifications and Construction Details • Landscape Maintenance Schedule 	<p>Architect</p> <p>Landscape Architect and/or Landscape specialist for green roof/wall</p>
	Development adjoining Wetland Zones or Natural Areas	<ul style="list-style-type: none"> • Flora & Fauna Assessment • Assessment of Significance • Species Impact Statement <p>Refer to Part 3M – Natural Resources</p>	<p>Ecological Consultant – professionally trained, qualified and experienced</p>
<p>Note: Applicants are strongly advised to engage consultants with adequate training, qualifications and experience to prepare landscape documentation that demonstrates appropriate and responsive landscape outcomes for the site and that comply with this DCP and industry best practice.</p> <p>Additional landscape documentation may be requested by Council. Inadequate landscape documentation will need to be amended and resubmitted. Hand drafted submissions are not acceptable.</p>			
Explanation	<p>“Table 1 - Development Application Landscape Documentation Submission Requirements” of 3L.2 General Requirements is relocated to 3L.1.2 Development Application Submission Requirements to consolidate all controls relating to landscape documentation submission requirements.</p> <p>The existing provisions under the column heading of “Documentation to be Submitted” outline the range of information that needs to be shown in each type of landscape documentation. However, these provisions are duplicated and specified in more detail by existing controls C10 to C13 of 3L.2 (refer amendment Item 14 and Item 15). In order to avoid duplication and improve clarity, detailed requirements for each type of landscape documentation is removed from the table.</p> <p>Furthermore, swimming pools have been separated from the “residential dwellings” category in Table 1. Swimming pool developments involve structural and excavation works, which require construction details to be submitted. This is different to the landscape documentation required for residential dwellings and therefore a separate category is created.</p>		

Item 14 To collate and consolidate all existing controls relating to Landscape Plan	
Part 3L - Landscaping & Tree Management	
Existing DCP Provision	<p>3L.1.2 Development Application Submission Requirements</p> <p>C1 A Landscape Plan must be of sufficient detail to enable Council evaluation of the adequacy and suitability of landscaping for the development proposed and include the following:</p> <ul style="list-style-type: none"> a) Layout and details of open space, landscaped areas, planter beds, paved areas, walls and fences; and b) A plant schedule listing of all plants, including botanical names, plant numbers, spacings and pot sizes; and c) Building envelopes and paved areas, including parking and vehicular areas; and d) Finished levels of the subject and adjoining properties; and e) Location, species, height and spread of existing trees and vegetation to be removed and retained, including trees on adjoining properties and street trees; and f) Treatment of interface with adjoining land uses and public land; and g) Public domain improvements (where applicable), such as street trees, footpaths, furniture and landscaping; and h) Underground and overhead utilities, including drainage, fire booster valve assemblies and electrical kiosks; and i) Irrigation system details.
Proposed Amendment (in <i>italics</i>)	<p>3L.1.2 Development Application Submission Requirements</p> <p>C3 <i>If a Landscape Plan is required in Table 1, it must be of sufficient detail to enable Council evaluation of the adequacy and suitability of landscaping for the development proposed and include the following:</i></p> <p>...</p> <ul style="list-style-type: none"> i) <i>Irrigation system details for podium landscapes, roof-top gardens, and green walls; and</i> j) <i>An adequate number of sections and elevations to adequately depict the landscape proposal and to clearly indicate changes in levels, terraces, retaining walls and podium planters; and</i> k) <i>Overlay basement car park areas with the ground level landscape plan / layout clearly showing landscaping on natural ground and landscaping over podium.</i>

Explanation	<p>The existing DCP provisions of 3L.1.2 C1 (a) to (i) are duplicated in C10 of 3L.2 General Requirements. However, C10 of 3L.2 contains additional subclauses (j) and (k) which relate to requirements for sections, elevations, and indication of basement footprint. To rectify the existing duplication and improve clarity, C1 of 3L.1.2 is consolidated with C10 of 3L.2, including the relocation of subclauses (j) and (k) to C1 of 3L.1.2.</p> <p>Furthermore, “podium landscapes, roof-top gardens, and green walls” are inserted in subclause (i) to match the requirements listed in the <i>Rockdale Landscape Technical Specification</i> document.</p>
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Item 15 To relocate and collate all existing controls relating to Specifications and Construction Details, Schedule of Finishes, and Landscape Maintenance Schedule	
Part 3L - Landscaping & Tree Management	
Existing DCP Provision	<p>3L.2 General Requirements</p> <p>C11 If Specifications and Construction Details are required in Table 1 it must ...</p> <p>C12 If a Schedule of Finishes is required in Table 1 it must ...</p> <p>C13 If a Landscape Maintenance Schedule is required in Table 1 it must ...</p>
Proposed Amendment (in <i>italics</i>)	<p><i>3L.1.2 Development Application Submission Requirements</i></p> <p>C4 If Specifications and Construction Details are required in Table 1 it must ...</p> <p>C5 If a Schedule of Finishes is required in Table 1 it must ...</p> <p>C6 If a Landscape Maintenance Schedule is required in Table 1 it must ...</p>
Explanation	<p>C11, C12 and C13 of 3L.2 General Requirements are relocated to 3L.1.2 Development Application Submission Requirements to consolidate controls relating to landscape documentation.</p>

Item 16.1 To remove all specifications for 140L and 360L sized bins				
Part 3N - Waste Minimisation & Management				
Existing DCP Provision	3N.3.2 Residential Development			
	Table 3 - Type and Number of Bins Required for Residential Development			
	Type of Development	Recycling Bins	General Waste Bins	Green Waste Bins
	Attached dwellings, dwelling houses, semi-detached dwellings, dual occupancies and secondary dwellings	1 x 240L per dwelling (except secondary dwelling which may share with the principal dwelling on the lot)	1 x 140 L per dwelling	1 x 140L or 1 x 240L (optional) per dwelling (except secondary dwelling which may share with the principal dwelling on the lot)
Proposed Amendment (in <i>italics</i>)	Multi dwelling housing, residential flat buildings, senior housing and residential component of mixed use development	1 x 360L per 5 dwellings or part thereof	1 x 360L per 5 dwellings or part thereof	1 x 140L or 1 x 240L (optional) per 2 dwellings or part thereof
	3N.3.2 Residential Development			
	Table 3 - Type & Number of Bins Required for Residential Development			
	Type of Development	Recycling Bins	General Waste Bins	Green Waste Bins
	Attached dwellings, dwelling houses, semi-detached dwellings, dual occupancies and secondary dwellings	1 x 240L per dwelling or 1 x 120L per dwelling upon request	1 x 120L or 1 x 240L (optional) per dwelling	1 x 120L or 1 x 240L (optional) per dwelling
	Multi dwelling housing, residential	1 x 240L per 2-3 dwellings	1 x 240L per 2-3 dwellings	1 x 240L (optional) per 5

	flat buildings, senior housing and residential component of mixed use development			<i>dwelling</i> s	
Explanation	Existing Council waste collection vehicles are not equipped to collect bin sizes of 140L and 360L. Only 80L, 120L and 240L bins can be collected. All references to 140L bins are amended to approximate equivalent capacities as per the recommendations of Council's waste officer.				

Item 16.2 To remove all specifications for 140L and 360L sized bins	
Part 3N - Waste Minimisation & Management	
Existing DCP Provision	<p>3N.5.1.2 Part 2 – Ongoing use of Premises: Model Site Waste Minimisation and Management Plan</p> <p>General Waste</p> <p>Number of Council 360, 240 or 140 litre general waste bins to be accommodated on site:</p> <p>Recyclable Materials</p> <p>Number of Council 360, 240 or 140 litre recycling bins to be accommodated on site:</p> <p>Green Waste Materials</p> <p>Number of Council 240 or 140 litre recycling bins to be accommodated on site:</p>
Proposed Amendment (in <i>italics</i>)	<p>3N.4.1.2 Part 2 – Ongoing use of Premises: Model Site Waste Minimisation and Management Plan</p> <p>General Waste</p> <p><i>Number of Council 240 or 120 litre general waste bins to be accommodated on site:</i></p> <p>Recyclable Materials</p> <p><i>Number of Council 240 or 120 litre recycling bins to be accommodated on site:</i></p> <p>Green Waste Materials</p> <p><i>Number of Council 240 or 120 litre recycling bins to be accommodated on site:</i></p>
Explanation	Existing Council waste collection vehicles are not equipped to collect bin sizes of 140L and 360L. Only 80L, 120L and 240L bins can be collected. All

	references to 140L waste bins are replaced with 120L waste bins as per the recommendations of Council's waste officer.
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Item 17 To specify onsite garbage collection for residential developments of over 20 dwellings and prohibit kerbside collection

Part 3N - Waste Minimisation & Management

Existing DCP Provision	<p>3N.3.2 Residential Development</p> <p>C11</p> <p>(xii) Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected onsite. Bins that are collected onsite are to be collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance;</p> <p>(xiii) Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles in accordance with Part 3N.5.2 - Garbage Truck Dimension for Residential Waste Collection. In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.</p>
Proposed Amendment (in <i>italics</i>)	<p>3N.3.2 Residential Development</p> <p>C11</p> <p>(xii) <i>For developments with fewer than 20 dwellings, bins may be collected from a kerbside location. The kerbside bin holding location must be temporary and must not impede pedestrian or vehicle access;</i></p> <p>(xiii) <i>For developments with 20 or more dwellings, bins must be collected onsite and are to be collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance;</i></p> <p>(xiv) <i>Where onsite access is required, the development must be designed to allow for access by garbage collection vehicles in accordance with the limiting dimensions of a Medium Rigid Vehicle (MRV) stipulated by AS 2890.2; and</i></p> <p>(xv) <i>The collection vehicles must enter and exit the site in a forward direction and not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.</i></p>

Explanation	<p>Recent developments with 20 or more dwellings that only provide kerbside waste collection have caused significant impacts on the amenity of footpaths and pedestrian access.</p> <p>The reference to garbage collection vehicle dimensions has been replaced by the standardised reference to the limiting dimension of MRVs in AS 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities, which encapsulates the envelope dimensions of all of Council's existing garbage collection vehicles and potential new vehicles that may be acquired in the future.</p>
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Item 18 To remove Garbage Truck Dimension specification

Part 3N - Waste Minimisation & Management

Existing DCP Provision

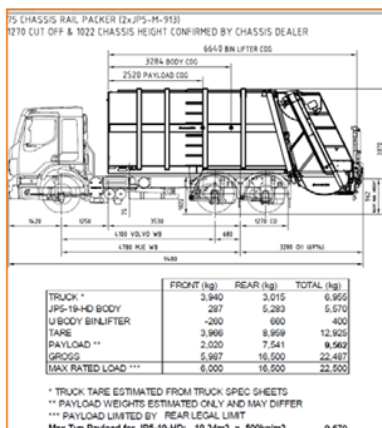
3N.5.2 Garbage Truck Dimension for Residential Waste Collection.

This Part includes information regarding the dimensions of garbage trucks that are typically used for the collection of residential waste. Developments that require Council garbage trucks to enter the site for the collection of residential waste must be designed to accommodate on-site truck movement.

Requirements regarding vehicle turning circles and driveway width/gradient are contained in Australian Standard 2890.2 2002/Planning Facilities — off street commercial vehicles.

Typical Council Garbage Truck used for Domestic Waste Collection

Length overall	9.48 metres
Operational height	4.5 metres
Travel height	4.5 metres
Weight (vehicle and load)	22.5 tonnes

	 <p>75 CHASSIS RAIL PACKER (2xJP5-M-913) 1270 CUT OFF & 1022 CHASSIS HEIGHT CONFIRMED BY CHASSIS DEALER</p> <table border="1"> <thead> <tr> <th></th><th>FRONT (kg)</th><th>REAR (kg)</th><th>TOTAL (kg)</th></tr> </thead> <tbody> <tr> <td>TRUCK *</td><td>3,940</td><td>3,015</td><td>6,955</td></tr> <tr> <td>JP5-19-HD BODY</td><td>287</td><td>5,283</td><td>5,570</td></tr> <tr> <td>U BODY BIN/LIFTER</td><td>~200</td><td>960</td><td>400</td></tr> <tr> <td>TARE</td><td>3,960</td><td>8,959</td><td>12,920</td></tr> <tr> <td>PAYLOAD **</td><td>2,020</td><td>7,541</td><td>9,569</td></tr> <tr> <td>GROSS</td><td>5,987</td><td>16,500</td><td>22,487</td></tr> <tr> <td>MAX RATED LOAD ***</td><td>6,000</td><td>16,500</td><td>22,500</td></tr> </tbody> </table> <p>* TRUCK TARE ESTIMATED FROM TRUCK SPEC SHEETS ** PAYLOAD WEIGHTS ESTIMATED ONLY AND MAY DIFFER *** PAYLOAD LIMITED BY REAR LEGAL LIMIT Max Typ Payload for JP5-19-HD: 19.34m³ x 500kg/m³ 9,670</p>		FRONT (kg)	REAR (kg)	TOTAL (kg)	TRUCK *	3,940	3,015	6,955	JP5-19-HD BODY	287	5,283	5,570	U BODY BIN/LIFTER	~200	960	400	TARE	3,960	8,959	12,920	PAYLOAD **	2,020	7,541	9,569	GROSS	5,987	16,500	22,487	MAX RATED LOAD ***	6,000	16,500	22,500
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MAX RATED LOAD ***	6,000	16,500	22,500																														
Proposed Amendment (in <i>italics</i>)	Remove from Part 3N of the DCP: 3N.5.2 Garbage Truck Dimension for Residential Waste Collection																																
Explanation	Council has recently acquired new garbage collection vehicles that are not of the same dimensions as the existing vehicles. It has been identified that all Council garbage collection vehicles are within the envelope dimensions of Medium Rigid Vehicles (MRVs) stipulated by AS 2890.2. The existing control 3N.3.2 C11 (xiv) has been updated in the above item (refer to amendment Item 17) where the reference to the "Typical Council Garbage Truck" is replaced by MRV dimensions.																																

Item 19 To clarify the sample Waste / Recycling rates

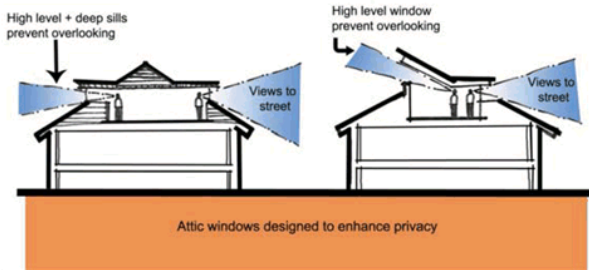
Part 3N - Waste Minimisation & Management

Existing DCP Provision	3N.3.1 General Requirements Note: Waste/Recycling Generation Rates for various commercial and residential developments are provided in Table 2 .
Proposed Amendment (in <i>italics</i>)	3N.3.1 General Requirements Note: Waste/Recycling Generation Rates for various commercial & residential developments are provided <i>as indicative references only</i> in Table 2 .
Explanation	Table 2 is an extract from the <i>Better Practice Guide for Waste Management in Multi-Unit Dwellings</i> prepared by the EPA to assist in the management of waste services. Clarification is required to state that the waste and recycling rates in Table 2 are provided as an indicative guide only, and not to be used as a control for the design of waste management.

Item 20 To include the provision for private open space in the building setback	
Part 4A - Dwelling Houses	
Existing DCP Provision	<p>4A.2.8 Building Setbacks</p> <p>O3 To provide adequate space for landscaped areas and entries to dwellings and retain existing trees;</p>
Proposed Amendment (in <i>italics</i>)	<p>4A.2.8 Building Setbacks</p> <p>O3 To provide adequate space for <i>private open space</i>, landscaped areas and entries to dwellings and retain existing trees;</p>
Explanation	In residential dwellings, the private open space is typically located within the rear setback. The objective is amended to ensure building setbacks are able to sufficiently accommodate private open spaces.

Item 21 To correct reference to Part 3L – Landscaping	
Part 4A - Dwelling Houses	
Existing DCP Provision	<p>4A.2.9 Landscaped Area</p> <p>C4 Any building, ancillary structure such as swimming pools, garages, sheds and cabanas, secondary dwellings, retaining/masonry walls and driveways must be sited to retain and protect existing trees, including street trees and trees on adjoining properties (refer to Part 3F - Tree Management).</p>
Proposed Amendment (in <i>italics</i>)	<p>4A.2.9 Landscaped Area</p> <p>C4 Any building, ancillary structure such as swimming pools, garages, sheds and cabanas, secondary dwellings, retaining/masonry walls and driveways must be sited to retain and protect existing trees, including street trees and trees on adjoining properties (refer to Part 3L – Landscaping & Tree Management).</p>
Explanation	Part 3F was removed in a previous BBDCP amendment and integrated into Part 3L .

Item 22 To insert a visual privacy control for attic / dormer windows	
Part 4A - Dwelling Houses	
Existing DCP Provision	<p>4A.3.2 Roofs and Attics/Dormers</p> <p>C8 The form and placement of any attic windows must respect the privacy of neighbouring properties.</p>
Proposed Amendment (in <i>italics</i>)	<p>4A.3.2 Roofs and Attics/Dormers</p> <p>C8 The form and placement of any attic windows must respect the <i>visual</i> privacy of neighbouring properties <i>and minimise overlooking (refer to Figure 19)</i>.</p>

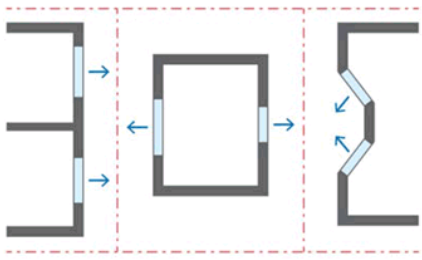
	<p>Figure 19 - Attic Windows Designed to Enhance Privacy</p> 
Explanation	<p>The same figure showing <i>Attic Windows Designed to Enhance Privacy</i> is located in Part 4B Multi Dwelling Housing. This is inserted in Part 4A to ensure consistency for all attic / dormer windows.</p>

Item 23 To define maximum side fence heights	
Part 4A - Dwelling Houses	
Existing DCP Provision	<p>4A.3.3 Fences</p> <p>C19 The maximum height of a rear fence is not to exceed 1.8 metres.</p>
Proposed Amendment (in <i>italics</i>)	<p>4A.3.3 Fences</p> <p>C19 The maximum height of <i>side or rear fences</i> is not to exceed 1.8 metres.</p>
Explanation	<p>There is no prescribed control for the maximum height of side fences.</p>

Item 24 To remove reference to an incorrect figure	
Part 4A - Dwelling Houses	
Existing DCP Provision	<p>4A.4.1 Visual Privacy</p> <p>C1 The privacy needs of residents should be considered in designing a new dwelling or alterations and additions to a dwelling and where appropriate incorporate the privacy measures identified in Figure 24.</p>
Proposed Amendment (in <i>italics</i>)	<p>4A.4.1 Visual Privacy</p> <p>C1 The privacy needs of residents should be considered in designing a new dwelling or alterations and additions to a dwelling.</p>
Explanation	<p>Reference to Figure 24 is removed as it does not relate to visual privacy.</p>

Item 25 To address inconsistency caused by a typing error and to reinforce existing visual privacy controls	
Part 4A - Dwelling Houses	
Existing DCP Provision	<p>4A.4.1 Visual Privacy</p> <p>C2 Visual privacy for adjoining properties must be minimised by:</p> <ul style="list-style-type: none"> a. Using windows which are narrow, or glazing which is translucent or obscured; b. Ensuring that windows do not face directly on to the windows, balconies or courtyards of adjoining dwellings; c. Screening opposing windows, balconies and courtyards; and d. Increasing sill heights to 1.5 metres above floor level.
Proposed Amendment (in <i>italics</i>)	<p>4A.4.1 Visual Privacy</p> <p>C2 Visual privacy for adjoining properties must be <i>protected</i>. A combination of the following measures should be utilised:</p> <ul style="list-style-type: none"> a. Using windows which are narrow, or glazing which is translucent or obscured; b. Ensuring that windows do not face directly on to the windows, balconies or courtyards of adjoining dwellings; c. Screening opposing windows, balconies and courtyards; d. Increasing sill heights to 1.5 metres above floor level; <i>and/or</i> e. <i>Offset or splay windows to prevent direct overlooking into adjacent buildings (refer to Figure 22).</i>
Explanation	Current controls for visual privacy may not be achievable as not all techniques can be used at the same time. The privacy protection methods should be prescribed as techniques that could be used based on design and circumstance. Reference is added to Figure 22 , the new diagram relating to the visual privacy measure of offsetting windows (refer to amendment Item 26 below).

Item 26 To insert a diagram identifying visual privacy measures	
Part 4A - Dwelling Houses	
Existing DCP Provision	No diagram or drawing relating to visual privacy.

Proposed Amendment (in <i>italics</i>)	<p>4A.4.1 Visual Privacy</p> <p>Insert new diagram</p> <p>Figure 22 – Example of Visual Privacy Measure – Offset of Windows</p> 
Explanation	Currently, there are no diagrams demonstrating the visual privacy measure of offsetting or splaying windows to minimise direct overlooking.

Item 27 To delete duplicate visual privacy control

Part 4A - Dwelling Houses

Existing DCP Provision	<p>4A.4.1 Visual Privacy</p> <p>C3 The privacy needs of residents should be considered in designing a new dwelling or alterations and additions to a dwelling and where appropriate incorporate the privacy measures identified in Figure 21.</p>
Proposed Amendment (in <i>italics</i>)	<p>4A.4.1 Visual Privacy</p> <p>Delete C3</p>
Explanation	C3 is a duplication of C1 in 4A.4.1 Visual Privacy .

Item 28 To amend control for garage heights

Part 4A - Dwelling Houses

Existing DCP Provision	<p>4A.4.8 Car Parking</p> <p>C14 Garages and Carports must be no higher than 2.4 metres for a flat roof or 3 metres for a pitched roof.</p>
Proposed Amendment (in <i>italics</i>)	<p>4A.4.8 Car Parking</p> <p>C14 Garages and carports must be no higher than 3 metres and have a roof form that is compatible with surrounding developments.</p>

Explanation	Existing controls are overly restrictive and fail to address the surrounding streetscape character.
-------------	---

Item 29 To relocate the window control for visual privacy to the correct subheading	
Part 4B - Multi Dwelling Housing	
Existing DCP Provision	<p>4B.4.5 Visual Privacy</p> <p>For decks and balconies:</p> <p>C5 The number of windows directly overlooking adjacent dwellings is to be kept to a minimum. Where windows unavoidably overlook adjacent properties, they will have high sills (1500mm is suggested), frosted glazing, be screened or use some other method to maximize privacy;</p> <p>C6 Facing windows closer than 9 metres require privacy measures such as those suggested in Figure 21; and</p>
Proposed Amendment (in <i>italics</i>)	<p>4B.4.5 Visual Privacy</p> <p>For windows:</p> <p>C3 The number of windows directly overlooking adjacent dwellings is to be kept to a minimum. Where windows unavoidably overlook adjacent properties, they will have high sills (1500mm is suggested), frosted glazing, be screened or use some other method to maximize privacy; <i>and</i></p> <p>C4 Facing windows closer than 9 metres require privacy measures such as those suggested in Figure 21.</p>
Explanation	C5 and C6 for visual privacy relate to windows and not decks / balconies. The controls are relocated under the existing "For windows" subheading.

Item 30 To remove duplicated provisions relating to site facilities	
Part 4B - Multi Dwelling Housing	
Existing DCP Provision	<p>4B.4.9 Site Facilities</p> <p>C9 Any electrical kiosk, fire booster assembly or similar utilities will be in a location that is visible from the main entrance of the development, unable to be obstructed, and readily accessible to vehicles and service staff.</p> <p>C10 Fire booster assemblies are to be a minimum of 10m distance to an electrical kiosk, and housed within the external face of the building structure or in a built enclosure with screen doors. The enclosure is to be integrated with the architectural design of the development and compliant with AS2419. Applicants are encouraged to provide landscaping that will</p>

	not impede access to, and effective use of, the utilities to reduce the visual impact of the utilities on the streetscape and public domain.
Proposed Amendment (in <i>italics</i>)	4B.4.9 Site Facilities C9 Any electrical kiosk, fire booster assembly or similar utilities <i>are to comply with the provisions of Part 3L - Landscaping.</i>
Explanation	Identical controls relating to the location and design of electrical kiosk, fire booster assembly or similar utilities are located within Part 3L.2 of the BBDCP. To avoid duplication, Part 3L is nominated as the only DCP chapter which contains specific provisions relating to the location and design of these facilities.

Item 31 To correct a spelling error	
Part 4C - Residential Flat Buildings	
Existing DCP Provision	4C 1.1 Land to which this Part Applies • Top Shop Housing; and
Proposed Amendment (in <i>italics</i>)	4C 1.1 Land to which this Part Applies • <i>Shop Top</i> Housing; and
Explanation	"Shop top housing" is the standard LEP instrument term.

Item 32 To remove specific reference to "B2 and B4" zones	
Part 4C - Residential Flat Buildings	
Existing DCP Provision	4C 1.1 Land to which this Part Applies For controls relating to mixed use development (where commercial and residential uses are proposed within the one building) in the business zones (i.e. B2 and B4) refer also to Part 5 - Business Centres .
Proposed Amendment (in <i>italics</i>)	4C 1.1 Land to which this Part Applies <i>For controls relating to mixed use developments (where commercial and residential uses are proposed within the one building) in the business zones refer also to Part 5 - Business Centres.</i>
Explanation	Mixed use developments are permitted in other business zones and are not limited to the B2 and B4 zones. The current wording may be misinterpreted to only apply to B2 and B4 zones.

Item 33 To insert provisions relating to electrical kiosk, fire booster assembly or similar utilities	
Part 4C - Residential Flat Buildings	
Existing DCP Provision	<p>4C.4.7 Site Facilities</p> <p>No control relating to the location and design of electrical kiosk, fire booster assembly or similar utilities within residential flat building developments.</p>
Proposed Amendment (in <i>italics</i>)	<p>4C.4.7 Site Facilities</p> <p><i>C11 Any electrical kiosk, fire booster assembly or similar utilities are to comply with the provisions of Part 3L - Landscaping.</i></p>
Explanation	Consistent controls relating to the location and design of electrical kiosk, fire booster assembly or similar utilities must be provided for both multi dwelling housing and residential flat building developments. The same reference to Part 3L as amendment Item 30 is introduced to avoid duplications in the DCP.

Item 34 To reference adaptable housing requirements	
Part 4C - Residential Flat Buildings	
Existing DCP Provision	<p>4C.5.1 Adaptable Housing</p> <p>No reference to Part 3C – Access and Mobility.</p>
Proposed Amendment (in <i>italics</i>)	<p>Add new control to 4C.5.1 Adaptable Housing</p> <p><i>C2 Adaptable and accessible housing is to be provided in accordance with Part 3C - Access and Mobility.</i></p>
Explanation	No cross reference to Part 3C is provided within the Adaptable Housing section of Part 4C .

Item 35 To remove the layout control for sites over 2000m ²	
Part 4C - Residential Flat Buildings	
Existing DCP Provision	<p>4C.6.2 Design and Siting</p> <p>C1 The design and layout of development on sites in excess of 2000 m², in particular:</p> <p>(i) Development along the street frontage must consist of multi dwelling housing (with a maximum height of two storeys plus attic (refer to Part 4C.3.4 - Roofs and Attics/Dormers).</p>

	(ii) Any proposed apartment building must be situated to the rear of the site, behind the multi dwelling housing, to minimise the bulk and scale of the development and its visual impact on the streetscape.
Proposed Amendment (in <i>italics</i>)	4C.6.2 Design and Siting C1 The design and layout of development on sites in excess of 2000m ² <i>must be appropriate to the bulk and scale of surrounding developments.</i>
Explanation	The building typology of having multi dwelling form at the street frontage and RFBs to the rear is not applicable to all sites that are over 2,000m ² . To appropriately respond to surrounding developments, some sites may require the RFB form to be situated at the front of the site and low-scale dwellings to the rear, or other appropriate site planning arrangements.

Item 36 To remove duplicated provisions relating to electrical kiosk, fire booster assembly or similar utilities	
Part 6 - Employment Zones	
Existing DCP Provision	<p>6.3.8 Site Facilities</p> <p>C14 Any electrical kiosk or fire booster assembly required must be located in an unobtrusive location away from pedestrian and vehicle entrances to the property and not located within the main street setbacks. The utilities shall be screened using landscaping and/or a built screen so as not to reduce the visual amenity of the development, landscape treatment or the streetscape and public domain. The location of, and screening treatment surrounding the utility shall be approved by Council's Landscape Architect prior to their installation.</p> <p>C15 Fire booster assemblies shall be housed within the external face of the building structure where possible.</p> <p>6.3.9 Landscape</p> <p>C22 Fire booster valve assemblies, water tanks, electrical kiosks and waste storage areas must not be located in landscaped areas nor in the street setback (refer to Part 6.3.8 - Site Facilities). They are to be appropriately screened by a built enclosure or landscaping so as not to impact the amenity of the public domain (refer Part 3L - Landscaping).</p> <p>C23 Electrical kiosks, fire booster assemblies or similar utilities shall be located in an unobstructive location away from vehicular and pedestrian entries and not within the landscape setback. The utilities must be screened by a built enclosure or landscaping so as not to reduce the amenity of the development, streetscape or public domain.</p>

Proposed Amendment (in <i>italics</i>)	<p>6.3.8 Site Facilities</p> <p>C14 <i>Any electrical kiosk, fire booster assembly or similar utilities are to comply with the provisions of Part 3L - Landscaping.</i></p> <p>6.3.9 Landscape</p> <p>Remove C22 and C23 as similar provisions relating to the design and location of site facilities have been addressed in 6.3.8 Site Facilities.</p>
Explanation	Identical controls relating to the location and design of electrical kiosk, fire booster assembly or similar utilities are located within Part 3L of the BBDCP. To avoid duplication, Part 3L is nominated as the only DCP chapter which contains specific provisions relating to the location and design of these facilities.

Item 37 To insert a front setback control for child care centres	
Part 7C - Child Care Centres	
Existing DCP Provision	No setback control.
Proposed Amendment (in <i>italics</i>)	<p>Add new control to 7C.2 Design, Layout and Location</p> <p>C2 <i>New development must be sited to follow the prevailing front setback pattern. If the development is located in a residential zone, the building envelope must comply with Part 4 – Residential Development.</i></p>
Explanation	<p>There is no front setback control for child care centres within the existing DCP. The propose control intends to ensure that new development will be compatible with the streetscape pattern and character.</p> <p>It is to be noted that the Department of Planning & Environment has recently exhibited a draft Child Care Planning Guideline as part of the draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. Council has prepared a submission on the draft Child Care SEPP and Guideline raising concerns for the simplicity and inadequacies of the controls proposed. It is not known at this stage whether the draft Child Care SEPP will be adopted by the Department, and the extent of amendments that will be made.</p> <p>In the meantime, Part 7C of the BBDCP will continue to be in force and ensure appropriate development outcome for child care developments.</p>

Item 38 To correct a spelling error	
Part 7C - Child Care Centres	
Existing DCP Provision	<p>7C.2 Design, Layout and Location</p> <p>C12 Early Childhood Education and Care Service are not permitted in the following locations:</p> <p>(i) Cul-de-sacs;</p>
Proposed Amendment (in <i>italics</i>)	<p>7C.2 Design, Layout and Location</p> <p>C13 Early Childhood Education and Care Service are not permitted in the following locations:</p> <p>(i) <i>Cul-de-sacs</i>;</p>
Explanation	Correction of spelling error for cul-de-sacs.

Item 39 To provide car parking rates for existing developments within the Mascot Station Precinct (MSP)	
Part 9A - Mascot Station Town Centre Precinct	
Existing DCP Provision	No control relating to car parking rates for existing office, commercial or retail developments.
Proposed Amendment (in <i>italics</i>)	<p>Add new objective and control:</p> <p>9A.4.4.9 Car Parking Rates</p> <p>Objectives</p> <p>O1 <i>To provide an appropriate level of onsite parking for existing office, commercial and retail developments within the Mascot Station Precinct.</i></p> <p>Controls</p> <p>C1 <i>Existing developments must comply with the following car parking rates:</i></p> <ul style="list-style-type: none"> ▪ <i>Office development: 1 space per 80m² GFA</i> ▪ <i>Commercial and retail development: 1 space per 60m² GFA within 800m of Mascot Station</i> ▪ <i>Commercial and retail development: consistent with the recommendations of the Mascot TMAP</i> <p>C2 <i>Where an inconsistency with the car parking rates outlined in Part 3A - Car Parking is identified, this Part shall prevail for existing developments only.</i></p>

Explanation	<p>All car parking rates, including the rate of 1 space / 80m² GFA for office developments were removed from 9A.4.4.11 as part of the blanket removal in BBDP Amendment 3 to prevent conflicts with the residential parking rates specified by SEPP 65 / ADG. Currently, applicants are to refer to the car parking rates stipulated in Part 3A Car Parking for all developments within the former Botany Bay LGA, which is generally 1 space / 40m² GFA for office developments.</p> <p>For some of the older development within the Mascot Station Precinct that pre-date the ADG, any change of use to an existing development requires compliance with Part 3A, which specifies a higher parking rate than what was previously specified in Part 9A. This may not be physically possible for existing developments without proposing alterations to the existing building.</p> <p>The proposed office development parking provision matches the previous DCP provisions. The commercial and retail parking provision follows the rate recommended by the Mascot Town Centre Precinct Transport Management Accessibility Plan (TMAP).</p>
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Financial Implications

Advertising and printing costs for public exhibition would be required. This is included in the existing approved budget allocated for all DCP amendments.

Community Engagement

Under Clause 22 of the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), a council may amend a development control plan by a subsequent development control plan and the requirements for the public exhibition under Clause 18 are as follows:

- Give public notice in a local newspaper of the places, dates and times for inspection of the draft plan,
- Publicly exhibit at the places, on the dates and during the times set out in the notice, a copy of the draft plan, and a copy of any relevant local environmental plan or deemed environmental planning instrument, and
- Specify in the notice the period during which submissions about the draft plan may be made to the council (which must include the period during which the plan is being publicly exhibited).

In accordance with the EP&A Regulation, the draft DCP will be placed on public exhibition for a minimum of 28 days. A report on the submissions will be referred to Council at the conclusion of the public exhibition period.

Attachments

- 1 Amendment **items 1-5** to Part 2 - Notification & Advertising
- 2 Amendment **items 6-7** to Part 3A - Car Parking

Item 8.3

Council Meeting 10/05/2017

- 3 Amendment **item 8** to Part 3C - Access & Mobility
- 4 Amendment **item 9** to Part 3E - Subdivision & Amalgamation
- 5 Amendment **items 10-12** to Part 3J - Aircraft Noise & OLS
- 6 Amendment **items 13-15** to Part 3L - Landscaping & Tree Management
- 7 Amendment **items 16-19** to Part 3N - Waste Minimisation & Management
- 8 Amendment **items 20-28** to Part 4A - Dwelling Houses
- 9 Amendment **items 29-30** to Part 4B - Multi Dwelling Housing
- 10 Amendment **items 31-35** to Part 4C - Residential Flat Buildings
- 11 Amendment **item 36** to Part 6 - Employment Zones
- 12 Amendment **items 37-38** to Part 7C - Child Care Centres
- 13 Amendment **item 39** to Part 9A - Mascot Station Precinct

Part 2 Notification And Advertising



Development Control Plan





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2.1 Purpose of Notification

The purpose of this Part of the DCP is to ensure public participation for the assessment of applications is conducted in a transparent and orderly manner; and that the notification requirements of development applications, Section 82A Review Applications, Section 96 Applications and/or Building Certificate Applications is clearly communicated with stakeholders (ie. the applicant, community, and the NSW State Government).

This Part sets out the requirements and procedures for notifying landowners that may be affected by, or are in the vicinity of, a property that is the subject of a development application, Section 82A Review Application, Section 96 Application and/or Building Certificate Application.

2.1.1 General Objectives

- O1 To advise adjoining and nearby land owners of applications lodged with Council;
- O2 To establish criteria where notification may or may not be required;
- O3 To provide the opportunity for public participation in the planning process that is appropriate to the type and form of development proposed;
- O4 To ensure applications are referred to the appropriate State Government Department, public authority and other organisations, where necessary; and
- O5 To ensure a consistent, transparent and effective development assessment process.



2.2 Types of Development and Applications

2.2.1 Exempt and Complying Development

Exempt development is a development with minimal environmental impact and can be carried out without Council consent.

Complying development is a development that can be carried out if a complying development certificate (CDC) is issued by Council or an Accredited Certifier.

Please refer to the Botany Bay Local Environmental Plan 2013, *State Environmental Planning Policy (Three Ports) 2013*, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *State Environmental Planning Policy (Infrastructure) 2007* for additional information.

2.2.2 Local Development

For notification purposes, local development refers to development which requires consent from Council. This excludes exempt, complying, designated, nation building or State significant development.

2.2.3 Integrated Development

Integrated development is development (not being complying development) that requires approval under other Acts in addition to consent under the *Environmental Planning & Assessment Act 1979*.

2.2.4 Designated Development

Designated development is development that is declared as such by an Environmental Planning Instrument or by Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

2.2.5 Section 96 Modification

Section 96 of the *Environmental Planning and Assessment Act, 1979* makes provision for Council to modify development consents. The modified development should be substantially the same as the approved development.

There are three types of Section 96 modifications:

- **Section 96(1)** applications which are concerned with correcting a minor error, misdescription or miscalculation.
- **Section 96(1A)** applications which are concerned with minor alterations involving minimal environmental impact.
- **Section 96(2)** applications which are concerned with major alterations to development which is still substantially the same development as originally approved.



2.2.6 Building Certificate Applications

A Building Certificate is a Certificate which prevents the Council from making an Order or taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council or in relation to unauthorised building work for a period of seven (7) years from the date of issue of the certificate.

Notice of Building Certificate applications will occur where in the Council's opinion; the amenity of adjoining and neighbouring land may be affected by the works/structures identified within the Building Certificate application.

Where notification is required, a written notice will be sent to owners of the adjoining and neighbouring land. A fourteen (14) day notification period will be given to persons notified of the building certificate application.

2.2.7 Rezoning Proposals

If Council resolves to give support to a rezoning application (ie. a planning proposal), the proposal may be placed on public exhibition for community consultation. The timeframe of the public exhibition is determined by the Minister (or his delegate). Notice will be given in the local paper, the Southern Courier and placed on Council's website www.botanybay.nsw.gov.au.

Rezoning proposals can also be initiated by the Council and can cover the entire Local Government Area. In the cases of Council initiated rezoning, the Council may undertake other extensive forms of community engagement.

Further information on the planning proposal process is available on the Department of Planning & Environment's website at <http://www.planning.nsw.gov.au/LocalPlanning/GatewayProcess/tabid/291/language/en-US/Default.aspx>

2.2.8 Development Control Plans

If Council prepares a draft Development Control Plan notice will be given in the local paper - the Southern Courier and placed on Council's website www.botanybay.nsw.gov.au. Under the *Environmental Planning & Assessment Act 1979* the draft Development Control Plan will be exhibited for at least 28 days to invite comments from the community.

After considering any submissions on the draft Development Control Plan (DCP), Council may approve the DCP in the form it was exhibited, approve the DCP with alterations, or not proceed with the DCP. Council will give public notice of its decision in the local paper within 28 days of the decision.



2.2.9 Development applications referred to the **Sydney Central Planning Panel (SCPP)**

The regional panels are established to provide independent, merit based decision making on regional development. Regionally or State significant development (as at 1 October 2011) includes:

- Development with a Capital Investment Value (CIV) over \$20 million;
- Development with a CIV over \$5 million which is:
 - Council related;
 - Lodged by or on behalf of the Crown (State of NSW);
 - Private infrastructure and community facilities; or
 - Eco-tourist facilities;
- Extractive industries, waste facilities and marinas that are designated development;
- Certain coastal subdivisions;
- Development with a CIV between \$10 million and \$20 million which are referred to the regional panel by the applicant after 120 days; and
- Crown development applications (with a CIV under \$5 million) referred to the regional panel by the applicant or local council after 70 days from lodgement as undetermined, including where recommended conditions are in dispute.

More information on the role of **SCPPs** is available at <http://www.planningpanels.nsw.gov.au/>

Refer to **Figure 1** for the **SCPP** Development Assessment Process.

Deleted: Joint Regional Planning Panels

Comment [AQ1]: The planning panels that were responsible for determining regionally significant development applications (Joint Regional Planning Panels) were reconstructed in late 2011. Bayside Council is located within the Central Sydney district, which is now covered by the Sydney Central Planning Panel (SCPP).

Deleted: JRPP

Comment [AQ2]: Website link to has been provided. The updated link correctly direct to the webpage pertaining SCPP.

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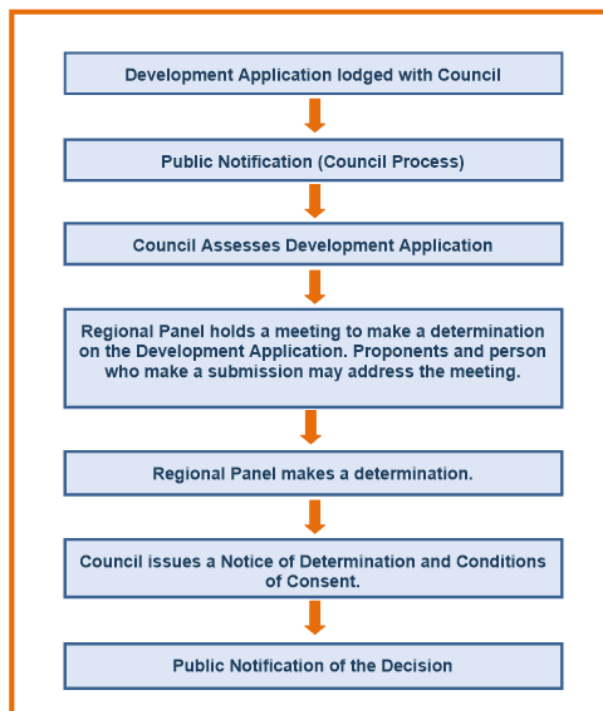


Figure 1 - ~~SCPP~~ Development Assessment Process

Source: ~~SCPP~~ Website

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2.3 Notification Procedures

2.3.1 Applications Not Requiring Notification

Council will not notify or advertise applications for proposals which in its opinion are unlikely to have any impact on the area or adjoining land. Where development is considered to be minor and will have negligible impacts on adjoining owners, the Council has the discretion to waive the requirement for notification or reduce the notification period to seven (7) days.

The following applications may not be required to be notified:

- (i) Development carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- (ii) An application to modify a consent (refer to **Part 2.2.5**) where the modification:
 - Does not relate to an objection lodged to the original application;
 - Does not propose to increase the height, scale and bulk of the approved development or alter the character of the approved development;
 - Only proposes minor changes to a design where the changes have no measurable effect upon the amenity of adjoining properties or residents in the area; or
 - Relates to technical conditions of an approval and where such conditions were not subject to an objection in relation to the original application.
- (iii) The Subdivision of land and Strata Subdivision of existing development where there is no physical change to a building or land (eg. Strata Subdivision of existing residential flat building);
- (iv) Development and Building Certificate Applications and Review of Determination Applications which, in the opinion of the Council, would have minimal to no impact on the amenity of adjoining or nearby occupants, land and buildings or traffic safety including but not limited to:
 - Change of Use of Light Industrial and Commercial Premises;
 - Change of Use and minor alterations/additions to Light Industrial or Commercial Premises in a B1, B2, B4, B5, B7 or B5 Zone where the site does not adjoin a R2, R3 or R4 Zone; and
 - Business and Building Identification Signs.

2.3.2 Applications Requiring Notification

Notwithstanding **Part 2.3.1** above, Council will notify applications which in its opinion may have potential impacts on the area and adjoining land.



2.3.3 Notification Standards

Local Development

Generally, Council will adopt the notification process outlined in **Schedule 1 and 2**. However, the Council has the discretion to alter the notification process based on the nature and effects of the proposed development (refer to **Part 2.3.1 - Applications Not Requiring Notification**).

Council will assess the size, nature and impact of the proposed development. The notification area may be extended where, in the opinion of Council, the amenity of occupiers may be affected by:

- (i) Overshadowing;
- (ii) View loss;
- (iii) Loss of privacy;
- (iv) An increase in noise levels;
- (v) Light spillage;
- (vi) Hours of use;
- (vii) Visual quality of the building in relation to the streetscape and character of the locality;
- (viii) Social impacts;
- (ix) Means of access to, or provisions of loading facilities and parking on the application site; traffic impacts; or
- (x) Risk.

Integrated Development

In addition to the notification process outlined in **Schedule 1 and 2**, integrated development will be referred to other government bodies for approval prior to the issue of development consent. The external notification will be notified generally in accordance with **Schedule 3**. Specific assessment and public consultation procedures are established for integrated development (refer to the *Environmental Planning and Assessment Act, 1979*).

Designated Development

Specific assessment and public consultation procedures are established for designated development (refer to the *Environmental Planning and Assessment Act, 1979*).

Hazardous Goods or Pipelines

Council may notify development applications for sites that are adjacent to or adjoining sites/uses/pipelines that involve the storage and/or transport of hazardous goods to the owners/operators of the adjacent/adjoining sites/uses/pipelines.



Section 96 Applications

Section 96 Applications will be notified in accordance with **Table 1**.

Table 1 - Notification for Section 96 Applications

Type of Application	Notification
Section 96(1)	Notification is not necessary under the Act
Section 96(1A)	The same notification criteria for local development applies (refer to Table 2). Those who made submissions to the original application will be notified of the modification application.
Section 96(2)	The same notification criteria for local development applies (refer to Table 2). Those who made submissions to the original application will be notified of the modification application. If the Council considers that adjoining land would be affected by the proposed modification, then adjoining landowners would be notified. No notification is given for internal changes where the modifications have no impact on the external façade or building footprint.

Strata Plan Properties

Where the landowner is under a strata plan, notice will be given to the following:

- Secretary of the Owners Corporation;
- The Proprietor(s); and
- Individual owners & occupiers.

Department of Family & Community Services - Housing NSW properties

Notification of applications will be forwarded to both the occupant/s of the dwellings and the Department of Family and Community Services NSW Housing.

Amendment to an Application Prior to its Determination

Where an amendment to an application occurs prior to the determination of the application by Council, persons who made submissions in response to the original application may be notified. Re-notification of the amendment to the application will depend on whether or not the change will have an impact on the amenity of adjoining residents or is in response to an objection to the application.



If the amendment has the potential to create additional impact, those persons that may be affected shall be notified of the proposal as amended.

2.3.4 Newspaper Notice

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Table 2 outlines the type of development application requiring a notice in the local newspaper (i.e. the Southern Courier). The notice provides the following information:

- The address of the property;
- The applicant;
- A brief description of the application;
- Development application number;
- Notification period; and
- When and where the development application can be inspected.

For applications requiring a notice in the newspaper refer to **Table 2**.

Table 2 - Newspaper Notice Requirement

Type of Development Application	Newspaper Notice Requirement
Local development	Advertisements in the local newspaper for proposed local development will be in accordance with Schedule 2 .
Integrated development	Advertisements in the local newspaper for proposed integrated development will be in accordance with the provisions of the <i>Environmental Planning & Assessment Regulation 2000</i> (ie minimum of 30 days).
Designated development	The preparation of an Environmental Impact Statement (EIS) is required for designated development which must be exhibited in the daily newspaper pursuant to the provisions of the <i>Environmental Planning and Assessment Act 1979</i> and its <i>Regulation</i> .
Section 96 applications	Notice of the proposed Section 96 modification development application may be placed in the local newspaper depending upon the nature of the application.

2.3.5 Site Notices

Council will provide notification sign(s) to be placed on a development site. The site notices are to be prominently placed on the main frontage(s) of the site(s) to enable them to be read from a public place. Notices must contain details of the proposed development and information on the exhibition period.

Comment [AQ3]: Relocate from duplicate heading 2.4.3 Site Notice

The site notice will be installed on or before the start of the notification period, unless there are exceptional circumstances such as extreme bad weather. Council will replace a site notice if the contact officer for the application is advised by fax, email or letter that it has been removed or damaged during the first week of the notification period. Unauthorised removal of the sign will not result in the re-notification of the application;



extension of the notification period or make the notification process void. For applications requiring a notice in the newspaper refer to **Table 3**.

Table 3 - Site Notice Requirement

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Type of Development Application	Site Notice Requirement
Local Development	Site notices will be required for local development in accordance with Table 4 (refer to Schedule 2).
Integrated Development	Site notices will be required for integrated development in accordance with Table 4 (refer to Schedule 2).
Designated Development	Specific assessment and public consultation procedures are established for designated development (refer to the <i>Environmental Planning and Assessment Act, 1979</i>).
Section 96 Applications	Notice of the proposed Section 96 modification development application may be placed in the local newspaper depending upon the nature of the application.

Council will provide notification signs to be placed on a development site. The site notices are to be prominently placed on the main frontage(s) of the site(s) able to be read from a public place.

Notices must contain details of the proposed development, information on the exhibition period and a sketch plan of the site.



2.4 Notification Requirements

2.4.1 Notification Letter

Notification letters shall provide the following information to adjoining or neighbouring landowners:

- (i) A description of the land to which the application relates, including the address;
- (ii) The proposed use/description of the building or development;
- (iii) An invitation to view the application online on the Council's website and/or at Council's customer service centres;
- (iv) The time period within which written submissions are to be lodged; and
- (v) A note explaining that only valid objections will be reported to Council.

2.4.2 Notification Plans

Notification plans will be made publically available for the public to view on Council's website and at the customer service centres during the public notification period.

Notification plans shall be prepared by the applicant and submitted with the Development Application, Section 96 Modification, Section 82A Review Application and/or Building Certificate Application.

Applicants are to refer to the Council's guidelines for the requirements of notification plans, available on the Council website.

Deleted: plans

Comment [AQ4]: As part of the introduction of digital lodgements in 2017, hardcopies are removed from the submission requirements. All applications will be made available for inspection on Council's website or digitally on a screen at the customer service centres.

Deleted: <#>The time and location where the development application can be inspected, including the dates the plans will be available

Deleted: that

Deleted: accompany the notification letter shall

Deleted: :

Comment [AQ5]: The Development Advisory Services team (DAS) has prepared a DA Guideline which details requirements for notification plans. This is located on Council's website for easy access for the general public and to streamline future amendments to the requirements for notification plans. Amendments to online guidelines are subject to the process of mandatory public exhibition and community consultation

Deleted: <#>Be prepared by the applicant and submitted with the development application.
<#>Include a site plan showing relationship of existing building proposed buildings to lot boundaries and buildings on adjoining properties (where appropriate)
<#>Be drawn at a scale so as to delineate the features of the proposed building.
<#>Include drawings at a scale which clearly show dimensions in order to indicate size, height and position of the proposed building on the site on which it is to be erected; and
<#>Clearly indicate proposed building works such as alterations and additions to existing building by means of bubble or cross-hatching

A copy of the A4 plans for building works will be forwarded to adjoining neighbours and the Secretary of the Body Corporate, where applicable

Comment [AQ6]: Relocated to 2.4.3 Site Notices

Deleted: 2.4.3 Site Notices

Council will provide notification signs to be placed on a development site. The site notices are to be prominently placed on the main frontage(s) of the



2.5 Submissions

2.5.1 When to Make a Submission

Submissions must be lodged within the time specified in the notification letter. The Council may extend this period. If a written submission is received after the expiry of the notification/exhibition period but prior to Council determining the application, Council will endeavour to consider the submission.

2.5.2 Who Can Make a Submission and Inspect Plans

Any person may make a submission with respect to a development application within the exhibition period whether the person has or has not been notified.

Any person can inspect the plans whether the person has or has not been notified.

2.5.3 What to Include in a Submission

Submissions must be made in writing and addressed to the General Manager of Council and should state the application number and the address of the property that is the subject of the application. The submission must include the contact details of the respondent in order for Council to notify respondents or head petitioners of a group petition of Council's decision on the subject development application.

The submission must clearly state the ground of objection and the reason for them. In accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979*, Council can only consider the general environmental impacts of a development application such as overshadowing, privacy, traffic, streetscape or noise. Matters such as personal circumstances of individuals cannot be taken into account.

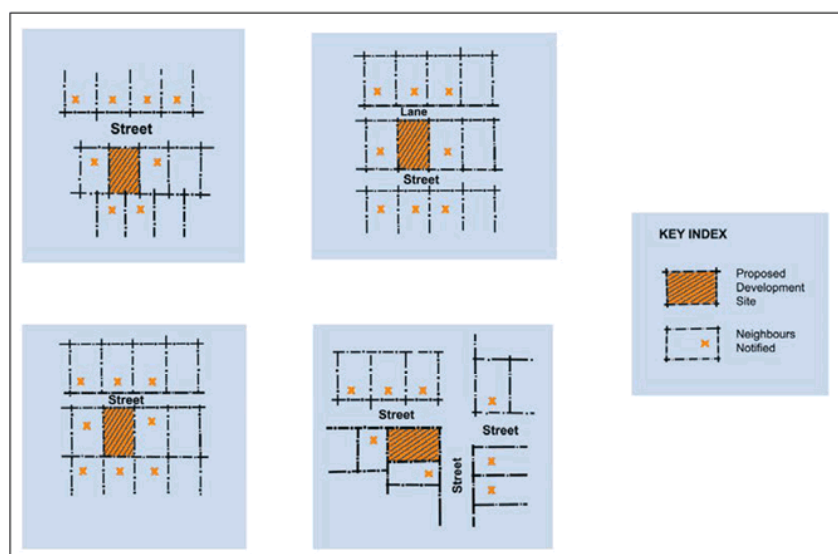
2.5.4 Confidentiality of Submissions

Submissions are not confidential. Any submission received will be summarised in a report to the Council's Development Committee considering the application; and the location of objectors will be indicated in the report.

Pursuant to the *Government Information (Public Access) Act 2009*, submissions in response to the notification of development applications etc are accessible to other parties. A person making a submission may include their name and address but request under section 739 of the Local Government Act 1993, that in any public release of the material that their place of living be omitted. This provision is only available if the person considers that disclosure places the personal safety of the person or member of the person's family at risk and must be verified by a statutory declaration.



SCHEDULE 1 - Minimum Notification of Adjoining Properties



Note: The above demonstrates the minimum properties to be notified. Council will assess the size, nature and impact of the potential development and may extend the area. Refer to **Part 2.3.3 - Notification Standards** for further information.



SCHEDULE 2 - Advertising & Notification Requirements for Local Development

Table 4 provides a guide for the external notification requirements for local development.

Table 4 - Advertising and Notification Requirements for Local Development¹

C- Construction
A/A- Alterations and Additions
C/U –Change of Use

Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Advertising signs and structure (not including building identification and business identification signs)	All	✓	✓	✗	14
Amusement centres	All	✓	✓	✓	14
Animal boarding or training establishment	All	✓	✓	✓	14
Attached dwelling	All	✓	✗	✗	14
Backpacker's accommodation	All	✓	✓	✓	14
Bed and breakfast accommodation	All	✓	✓	✓	14
Boarding house	All	✓	✓	✓	14
Boat launching ramp/boat shed	All	✓	✗	✗	14
Boat building & repair facility	C	✓	✗	✗	14
	A/A	✓	✗	✗	14

¹ Based on the wider effects of a development proposal and the public interest, an extended period of exhibition for development applications may occur if deemed necessary by Council.



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Brothel	All	✓	✓	✓	14
Building identification sign	All	✓	✗	✗	14
Bulky goods premises	All	✓	✓	✓	14
Business identification sign	All	✓	✗	✗	14
Business premises	All	✓	✗	✗	14
Carpark	All	✓	✓ (carparks that are operated for gain only)	✗	14
Change of use – non conforming use in a residential zone	All	✓	✓	✗	14
Child care centres	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Community facilities	C	✓	✓	✗	14
	A/A	✓	✓	✗	14
	CU	✓	✓	✗	14
Depot	All	✓	✗	✗	14
Dwelling houses (attached or detached) construction and additions including pools, garages etc)	C	✓	✗	✗	14
	A/A	✓	✗	✗	14
Earthworks & Excavation	Minor	✓	✗	✗	14
	Major	✓	✓	✓	14
Educational	C	✓	✓	✓	14

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Part 2 - Notification And Advertisement

Botany Bay Development Control Plan 2013 (Amendment 8)
Enforced XX/XX/XXXX



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
establishments	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Entertainment facility	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Emergency services facility	All	✓	✓	✓	14
Environmental facility	All	✓	✓	✗	14
Environmental protection works	All	✓	✓	✓	14
Flood Mitigation Works	All	✓	✗	✓	14
Food and drink premises	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Freight transport facility	All	✓	✗	✗	14
Function Centre	All	✓	✓	✓	14
Funeral home	All	✓	✓	✓	14
Garden centre	All	✓	✓	✓	14
General industry	All	✓	✗	✗	14
Group home (permanent or transitional)	All	✓	✓	✓	14
Hardware and building supplies	All	✓	✓	✓	14
Hazardous industry	All	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Hazardous storage establishment	All	✓	✓	✓	14
Health consulting rooms	All	✓	✓	✓	14
Health services facility	All	✓	✓	✓	14
Heavy industrial storage establishment	All	✓	✓	✓	14
Heavy industry	All	✓	✓	✓	14
Heritage items and development within a conservation area	C	N/A	N/A	N/A	N/A
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Non-residential development located within the vicinity of residential development	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
High technology industries	All	✓	✗	✗	14
Home businesses, home industries	All	✓	✗	✓	14
Hospitals	All	✓	✓	✓	14
Hostels	All	✓	✓	✓	14
Hotel or motel accommodation	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Industrial retail outlet	All	✓	✗	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Industrial training facility	All	✓	✗	✓	14
Industry	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Light industry	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Information and education facility	All	✓	✓	✓	14
Jetties	All	✓	✓	✓	14
Kiosks	All	✓	✓	✗	14
Landscape material supplies	All	✓	✓	✓	14
Liquid fuel depot	All	✓	✓	✓	14
Market	All	✓	✓	✓	14
Material recycling or recovery centre	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Medical centre	All	✓	✓	✓	14
Mixed use development	All	✓	✓	✓	14
Mortuary	All	✓	✓	✓	14
Multi dwelling housing	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Neighbourhood shop	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Offensive industry	All	✓	✓	✓	14
Offensive storage establishment	All	✓	✓	✓	14
Office premises	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Passenger transport facility	All	✓	✓	✓	14
Place of public entertainment	All	✓	✓	✓	14
Place of public worship	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Plant nursery	All	✓	✓	✓	14
Port facilities	All	✓	✓	✓	14
Pub	All	✓	✓	✓	14
Public administration buildings	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✓	14
Recreational area / recreational facilities (indoor, major and outdoor)	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Registered club	All	✓	✓	✓	14
Research station	All	✓	✓	✓	14
Residential care facility	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Residential flat buildings	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Restaurant or cafe	C	✓	✓	✓	14
	A/A	✓	✓	✓	14
	CU	✓	✓	✓	14
Resource recovery facility	All	✓	✓	✓	14
Respite day care	All	✓	✗	✓	14
Restricted premises	All	✓	✓	✓	14
Retail premises	C	✓	✓	✓	14
	A/A	✓	✓	✗	14
	CU	✓	✗	✗	14
Roadside stall	All	✓	✗	✗	14
School	All	✓	✓	✓	14
Secondary dwelling	All	✓	✗	✓	14
Self storage units	All	✓	✓	✓	14
Seniors Housing	All	✓	✓	✓	14
Service station	All	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
Serviced apartment	All	✓	✓	✓	14
Sex services premises	All	✓	✓	✓	14
Shops	C	✓	✗	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Shop top housing	All	✓	✓	✓	14
Signage	All	✓	✓	✓	14
Storage premises	All	✓	✗	✓	14
Subdivision <small>Note: if the Strata subdivision is not inconsistent with a consent then no notification will be required.</small>	Land	✓	✗	✗	14
	Strata	✓	✗	✗	14
Swimming pools (Commercial)	All	✓	✓	✓	14
Takeaway food or drink premises	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Timber yards	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✗	14
Tourist and visitor accommodation	All	✓	✓	✓	14
Transport depot	C	✓	✓	✓	14
	A/A	✓	✓	✓	14



Proposed use or Development		Letters to adjoining owners	Advertise in local newspaper	Notice on Site	Notification period (Days)
	CU	✓	✗	✗	14
Truck depot	All	✓	✓	✓	14
Vehicle body repair workshop	All	✓	✗	✓	14
Vehicle repair station	All	✓	✗	✓	14
Vehicle sales or hire premises	All	✓	✗	✓	14
Veterinary hospital	C	✓	✓	✓	14
	A/A	✓	✗	✓	14
	CU	✓	✗	✓	14
Warehouse or Distributions Centres	C	✓	✗	✓	14
	A/A	✓	✗	✓	14
	CU	✗	✗	✗	14
Waste or resource management facility	All	✓	✓	✓	14
Water recreation structure	All	✓	✓	✓	14
Water supply systems & sewerage systems	All	✓	✓	✓	14
Wharf or boating facilities	All	✓	✓	✓	14
Wholesale supplies	All	✓	✗	✓	14



SCHEDULE 3 - External Notification

Some development, in addition to requiring the consent from Council, will also require approval, concurrence or referral (for comment) from a public authority, State Government Department or identified agency.

In determining the external notification requirements of a development application consideration is required to be given to the integrated development and designated development provisions outlined in the Environmental Planning & Assessment Act 1979.

Table 5 provides a guide for the external notification requirements for development applications.

Table 5 - External Notification Requirements

Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
INTEGRATED DEVELOPMENT		
Fishing and Aquaculture (within NSW Department of Primary Industries)	Sections 144, 201, 205 and 219 - <i>Fisheries Management Act 1994</i>	<ul style="list-style-type: none"> Development that involves reclamation, dredging and or any work that may cover or destroy marine vegetation.
The Heritage Council	Section 58 - <i>Heritage Act 1977</i>	<ul style="list-style-type: none"> Development to land or a building that has an interim heritage order or is listed on the State Heritage Register.
NSW National Parks and Wildlife Service	Section 90 - <i>National Parks and Wildlife Act 1974</i> (NP&W Act)	<ul style="list-style-type: none"> Development where there is an Aboriginal Place (under the National Parks and Wildlife Act) over the land, or any Aboriginal objects on the land and the development proposal will damage, deface or destroy the Aboriginal object or Aboriginal place.²
Office of Environment & Heritage - NSW	Sections 43, 47, 48, 55 and 122 - <i>Protection of the Environment Operations Act 1997</i>	<ul style="list-style-type: none"> Development that currently has or may require an EPA licence in accordance with Schedule 1 of the Protection of the Environment Operations Act 1997.

² Where an Aboriginal object or Aboriginal place is found to occur on land after a development application is lodged, separate National Parks and Wildlife Service approval will be required under Section 90 of the National Parks and Wildlife Act 1974.



Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
Roads and Maritime Services	Section 138 - Roads Act 1993	<ul style="list-style-type: none"> Development that will erect a structure or carry out a work in, on or over a public road, or Development that involves digging or disturbing the surface of a public road, or Development involving removing or interfering with a structure, work or tree on a public road, or Development involving connecting to a road (whether public or private) to a classified road
Office of Water (within the Department of Primary Industries)	Water Management Act 2000	<ul style="list-style-type: none"> Development that may require water to be pumped from a river, lake, watercourse or bore. Development that involves or is likely to involve works for irrigation, water supply or drainage, changing (or preventing a change) the course of a river, or preventing the land from flooding.
Office of Water (within the Department of Primary Industries)	Water Management Act 2000	<ul style="list-style-type: none"> Within 40 metres of a water course Controlled Activity Approval
APPROVALS, REFERRALS & COMMENTS		
Department of Planning & Environment Office of Environment and Heritage (NSW Environment Protection Authority)	SEPP No. 33 - Hazardous and Offensive Development	<ul style="list-style-type: none"> Hazardous and Offensive Development – referral or preliminary hazard analysis;
Department of Planning & Environment (Manager of Hazards Unit)	Botany/Randwick Industrial Area Land Use Safety Study – 2001; The Port Botany Land Use Safety Study Overview Report – 1996 and Council's DCP	<ul style="list-style-type: none"> Development affected by the provisions of the Botany/Randwick Industrial Area Land Use Safety Study – 2001; the Port Botany Land Use Safety Study Overview Report – 1996, and Council's Development Control Plan (risk provisions (including transport and dangerous goods route



Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
Heritage Council	Botany Bay Local Environmental Plan 2013	<ul style="list-style-type: none"> Development on an archaeological site (other than land listed on the State Heritage Register or to, which an interim heritage order applies.)
Transport for NSW – (RailCorp)	Botany Bay Local Environmental Plan 2013 Infrastructure SEPP	<ul style="list-style-type: none"> Development within 25m of either side of the centre line of the Airport Line tunnel. Refer to the Airport Line Tunnel Protection Guidelines for details Other building works or developments carried out on land near or adjoining rail property, land, infrastructure or assets
ARTC	Botany Bay Local Environmental Plan 2013 Infrastructure SEPP	<ul style="list-style-type: none"> Major development within 60m of Sydenham Botany Goods Line. Other building works or developments carried out on land near or adjoining rail property, land, infrastructure or assets
Roads and Maritime Services	Infrastructure SEPP SEPP No. 64 - Advertising and Signage <i>Roads Act 1993</i> Botany Bay Local Environmental Plan 2013 Botany Bay DCP 2013	<ul style="list-style-type: none"> All works relating to a public road. Infrastructure SEPP - traffic generating developments. SEPP 64 – Advertising and Signage. Acquisition and development of land reserved for roads. Any development fronting a classified road. Any new development proposals (regardless of scale) which are located along O'Riordan Street or Robey Street (within the area defined within Figure 4 – Mascot Business Development Precinct of Part 6).
Sydney Water Corporation	<i>Sydney Water Act 1994</i>	<ul style="list-style-type: none"> Development that is likely to require a trade waste permit. Development that is likely to impact on Sydney Water owned infrastructure, including sewer, water or stormwater infrastructure. Development, which lies over/adjacent to Sydney



Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
		<p>Water owned sewer, water or stormwater infrastructure.</p> <ul style="list-style-type: none"> Development that is likely to add significant volumes of stormwater to Sydney Water owned stormwater systems. Development adjacent to the Sydney Water owned Botany Wetlands and Alexandra Canal. Development on the Eastlakes, Bonnie Doon and The lakes Golf Courses, which are owned by Sydney Water
Sydney Airport Corporation Limited	Botany Bay Local Environmental Plan 2013	<ul style="list-style-type: none"> Development that is likely to have an impact on the function/operation of the airport eg. height restrictions. (Any intrusion into prescribed airspace would constitute a controlled activity³ and as such, must be referred to Sydney Airports Corporation Limited (SACL) for an approval process (<i>Airports Act 1996 Section 186</i>))
NSW Maritime Authority (within Roads and Maritime Services)	Management of Water and Water side Land Regulations – NSW – <i>Maritime Services Act 1935</i>	<ul style="list-style-type: none"> Development that includes buildings located below the mean high water mark.
NSW Fire & Rescue		<ul style="list-style-type: none"> Major residential, commercial and industrial developments.
NSW Police Service	Protocol for the Review of Development Applications referred to the New South Wales Police Force by Botany Council.	<ul style="list-style-type: none"> Council is required to consider CPTED principles when assessing all applications. Council has discretion as to which applications will be referred to NSW Police Force for comment of Jointly reviewed by trained police and council for crime risk, depending on the size or nature of proposal and their likely impact on community safety. The protocol details a schedule of applications to be referred to NSW Police, a Procedure for referral and exchange of information.

³ Section 182 of the Airports Act 1996 defines "Controlled Activities" as: constructing a building, or other structure, that intrudes into the prescribed airspace; altering a building or other structure so as to cause the building or structure to intrude into the prescribed airspace; any other activity that causes a thing attached to, or in physical contact with the ground to intrude into the prescribed airspace.



Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
		<p>The schedule includes:</p> <ul style="list-style-type: none"> Multiple units, townhouse, villa developments (20 or more dwellings) Mixed use developments (with 20 or more dwellings) New or upgraded commercial/retail development (major work) New industrial complexes with multiple industrial units (multiple industrial works) New or upgraded schools (major works) Railway stations Large sports and community facilities (including sporting clubs, town halls, local community halls and club houses). Clubs/hotels (extended trading hours, gaming rooms etc) Service station/convenience stores Hospitals Places of Public Worship All Council owned buildings (including major alterations & additions to existing building) Unusual developments (arcades, brothels, amusement centres, upgrade of Department of Housing properties) Any other development type that council deems necessary that may have an impact upon community safety.
Adjoining Councils – Inner West, Randwick City and City of Sydney		<ul style="list-style-type: none"> Major development located within the vicinity of the Council boundary. Development that is likely to have an impact on the adjoining Council area – eg. traffic generation <p>Note: Only adjoining Local Government Authorities (Councils) will be notified not individual residents in the LGAs.</p>
Botany Historic Trust		<ul style="list-style-type: none"> Development relating to a significant heritage item identified in Botany Bay Local Environmental Plan.
Department of Sustainability, Environment, Water, Population and Communities	Commonwealth Environment Protection and Biodiversity Conservation Act 1999	<ul style="list-style-type: none"> Development which have, may have, or likely to have, a significant impact on a matter of national environmental significance which are: <ul style="list-style-type: none"> declared World Heritage areas; declared RAMSAR wetlands;

Comment [AQ7]: The former Marrickville Council has been amalgamated to form part of the Inner West Council.

Deleted: Marrickville

Comment [AQ8]: The former Rockdale Council has been amalgamated with the former Botany Bay Council.

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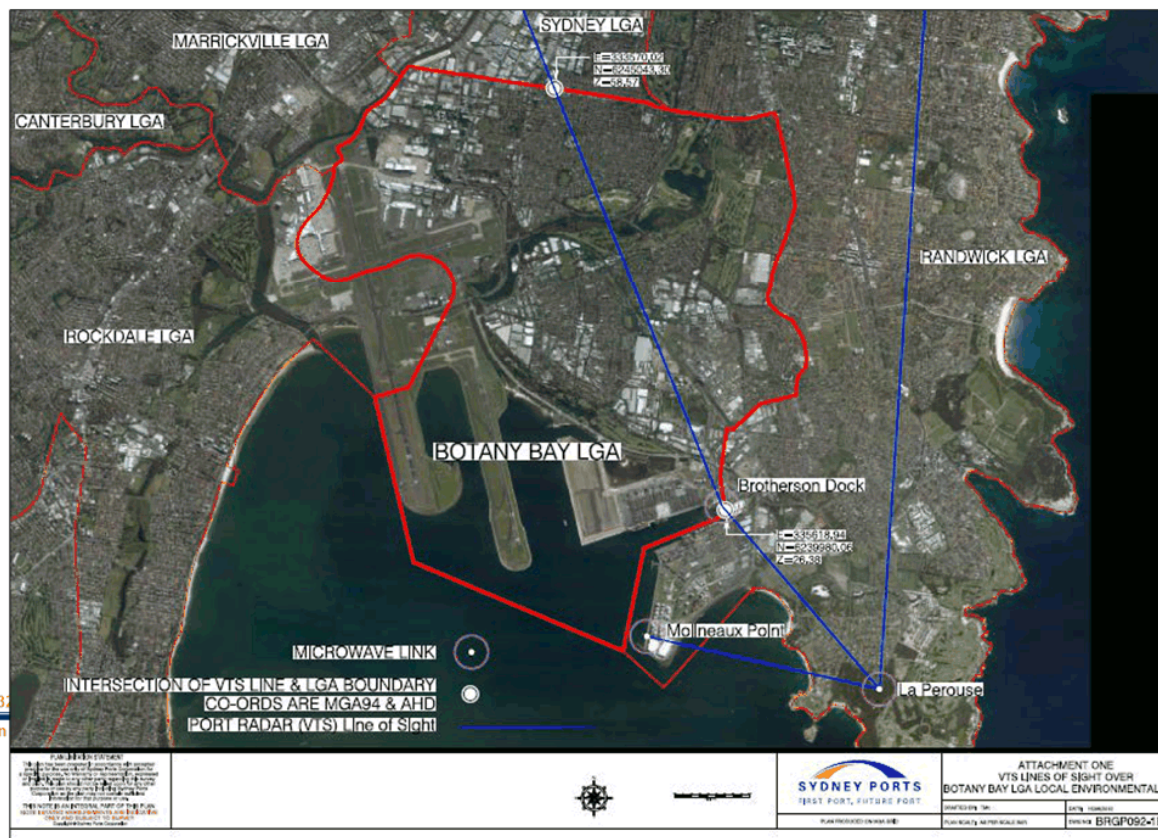


Public Authority or State Government Dept or Agency	Legislation	Development Application Note: This list is a guide only.
		<ul style="list-style-type: none"> - listed threaten species and ecological communities; - listed migratory species; - nuclear actions; and - the environment of Commonwealth marine area.
Housing NSW (within the NSW Department of Family and Community Services)		<ul style="list-style-type: none"> ▪ Large scale residential development; ▪ Major transport or infrastructure; and ▪ Significant commercial developments; residential subdivision or redevelopment applications.
Sydney Ports Corporation	<i>Ports and Waterways Administration Act 1995</i>	<ul style="list-style-type: none"> ▪ Any development application proposing a new structure within 10 metres either side (horizontally or vertically) of the "line of sight" (as detailed in Figures 2 & 3 of this Part) are to be referred to Sydney Ports Corporation for review and comment, to ensure that the proposed development does not impact on the Vessel Traffic Service system.
NSW Ports		<ul style="list-style-type: none"> ▪ Development in the vicinity of the Port and its main transport routes: <ul style="list-style-type: none"> ▫ Large scale residential development; ▫ Major transport or infrastructure; and ▫ Significant commercial developments; residential subdivision or redevelopment applications.
Division of Minerals and Energy (within Industry & Investment NSW)		<ul style="list-style-type: none"> ▪ Development in the vicinity of pipelines <p>Note: The owner/operator of the pipeline also needs to be notified.</p>
Principal of the Local School and General Manager Asset Management, NSW Department of Education & Communities.		<ul style="list-style-type: none"> ▪ Development in the vicinity of a school. ▪ Development containing 50 or more dwellings.
APA Group helm@apa.com.au Freecall 1800103452		<ul style="list-style-type: none"> ▪ Development within the zone of influence for the High Pressure Gas Pipeline – ie the shaded area in Figure 4.



Figures 2 and 3

Area affected by the microwave link within Botany Bay LGA



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 t 2 - Notification

Amendment 7)
 25/10/2016

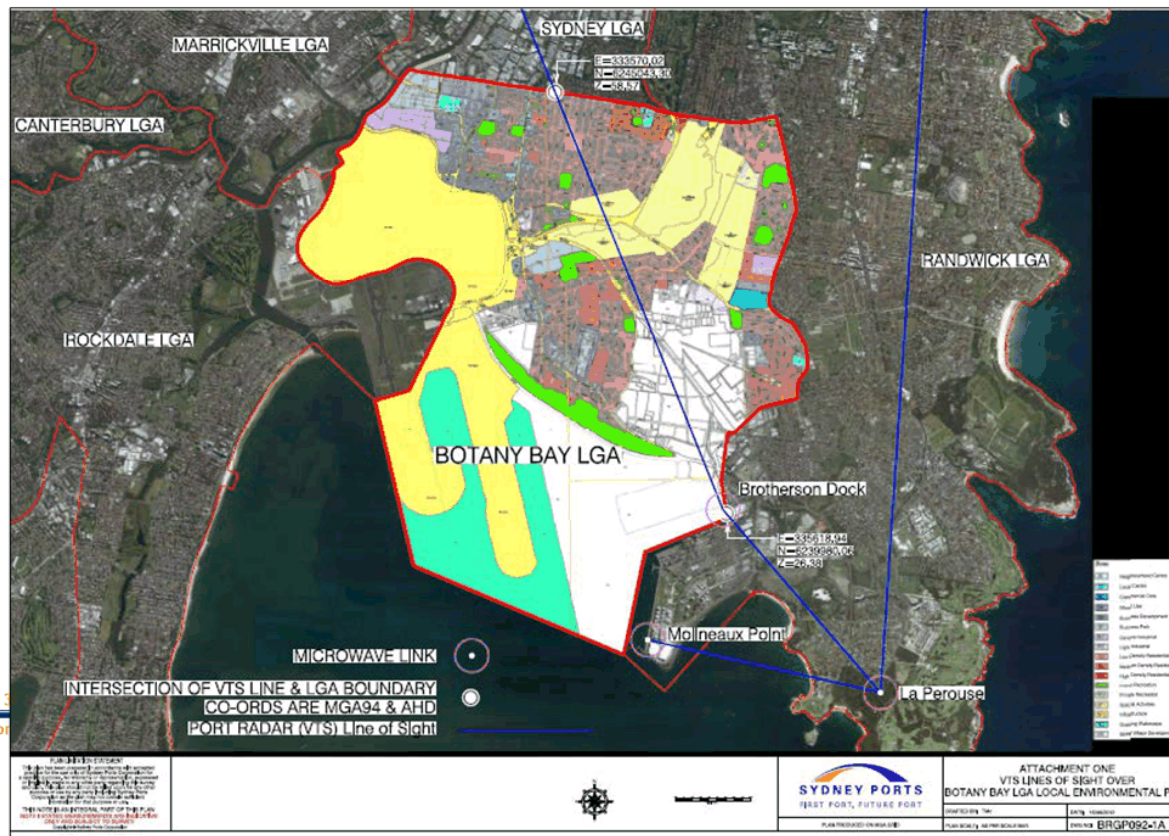




Figure 4

Zone of Influence for the High Pressure Gas Pipeline within Botany Bay LGA





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3A.1 Introduction

3A.1.1 Land to which this Part Applies

The controls in this Part of the DCP apply to all land within the City of Botany Bay where development consent is required.

This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Notification and Advertising
- Part 3 - General Controls
- Part 4 - Residential Development
- Part 5 - Business Centres
- Part 6 - Employment Zones
- Part 7 - Other Development Types and Land Uses
- Part 8 - Character Precincts
- Part 9 - Key Sites
- Part 10 - Technical Guidelines

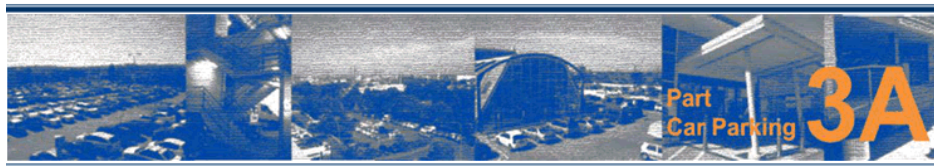
This Part applies to development that includes one or more of the following:

- (i) New buildings or floor space;
- (ii) Alterations or additions to existing buildings (including applications where the additions or alteration do not involve any change in the purpose for which such building are used); or
- (iii) Change of use.

The following key sites may have variances to the requirements of this Part:

- (i) Mascot Station Town Centre Precinct (refer to **Part 9 - Key Sites**);
- (ii) Botany South (refer to **Part 9 - Key Sites**);
- (iii) 130-150 Bunnerong Road, Eastgardens (refer to **Part 9 - Key Sites**); and
- (iv) Eastlakes shopping centre which is subject to a Part 3A Major Project Application.

Note: For the above Key Sites, if there is a discrepancy between **Part 3A - Car Parking** and **Part 9 - Key Sites**, **Part 9 will always prevail.**



3A 1.2 General Objectives

Objectives

- O1** To minimise car parking in areas which have good access to public transport to promote sustainable transport;
- O2** To ensure adequate car and bicycle parking is provided;
- O3** To minimise the visual impacts of car parks when viewed from the public domain and adjoining sites;
- O4** To maximise opportunities for consolidated areas of deep soil planting and landscaping;
- O5** To minimise traffic congestion and ensure adequate traffic safety and management;
- O6** To ensure parking facilities are safe, functional and accessible to all through compliance with design standards; and
- O7** To ensure parking provisions and design are compatible with the particular development proposed.



3A.2. Parking Provisions of Specific Uses

Objectives

- O1** To ensure the provision of parking is appropriate for the proposed use of development of the land;
- O2** To allocate adequate bicycle parking; and
- O3** To ensure convenient and safe provisions of off street car parking for people with a disability.

Controls

General

- C1** All required car and bicycle parking must be provided on-site.
- C2** Car parking provision shall be provided in accordance with **Table 1**. For land uses not specifically listed, car parking shall be provided as per the most similar use of equivalent intensity, and evidence in support of such provision of parking shall be provided to Council for assessment.

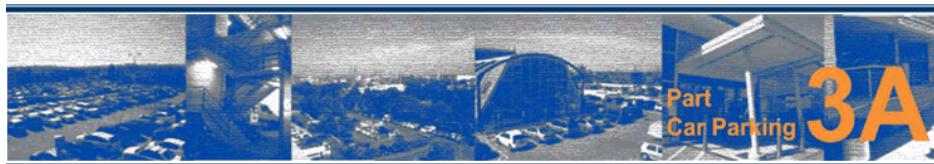
Note:

Council may reduce carparking provision in certain circumstances, as follows:

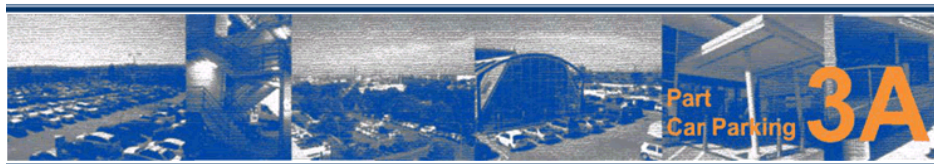
1. Peak parking and traffic activity occurs during periods where surrounding parking demand is lowest;
2. Existing site and building constraints make provision of car parking impractical;
3. Located adjacent to high-frequency public transport services and/or urban services ;
4. Includes management regimes to minimise car use, such as workplace travel plans or on-site car share schemes;
5. Provides a business or social service that benefits the local community and contributes to the vitality of the area;
6. Safety of motorists, pedestrians and cyclists is unduly compromised by provision of parking;
7. Development contributes to heritage conservation of the building and setting; or
8. In respect of a single dwelling on a single allotment where there is conflict with the design provisions in **Part 4A Dwelling Houses**.

Any request for a reduced car parking provision is to be accompanied by a Traffic and Parking Impact Assessment Report – Refer to **Part 3A.3.3 – Traffic and Transport Plans and Reports**.

- C3** The following must be considered in the calculation of parking provision rates:
 - (i) Where the calculated provision of parking numbers results in a fraction, the parking requirements shall be rounded up to the nearest whole number;
 - (ii) Where a change of use would generate a greater number of on-site parking spaces than the previous use, additional parking spaces equivalent to the difference between the previous



- use and proposed use shall be provided on-site;
- (iii) For alterations and additions to the existing development, additional parking spaces equivalent to the increase in floor area or parking provision rate stated in **Table 1** shall be provided on-site;
 - (iv) For mixed use developments, calculations of parking numbers shall be based upon each of the different uses separately. The numbers shall be rounded up to the nearest whole number before they are added together;
 - (v) For multi-unit developments, calculations of parking numbers shall be based upon each individual unit (residential, industrial units etc). The numbers shall be rounded up to the nearest whole number before they are added together;
 - (vi) Parking rate for service stations, vehicle repair and vehicle body repair stations are intended for staff and customers only and do not take into consideration areas that are to be used for vehicles being worked on, waiting to be worked on or waiting to be picked up. In order to accommodate vehicles being worked on, waiting to be worked on or waiting to be picked up, minimum six (6) parking spaces shall be provided for each service bay; and
 - (vii) Parking rate for vehicle sale and hire premises are intended for staff and customers only and do not take into consideration areas that are to be used for parking or storage of vehicles for display, sale or hire. In order to ensure there is adequate parking and manoeuvring area, a minimum 25m² of parking and manoeuvring area shall be provided for each vehicle parking or stored on-site for display, sale or hire.



Car Parking

- C4** Where tandem or stack parking is proposed, the following shall be complied with:
- (i) A maximum of two (2) spaces will be permitted for each tandem or stacked parking arrangement. No small car spaces defined in AS2890.1 shall be used as tandem or stacked parking;
 - (ii) For multi-unit developments, each tandem or stacked parking arrangement shall be allocated to the same unit/ strata title;
 - (iii) Tandem or stacked parking arrangement shall not be used for visitor parking; and
 - (iv) Shuffling of stacked vehicles shall be carried out wholly within the premises.
- C5** Parking spaces for small cars will only be permitted as visitor parking spaces or parking facilities that open to the general public. The number of parking spaces for small cars (as defined in AS2890.1) shall not exceed 5% of the total car parking spaces provided by the development.
- C6** Council may waive the requirement for onsite parking provision for single dwellings, where such provision (in the form of a garage, carport or handstand area);
- (i) Adversely impacts on the existing streetscape;
 - (ii) Adversely impacts a Heritage Item or Heritage Conservation Area; and
 - (iii) Is inconsistent with the Desired Future Character of the area.

Bicycle Parking

- C7** In every new building, where the floor space exceeds 600m² GFA (except for houses and multi unit housing) bicycle parking equivalent to 10% of the required car spaces or part therefore as required in **Table 1** shall be provided.
- C8** Residential flat buildings where the floor space exceeds 600m² GFA shall provide secure bicycle storage as per AS 2890.3.

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Table 1 - Car Parking Provisions by Land Use

Land Use	Minimum Car Parking Spaces Required (GFA refers to gross floor area)
Residential Accommodation	
Attached dwellings	1 space / dwelling
Boarding houses	As per requirements stipulated in State Environmental



		Planning Policy (Affordable Rental Housing) 2009	
Dual occupancies	1 space / dwelling with up to and including two (2) bedrooms; and 2 spaces / dwelling with more than two (2) bedrooms		
Dwelling houses	1 space / dwelling with up to and including two (2) bedrooms; and 2 spaces / dwelling with more than two (2) bedrooms		
Group homes	As per requirements stipulated in State Environmental Planning Policy (Affordable Rental Housing) 2009		
Home-based child care	1 space / employee; plus 1 space / 2 child intake capacity		
Home business	1 space / employee not resident at the site		
Home industry	1 space / employee not resident at the site		
Home occupancies (sex services)	1 space / person offering sex services		
Hostels	1 space / 5 beds; plus 1 space / 2 employees; plus 1 space for ambulance		
Multi dwelling housing	1 space/ studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; and 1 designated visitor space / 5 dwellings; and <u>1 car wash bay (visitor parking may be equipped with cold water tap and sewer connection and used as a car wash bay)</u>		Deleted: and Comment [AQ1]: The proposed c is consistent with the provision for car facilities in the Rockdale DCP 2011.
Residential flat buildings	1 space/ studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; and 1 designated visitor space / 5 dwellings; and <u>1 car wash bay (visitor parking may be equipped with cold water tap and sewer connection and used as a car wash bay)</u>		Deleted: and Comment [AQ2]: The proposed c is consistent with the provision for car facilities in the Rockdale DCP 2011.
Secondary dwelling	As per requirements stipulated in State Environmental Planning Policy (Affordable Rental Housing) 2009		
Semi-detached dwelling	1 space / dwelling		
Seniors housing	As per requirements stipulated in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004		
Shop top housing	1 space/ studio or one (1) bedroom dwelling; 2 spaces / two (2) or more bedrooms dwelling; and 1 designated visitor space / 5 dwelling.		
Commercial / Retail			
Amusement centres	1 space / 25m² GFA		



Animal boarding and training establishment	1 space / 40m ² GFA
Bulky good premises	Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / 50m ² GFA
Business premises	1 space / 40m ² GFA
Entertainment facilities	Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / 2 employees; plus 1 space / 10 seats; or 1 space / 10m ² GFA (including ancillary spaces such as kitchens, offices, foyers and the like), whichever is greater
Food and drink premises	<p>a) Restaurants and café: For developments with a gross floor area greater than 100m², the parking provision is to be provided as follows: 1 space / 2 employees; plus 1 space / 3 seats (internal and external); or 1 space / 10m² GFA, whichever is greater For developments with a gross floor area less than 100m², the parking provision recommended above is desirable, however applicants can take into account car parking available in adjacent parking areas, including on-street and its time of usage. Alternatively a parking assessment based on survey of similar sized developments can be utilised.</p> <p>b) Take-away food and drink premises:</p> <p>i. No on-site seating 1 space / 2 employees; plus 1 space / 10m² GFA</p> <p>ii. On-site seating, with no drive-through facility 1 space / 2 employees; plus 1 space / 5 seats (internal and external); or 1 space / 10m² GFA, whichever is greater</p> <p>iii. On-site seating, with drive-through facility 1 space / 2 employees; plus 1 space / 3 seats (internal and external); or 1 space / 10m² GFA, whichever is greater</p> <p>c) Pubs: 1 space / 2 employees; plus 1 space / 5m² GFA</p>



Function centres	1 space / 2 employees; plus 1 space / 10 seats; or 1 space / 10m ² GFA (including ancillary spaces such as kitchens, offices, foyers and the like), whichever is greater
Funeral home	1 space / 2 employees; plus 1 space / 10 seats; or 1 space / 10m ² GFA (including ancillary spaces such as kitchens, offices, foyers and the like), whichever is greater
Garden centre	1 space / 50m ² GFA
Hardware and building supplies	Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / 35m ² GFA
Industrial retail outlets	1 space / 40m ² GFA
Kiosks	1 space / employee
Landscaping material supplies	15 spaces; or 1 space / 200m ² site area, whichever is greater
Markets	1 space / stall operator; plus 2.5 spaces / stall
Neighbourhood shops	<i>Within 400m radius of railway station or 200m radius of a public bus-stop (with minimum two frequent bus routes):</i> 1 space / 3 employees; plus 1 space / 40m ² GFA <i>Any other locations:</i> 1 space / 2 employees; plus 1 space / 25m ² GFA
Office premises	1 space / 40m ² GFA
Plant nurseries	15 spaces; or 1 space / 200m ² site area, whichever is greater
Registered clubs	1 space / 2 employees; plus 1 space / 5m ² GFA
Restricted services	1 space / 40m ² GFA
Roadside stall	4 spaces
Sex service premises	1 space / person offering sex services, in addition to the number required for the residential accommodation.
Shops	1 space / 25m ² GFA



Timber yards	15 spaces; or 1 space / 200m ² site area, whichever is greater
Vehicle sale and hire premises	1 space / 40m ² GFA (See also Control C3(vii))
Veterinary hospitals	3 spaces / each surgery, consulting room or treatment room
Wholesale supplies	1 space / 50m ² GFA
Industrial	
Depots	Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / employee; plus 3 visitor parking spaces
Freight transport facilities	Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / employee; plus 3 visitor parking spaces; plus 1 space / each commercial vehicle or trailer parking, holding, servicing or repair on the site
General industry	2 spaces; or 1 space / 80m ² GFA, whichever is greater; plus 1 space / 40m ² GFA of ancillary office
Heavy industrial storage Establishment	2 spaces; or 1 space / 80m ² GFA, whichever is greater; plus 1 space / 40m ² GFA of ancillary office
Heavy industry	2 spaces; or 1 space / 80m ² GFA, whichever is greater; plus 1 space / 40m ² GFA of ancillary office
Light industry	2 spaces; or 1 space / 65m ² GFA, whichever is greater; plus 1 space / 40m ² GFA of ancillary office
Self storage units	2 spaces; plus 1 space / 80m ² GFA
Service station	1 space / 200m ² site area; plus 1 space / 20m ² GFA of convenience store (See also Control C3(vi))
Storage premises	2 spaces; plus 1 space / 80m ² GFA
Transport depots	Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / employee; plus



		3 visitor parking spaces; plus 1 space / each commercial vehicle or trailer parking or servicing on the site
Truck depots		Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / employee; plus 3 visitor parking spaces; plus 1 space / each commercial vehicle or trailer parking or servicing on the site
Vehicle body repair workshops		1 space / 50m ² GFA (See also Control C3(vii))
Vehicle repair stations		1 space / 50m ² GFA (See also Control C3(vii))
Warehouse or distribution centres		2 spaces; or 1 space / 300m ² GFA, whichever is greater; plus 1 space / 40m ² GFA of ancillary office
Tourist and Visitor Accommodation		
Backpackers accommodation		1 space for manager; plus 1 space / 2 employees; plus 1 space / 100 m ² GFA; plus 1 space for mini-bus (Note: Size of a mini-bus is defined equivalent to Small Rigid Vehicle (SRV) in AS2890.2)
Bed and breakfast accommodation		1 space for resident owner or manager; plus 1 space / guest room
Hotel or motel accommodation		a) Hotel Accommodation 1 space for manager; plus 1 space / 2 employees; plus 1 space / 1.5 rooms; plus 1 taxi pick-up and set-down space / 100 rooms; plus 2 coach pick-up and set-down spaces; and Additional parking must be provided for other licensed parts of the use as stipulated in this section of the DCP. (Note: Size of a coach is defined equivalent to Heavy Rigid Vehicle (HRV) in AS2890.2) (Note: If the development is within 400m from Mascot Train Station or an efficient shuttle bus service is provided between the hotel, Sydney Airport and the City, the parking requirement can be reduced to 1 per 2.5 bedrooms)



		b) Motel Accommodation 1 space for manager; plus 1 space / 2 employees; and 1 space / bedroom plus Additional parking must be provided for other licensed parts of the use as stipulated in this section of the DCP	
Serviced apartments		1 space / 1.5 units; plus 1 space / 2 employees; plus 1 taxi pick-up and set-down space / 300 rooms (Note: If the development is within 400m from Mascot Train Station or an efficient shuttle bus service is provided between the hotel, Sydney Airport and the City, the parking requirement could be reduced to 1 per 2.5 units)	
Infrastructure			
Child care centre		Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / 2 employees; plus 1 space / 5 children; plus 1 pick-up and set-down space / 20 children	
Community facilities		1 space / 10 seats; or 1 space / 10m ² GFA (including ancillary spaces such as offices, foyers and the like), whichever is greater	
Educational establishments		a) Schools <i>i. Infants, Pre-schools and Primary</i> Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / 2 employees; plus 1 pick-up and set-down space / 50 students; plus 1 bus pick-up and set-down space <i>ii. Secondary</i> Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / 2 employees; plus 1 space / 10 students (Year 12); plus 1 pick-up and set-down space / 100 students; plus 1 bus pick-up and set-down space (Note: Size of a bus is defined equivalent to Heavy Rigid Vehicle (HRV) in AS2890.2)	Formatted: Indent: Left: 0.56 c Formatted: Indent: Left: 0.67 c Formatted: Indent: Left: 0.56 c Formatted: Indent: Left: 0.67 c Formatted: Indent: Left: 0 cm



	b) <u>Others</u> Parking Assessment based on survey of similar developments is required. However, as a minimum: 1 space / 2 employees; plus 1 space / 5 students
Emergency services facilities	1 space / 2 employees; plus 1 space / each emergency vehicle parking on the site
Health consulting rooms	3 spaces / each surgery, consulting room or treatment room (Note: minimum 1 accessible parking spaces for people with disabilities shall be provided)
Hospitals	1 space / 3 beds; plus 1 space / each health care professional/ management staff; plus 1 space / 2 other employees; plus 1 ambulance bay (Note: minimum 1 accessible parking spaces for people with disabilities shall be provided)
Industrial training facilities	1 space / 2 employees; plus 1 space / 10 visitors
Information and education facilities	1 space / 2 employees; plus 1 space / 10 visitors
Medical centres	3 spaces / each surgery, consulting room or treatment room (Note: minimum 1 accessible parking spaces for people with disabilities shall be provided)
Passenger transport facilities	Parking Assessment based on survey of similar developments is required
Places of public worship	1 space / 10 seats; or 1 space / 10m ² GFA (including ancillary spaces such as offices, foyers and the like), whichever is greater
Public administration building	1 space / 40m ² GFA
Respite day care centres	1 space for manager; plus 1 space / 2 employees; plus 1 space for mini-bus
Recreation	
Recreation facilities (indoor)	a) <u>Squash court</u> 3 spaces / court
	b) <u>Indoor swimming pool</u> 1 space / 10m ² pool area; plus 1 space / 2 employees

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		<p>c) <u>Gymnasium</u> Within 400m radius of railway station or 200m radius of a public bus-stop (minimum frequent two bus routes): 1 space / 25m² GFA Any other locations: 1 space / 10m² GFA</p> <p>d) <u>Bowling alley</u> 3 space / alley</p> <p>e) <u>Dance Studio</u> 1 space/ 25m² GFA</p> <p>f) <u>Others</u> Parking Assessment based on survey of similar developments is required.</p>	
	Recreation facilities (major)	Parking Assessment based on survey of similar developments is required.	
	Recreation facilities (outdoor)	<p>a) <u>Golf course</u> 1 space / hole; plus 1 space / 2 employees; plus 1 space / 5m² GFA of club house</p> <p>b) <u>Tennis Court</u> 3 spaces/ court</p> <p>c) <u>Lawn bowling green</u> 30 spaces for first green; plus 15 spaces / each additional green</p> <p>d) <u>Outdoor swimming pool</u> 1 space / 10m² pool area; plus 1 space / 2 employees</p> <p>e) <u>Others</u> Parking Assessment based on survey of similar developments is required.</p>	



3A.3. General Requirements

3A.3.1 Car Park Design

Objectives

- O1** To ensure the safe and efficient circulation and manoeuvring of vehicles and minimise the potential of pedestrian and vehicle conflict in the off-street parking facilities;
- O2** To ensure that off-street parking facilities do not interfere with traffic flow and safety in adjacent public roads or endanger pedestrian traffic on or off the site;
- O3** To minimise the visual impact of car parking when viewed from the public domain and adjoining sites;
- O4** To ensure that off-street parking facilities are safe, functional, and accessible to all vehicles generated by the development;
- O5** To ensure parking designs are compatible with the development proposed;
- O6** To ensure adequate drainage, lighting and ventilation is provided in the off-street parking facilities; and
- O7** To maximise opportunities for deep soil planting and landscaping.

Controls

General

- C1** All off-street parking facilities shall be designed in accordance with current Australian Standards AS2890.1 and AS2890.6 (for people with disabilities). The design of off-street commercial vehicles facilities (including parking) shall be in accordance with AS2890.2.
- C2** Vehicle access points, loading/unloading area and the internal circulation of an off-street parking facility shall be designed in a manner that entry to and exit from the site is made in a forward direction (except for dwelling houses).
- C3** Parking spaces for small cars shall comply with AS2890.1 and to only be permitted to the off-street parking facilities that are open to the general public.
- C4** For mixed use development, residential off-street parking facilities shall be separated from the other uses and security roller doors shall be installed to provide security to residents.



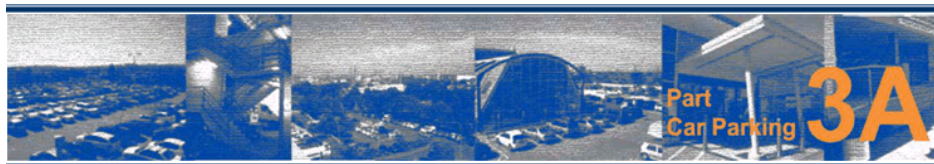
- C5** A swept path analysis shall be provided for manoeuvring of commercial vehicles. The diagrams shall include a scale, dimension and legend and be prepared by standard software (e.g. Auto Track, Auto Turn or equivalent) or based upon the turning templates in AS2890.2.
- C6** All parking bays shall be clearly designated, sign posted and line marked. Signage and line marking shall comply with AS2890.1. These markings shall be maintained at all times.
- C7** Stormwater disposal systems in car parks shall comply with Council's **Stormwater Management Technical Guidelines**.
- C8** Walking routes through large car parks are to be clearly delineated with appropriate marking, pedestrian crossing and signposting.
- C9** The length of uncovered driveways/ramps are limited to 6 metres from the face of the building (building line).

Location

- C10** Off-street parking facilities are not permitted within the front setbacks.
- C11** Car parks must provide a direct and safe access to a building's entry and exit (well lit and free of concealment opportunities).
- C12** Off-street parking facilities must not dominate the streetscape and are to be located away from the primary frontages of the site.

Access

- C13** Pedestrian entrances and exits shall be separated from vehicular access paths.
- C14** A maximum of one vehicle access point is permitted per property. Council may consider additional vehicle access points for large scale developments.
- C15** Vehicle access points of the property should not be located:
 - (i) In places with high traffic volumes, such as classified or arterial roads;
 - (ii) Close to intersections as outlined in Section 3.2.3 of AS2890.1;
 - (iii) Where there is heavy or constant pedestrian movements along the footpath;
 - (iv) Opposite to other traffic generating developments;
 - (v) Where traffic using the driveways interferes with or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings;



- (vi) Adjacent to or at the sag point of the street; and
- (vii) In places where sight distance requirements outlined in Section 3.2.4 of AS2890.1 cannot be complied with.

C16 The following general design principles shall be considered when planning access driveways for developments:

- (i) Separate ingress and egress vehicle access points shall be arranged for large scale developments to enable vehicular flow in a clockwise direction wherever possible;
- (ii) Reversing movements into and out of public roads shall be prohibited at all times (except for dwelling houses);
- (iii) The location of an access driveway shall be sited to minimise the loss of on-street parking;
- (iv) An access driveway at the property line shall be clear of obstructions, such as fences, walls, poles and trees which may prevent drivers from viewing pedestrians; and
- (v) The vehicle access point of the property shall be signposted with appropriate signs.
- (vi) No vehicles shall be allowed to queue in the public road reserve.

C17 Parking and servicing access shall be provided from a secondary street frontage or rear lane where possible.

C18 The maximum gradients on and near access driveways and for at least the first six (6) metres into the property boundary shall be 1 in 20 or 5% (except for dwelling houses) upward from kerb line to allow drivers adequate visibility of pedestrians and prevent inflow of surface stormwater runoff into the property during heavy storms.

C19 The location of vehicle control points (e.g. roller doors / boom gates) shall allow sufficient queuing areas within the site in accordance with AS2890.1 for vehicles entering the site.

Landscaping

C20 Landscaping must comply with **Part 3L - Landscaping**.



Basement parking

- C21** Basement car parking facilities are preferred for large scale development.
- C22** Basement parking areas are to be located directly under building footprints to maximize opportunities for deep soil planting.
- C23** Ventilation grills and screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.
- C24** Natural light and ventilation must be introduced into semi-basement parking where possible.

At-Grade Parking

- C25** At-grade parking shall be avoided for large scale residential and commercial development.

Residential

- C26** Tandem or stacking of car parking spaces are permitted where the spaces are only allocated to same single dwelling (refer to **Part 3A.2 - Parking Provisions for Specific Uses**).
- C27** A variety of alternative paving materials and colours are to be incorporated into large parking areas to visually alleviate the massing and expanses of hard pavement and to delineate building entrances, pedestrian zones or other specialised areas.
- C28** The minimum width of the access driveway at the property boundary shall be:-
 - (i) For dwelling houses:
 - 3 metres
 - (ii) For other residential developments:
 - 3 metres (one-way) and 5.5 metres (two-way); and
 - The width must be extended for at least the first 6 metres of the circulation roadway within the property boundary.
 - (iii) For others:
 - In accordance with AS2890.1 and AS2890.2; or
 - Subject to turning path analysis.



Non-Residential

- C29** Car parking areas shall be adequately finished with fully sealed surfaces, internal drainage systems, line markings, appropriate kerbing, paved aisle dividers and/or wheel stops.
- C30** Appropriate landscaping which responds to the site conditions and surrounding context, particularly the transition between public and private spaces must be provided on-site. Landscaping shall comply with **Part 3L - Landscaping**.
- C31** The minimum width of access driveway for non-residential development shall be designed to accommodate the largest commercial vehicle accessing the site in accordance with AS2890.2.

Pavement

- C32** All off-street parking areas and internal circulation roadways shall be sealed with hard-standing all weather materials or approved alternatives to Council's satisfaction.
- C33** The pavement in internal circulation roadways, aisles, parking areas, turning circles, etc., shall be designed and constructed to withstand the specific wheel loadings of vehicles likely to use them. But in no case shall the pavement be of a lesser thickness than 125mm of reinforced concrete, bitumen, asphalt, or other paving material as approved by Council.

Lighting

- C34** Adequate lighting shall be provided if the parking facility is expected to be used at night. Design of lighting shall be in accordance with relevant Australian Standards and be consistent with the relevant requirements to allow drivers to manoeuvre vehicles safely into and out of parking spaces. Where residential or other sensitive properties closely abut large off-street parking facilities, consideration shall be given to the control of glare and light spillage into adjacent properties.

Accessible parking

- C35** Accessible parking spaces for people with disabilities shall be designed in accordance with AS2890.6.
- C36** All off-street parking facilities shall allocate accessible parking spaces for people with disabilities at the rate in accordance with **Part 3C - Access and Mobility**.
- C37** Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.



C38 Accessible parking spaces shall be indicated by a permanent sign as specified in AS 1428.1.

C39 For residential development, accessible car parking spaces are to be allocated to adaptable unit, or as visitor parking.

Waste Collection Points

C40 The waste collection point shall be designed to:

- (i) Allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps; and
- (ii) Provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all service ducts, pipes and the like.

C41 Where any collection vehicles are required to enter a building, the access will provide for:

- (i) Minimum vertical clearance (clear of all service ducts, pipes etc) of 4.5 metres, depending on the gradient of access and the type of collection vehicle;
- (ii) Collection vehicles shall enter and exit the premises in a forward direction;
- (iii) Maximum grades shall be 1:20 for the first 6 metres from the property boundary, then a maximum of 1:8 with a transition of 1:12 for 4 metres at the lower end;
- (iv) A minimum width of an access driveway shall be in accordance with AS2890.2;
- (v) Minimum turning circle radius is to be 10.5 metres;
- (vi) For new development, access must be designed to accommodate a Council garbage truck (MRV) as well as any vehicles used by private waste contractors; and
- (vii) For new residential development fronting a classified road, provision must be provided on site for a 23 cubic metre capacity rear load garbage compactor to enter and exit the site in a forward direction. **Refer to Part 3N.5.2 Garbage Dimensions for Residential Waste Collection.**

C42 For multi-unit residential buildings and multi-storey commercial buildings, waste collection points shall be located inside the building, for example - in an underground car park, as this reduces noise impact on surrounding residents.

C43 Where vehicle access is via a ramp, design requirements for the gradient, surface treatment and curved sections are critical and should be analysed at an early stage in the design process.



3A.3.2 Bicycle Park Design

Objectives

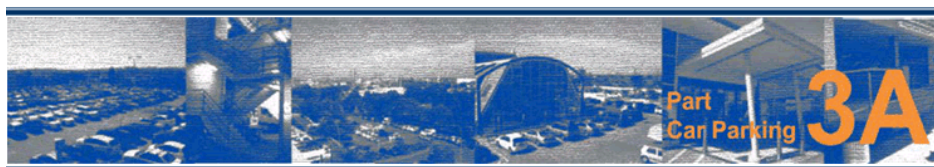
- O1** To ensure bicycle parking is well designed and located.

Controls

- C1** Bicycle parking areas shall be designed in accordance with Australian Standards AS2890.3 and AUSTROADS Guide to Traffic Engineering Practice, Part 14, Bicycles.
- C2** Bicycle parking and access shall be designed to ensure that potential conflicts with vehicles are minimised.
- Note:** Minimising conflicts between vehicles and bicycles may include providing separate ramp access for cycles within car parks and providing safe rideable approaches along road frontages to the bicycle parking area.
- C3** Bicycle parking is to be secure (lockers, compounds or racks) and located undercover with easy access from the street and building entries.
- C4** End of trip facilities accessible to staff (including at least 1 shower and change room) are to be provided for all commercial, industrial and retail development.
- C5** Bicycle parking in the form of racks shall be functional and secure and shall comply with the following:
- (i) Both wheels and frame must be able to be easily locked to the rack with U-lock, cable or chain without damaging the bicycle;
 - (ii) Parked bicycles must not obstruct pedestrians or vehicles;
 - (iii) The parking area must be weather protected;
 - (iv) The racks must be in a convenient location, near building entrances, and open to view to enhance security; and
 - (v) The parking area must be easily accessible from a bicycle routes, footway or roadway.

Note: Key bicycle parking guidelines:

- Australian Standards AS 2890.3 Bicycle parking facilities;
- AUSTROADS 1999 Guide to Traffic Engineering Practice Part 14 Bicycles – Chapter 10: End-of-trip facilities;



- Department of Planning 2004 Planning Guidelines for Walking and Cycling – Section 7.6: Bicycle parking and end-of-trip facilities; and
- RTA 2003 NSW Bicycle Guidelines – Chapter 11: bicycle parking and access to public transport interchanges.



3A.3.3 Traffic and Transport Plans and Reports

Objectives

- O1** To ensure that developments consider the traffic and parking impacts on the local and surrounding road networks; and
- O2** To ensure development encourages sustainable transport.

Controls

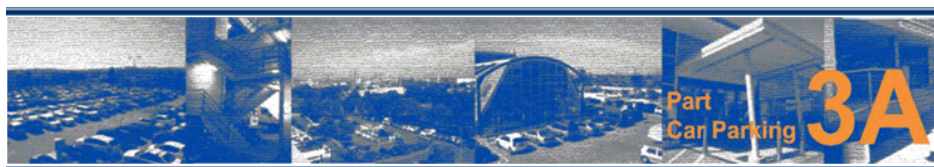
- C1** A Traffic and Parking Impact Assessment Report shall be provided for development:
 - (i) Listed in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007; and
 - (ii) Where, in the opinion of Council, the proposed development is likely to generate significant traffic and/or parking demand or land use.
- C2** The Traffic and Parking Impact Assessment Report shall be prepared by a qualified and experienced traffic engineer.
- C3** The Traffic and Parking Impact Assessment Report shall be prepared generally in accordance with RMS "Guide to Traffic Generating Developments (2002)" and AUSTROADS "Guide to Traffic Management, Part 12: Traffic Impacts of Development".

The Traffic and Parking Impact Assessment Report is to undertake a cumulative traffic impact assessment for 'all developments' in the area. By 'all developments' it means those still have DA approval pending, approved but yet to be constructed, those are under construction and fully built but not yet fully occupied. Council will supply information on the current and approved DAs to be taken into consideration. Access will also be provided to the *Botany/Banksmeadow Traffic Review* prepared by SMEC on behalf of Council.
- C4** In order to reduce the on-site parking demand and car dependency, commercial and industrial developments are encouraged to develop Workplace Travel Plans and Transport Access Guides (TAGs). Workplace Travel Plans and Transport Access Guides can assist staff and customers visiting the site by making good use of public transport, cycling, walking and car sharing for commuting work related journeys and hence reduce car based travel demand.
- C5** Council may reduce the requirement for onsite parking provisions (up to 10% of total parking spaces required) when both Workplace Travel Plans and Transport Access Guides (TAGs) are submitted to Council as part of a Development Application.
- C6** If a Workplace Travel Plan is prepared, it shall be accordance with NSW Premier's Council for Active Living's "Workplace Travel Plan Guidelines - Final Report (April 2010)" The plan shall generally incorporate the following:



- (i) Encouragement of staff to cycle and/or walk to the workplace;
- (ii) Encouragement of staff to use public transport to travel to workplace by providing financial incentive;
- (iii) Adoption of a car sharing and /or car pool scheme; and
- (iv) Establishment of measurable targets on the number of staff travelling to work by public transport, cycling and walking

Note: Information about preparation and development of Transport Access Guides (TAGs) is available from the Roads and Maritime Services (RMS) website.



3A.3.4 On-Site Loading and Unloading Facilities

Objectives

- O1** To ensure adequate area within the site is allocated for service and delivery functions;
- O2** To ensure off-street servicing bays and the access is safe and efficient; and
- O3** To create safe environments for pedestrian and cyclists.

Controls

- C1** Service bays and parking area for commercial vehicles shall be designed in accordance with AS2890.2 and AUSTROADS guidelines.
- C2** The number of service bays shall be provided in accordance with **Table 2**. Where calculated provision of servicing bays numbers results in a fraction, the requirements shall be rounded up to the nearest whole number.
- C3** For land uses not specifically listed, the number of service bays shall be provided as per the most similar use of equivalent intensity. Evidence in support of such provision shall be provided to Council for assessment.
- C4** For mixed use developments, calculations of the number of service bays shall be based upon each of the different uses separately. The numbers shall be rounded up to the nearest whole number before they are added together.
- C5** The service bays shall be located toward the rear of the properties, away from the primary and secondary street frontages and are to be adequately screened from public view.
- C6** All service bays shall be located away, as far as practicable, from adjoining sensitive land uses.
- C7** Deliveries are prohibited to be made from a public place or thoroughfare.
- C8** Delivery vehicles shall only carry out loading and unloading activities from the designated loading areas.
- C9** All delivery vehicles shall stand wholly within the dedicated loading / unloading area and shall not obstruct the car parking area of the subject property.
- C10** Delivery vehicles shall enter and leave the property in a forward direction.
- C11** In commercial development, the loading / unloading of vehicles and collection of waste shall be separately located from the public parking areas. These areas shall be designed and operated so that the vehicles can complete a three-point or semi circular turn on site without interfering with



buildings, parked vehicles, and landscaping or outdoor storage areas.

Table 2 – Loading/Unloading Facilities

Land Use	Minimum Number of Servicing Bays Required (GFA refers to gross floor area)				
	GFA (m ²)	For Courier Van	For SRV	For MRV	
Business premises, Office premises	0 - 999	1	-	-	
	1,000 – 2,499	1	-	1	
	2,500 – 3,999	2	-	1	
	4,000 – 5,999	3	1	1	
	6,000 – 7,999	4	1	1	
	8,000 – 9,999	4	2	1	
	10,000 – 14,999	4	2	2	
	15,000 – 19,999	5	2	3	
	20,000 and over	6	2	3 + 1 / 8,000 m ² GFA	
Retail premises	GFA (m ²)	For Courier Van	For SRV	For MRV	For AV
	0 - 199	-	1	-	-
	200 – 599	1	-	1	-
	600 – 999	1	1	1	-
	1,000 – 1,499	2	1	1	-
	1,500 – 1,999	2	2	1	-
	2,000 – 2,799	2	2	2	-
	2,800 – 3,599	2	2	2	1
	3,600 – 4,399	3	2	2	1
	4,400 – 6,499	3	2	2	2
	6,500 – 8,499	4	2	2	2
	8,500 – 11,499	4	3	2	2
	11,500 – 14,749	5	3	3	2
	14,750 – 17,999	5	3	3	2
	18,000 – 20,999	6	3	3	2
	21,000 – 23,999	6	3	3	3



	24,000 – 26,999	6	3	3	4
	27,000 – 29,999	6	3	3	5
	30,000 – 32,999	7	3	3	5
	33,000 – 35,999	7	3	4	5
	36,000 – 38,999	8	3	4	5
	39,000 – 41,999	9	3	4	5
	42,000 and above	10	3	4	5
Residential flat buildings, Multi dwelling housing	<p>a) <u>< 200 dwellings or units</u> 1 service bay / 50 dwellings or units (Note: 50% of the total number of service bays shall be designed for MRV or larger)</p> <p>b) <u>200 dwellings or units and above</u> 4 service bays; plus 1 service bay (for MRV or larger) / 100 dwellings or units (Note: 50% of the total number of service bays shall be designed for MRV or larger)</p>				
Hotel or motel accommodation	No. of rooms	For Courier Van	For SRV	For MRV	For HRV
	0 – 199	2	1	1	-
	200 – 399	2	1	1	1
	400 – 599	3	1	2	1
	600 and over	3	2	2	1
Industrial	<p>a) <u>< 8000 m² GFA</u> 1 service bay (for MRV or larger) / 800 m² GFA</p> <p>b) <u>8000 m² GFA and above</u> 10 service bays (for MRV or larger); plus 1 service bay (for MRV or larger) / 1,000 m² GFA (Note: Subject to the largest vehicle accessing the site, the service bays shall be designed to accommodate the largest vehicle accessing the site)</p>				

Note:

Courier Van = B99 Vehicle (defined in AS2890.1) **HRV** = Heavy Rigid Vehicle (defined in AS2890.2)
SRV = Small Rigid Vehicle (defined in AS2890.2) **AV** = Articulated Vehicle (defined in AS2890.2)
MRV = Medium Rigid Vehicle (defined in AS2890.2)



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3C.1. Introduction

In Australia, approximately 20% of the population identifies as having a disability. The lack of access to buildings, facilities and the built environment is not just an issue for people with disability; it can be an issue for the general community including parents with prams and older people with declining sensory capacity or mobility. Considering Australia's ageing population, and particularly as the City of Botany Bay's demographic profile indicates an ageing population, it is important that access issues are identified and addressed at the Development Application (DA) stage of development. Furthermore, providing inclusive access to public and commercial services, facilities and related infrastructure is good for business as it does not restrict or exclude potential customers.

Access provisions respond to fundamental human rights and social justice. The *Disability Discrimination Act* (DDA) was implemented in 1992.

The objects of this Act are:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:*
 - (i) work, accommodation, education, access to premises, clubs and sport; and*
 - (ii) the provision of goods, facilities, services and land; and*
 - (iii) existing laws; and*
 - (iv) the administration of Commonwealth laws and programs; and*
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and*
- (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.'*

Further information about the DDA is available at: www.humanrights.gov.au and www.comlaw.gov.au

Traditionally, the lack of physical access has related to the inequities faced by people with physical disability. As our population ages the need to provide "universal" or "inclusive" access for all of the community has become even greater. Access provisions benefit everyone at some stage of their life. Whether someone has a permanent mobility disability, is vision or hearing impaired, is a parent of a young child, is aged or is adversely affected by health or medical conditions, permanently or temporarily, many people in our society rely on, or require, equitable physical access.



3C.1.1 Legislative Framework

Council has an obligation under the *Environmental Planning & Assessment Act 1979* (the Act) to consider the provision of accessibility for people with disability when assessing development applications. The objectives of the Act include the promotion of the equitable access and inclusive participation of the community and this may be achieved through the provision of accessible and adaptable housing as well as improvements within the public domain.

The *Commonwealth Disability Discrimination Act 1992* (DDA) makes it unlawful to discriminate against people with disability in all areas of public life, including access to and the use of buildings and places. This has meant that development approved by Council, although able to comply with the *Building Code of Australia* (BCA), may not provide sufficient access under the DDA and may result in the owner/developer being subject to disability discrimination complaints to the *Australian Human Rights Commission* (AHRC).

The BCA contains provisions related to access for people with disability. The BCA, however, does not require access for people with disability to all buildings, nor to all parts of a building. The BCA was amended to reflect the *Disability (Access to Premises – Building) Standards 2010* (referenced as the Premises Standard throughout this Part).

The purpose of the **Premises Standards** is to both:

- (i) Provide for equitable and dignified access to new buildings and those areas of existing buildings that undergo renovation or upgrade that requires a building approval; and
- (ii) Provide greater certainty to people and organisations involved in the design, construction, certification and management of buildings in relation to the level of access required in the buildings covered by the Premises Standards.

A list of Australian Standards referenced by the Premises Standards within Parts D3, E3.6 and F2.4 of the BCA includes:

- AS1428.1 (2009) Design for Access and Mobility
- AS1428.4.1 (2009) Tactile Ground Surface Indicators
- AS2890.6 (2009) Off-Street Parking for People With Disabilities
- AS1735.7 (1998) Stairway Lifts
- AS1735.8 (1986/Amdt 1 -1989) Inclined Lifts
- AS1735.12 (1999) Lifts, escalators and moving walks – Facilities for persons with disabilities
- AS1735.14 (1998) Lifts, escalators and moving walks - Low-rise platforms for passengers
- AS1735.15 (2002) Lifts, escalators and moving walks - Low rise passenger lifts – Non-automatically controlled
- AS1735.16 (1993) Lifts, escalators and moving walks - Lifts for persons with limited mobility — Restricted use — Automatically controlled

The Premises Standards apply to:

- Class 1b buildings being:
 - A new building with one or more bedrooms used for rental accommodation; or
 - An existing building with four or more bedrooms used for rental accommodation; or

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Part 3C - Access & Mobility

Botany Bay Development Control Plan 2013 (Amendment 8)
Enforced ~~XX/XX/XXXX~~



- A building that comprises four or more single dwellings that are:
 - On the same allotment, and
 - Used for short-term holiday accommodation.
- Class 2 buildings including:
 - A new building that has accommodation for short-term rent; or
 - An existing building that has accommodation for short-term rent only where the original building was approved for construction after 1 May 2011.
- Class 3 and 5 - 10 buildings.

Notes:

- Under the BCA, all Class 2 buildings (residential apartment buildings) are captured under the requirements for access for people with a disability, not just those used for short-term rental accommodation.
- For all new buildings, it is expected that the BCA, Premises Standards and Table 1 of this Part, will be fully complied with.

The Premises Standards do not apply to free standing private dwellings (Class 1a), residential apartment buildings approved for construction before 1 May 2011 (Class 2) or a dwelling in a Class 5,6,7,8, or 9 building (Class 4).

Notes:

- Under the BCA, all Class 2 buildings (residential apartment buildings) are captured under the requirements for access for people with a disability, not just those used for short-term rental accommodation.
- For change of use applications and applications involving existing buildings, only the new extension or modified part of the building are affected by the Premises Standard, if development or building approval is required. However the requirements in Table 1 of this Part may still apply.

Council's access requirements under Table 1 in this Part may include a different level of technical access than is required under the Premises Standards. It is the responsibility of the applicant to ensure the development meets the requirements of the relevant controls. Council's Development Application Guidelines may require a BCA compliance report to be submitted with a Development Application.

Notes:

- Where the access requirements for a particular development type do not comply with the BCA and Table 1 of this Part, Council may refuse the development application based on non-compliance with the DCP.
- In instances where a particular development type is covered by both Table 1 of this Part and the Premises Standards, the greater level of compliance prevails to the extent of any inconsistency.



3C.1.2 Requirements for Submitting a Development Application

The development application must be accompanied by a report prepared by an appropriately qualified and experienced person detailing that the Development Application meets the requirements outlined in this plan.

3C.1.3 General Objectives

- O1 To ensure that dignified, equitable and safe access is provided to and within new buildings and facilities for people with a disability;
- O2 To encourage existing buildings and associated spaces to be upgraded to provide access for people with a disability.



3C.2 Access, Mobility and Adaptability

Objectives

- O1** To encourage upgrading of existing buildings to provide access for all people;
- O2** To ensure that the range of housing opportunities available for people with disability or other special mobility needs is representative of the local population in terms of access, size, location, orientation and general amenity of accommodation; and
- O3** To encourage consideration of access and mobility issues early in the design process.

Controls

General

- C1** All new development must comply with **Table 1** of this Part. A statement of consistency must be included with the statement of environmental effects indicating how the development provides access for people with disability in accordance with Table 1.
- C2** Vehicle parking for people with disability must be provided in the manner described in **Table 1** of this Part. A statement of consistency must be included with the statement of environmental effects for a development application that requires the provision of access for people with disability in accordance with Table 1.
- C3** All development, including community events, must comply with the provisions of the Disability Discrimination Act 1992, BCA, the Premises Standards and the relevant Australian Standards.
- C4** All residential development must comply with AS4299 - 1995 Adaptable Housing for those developments required to provide adaptable housing.

Note:

Adaptable housing is encouraged in all housing types, including dwelling-houses (single dwellings) and dual occupancies.

Unjustifiable hardship

- C5** In the case of development applications for alterations and additions to existing premises, or development applications for change of use of existing premises, a statement of unjustifiable hardship (included with the statement of environmental effects) is required to justify non-compliance with Table 1 of this Part.



Note: Development applications for new premises will comply with the provisions of Table 1 of this Part. Accordingly, the statement of unjustifiable hardship process does not apply to applications for new premises.

- C6** If the access requirements under the Premises Standards cannot be met for reasons that it would impose unjustifiable hardship, an application to the Building Professionals Board's Access Advisory Committee may be necessary. Part 4 of the Premises Standards outlines all the relevant circumstances that must be taken into account in determining whether compliance with the Premises Standards would involve unjustifiable hardship.

The statement of unjustifiable hardship submitted to Council must be included with the statement of environmental effects for a development application.

More information on the Building Professionals Board's Access Advisory Committee can be found at <http://bpb.nsw.gov.au/legislation-regulation/apply-unjustifiable-hardship> and Section 11 of the Disability Discrimination Act 1992.

Access Management Plan

- C7** In cases where it may be difficult to physically configure an existing building or space so as to provide access for people with disability (as established through a statement of unjustifiable hardship in C5 above), Council may request that the applicant submit an access management plan as a means of helping to provide service to people who would be unable to gain access to the premises, or to identify how access to the premises will be progressively upgraded over time.
- C8** An access management plan submitted to Council must:
- (i) Identify the type of service (or operation) being proposed in the development application;
 - (ii) Identify where the service would not be accessible in the proposed premises;
 - (iii) Identify alternative methods of providing the service;
 - (iv) If alternative (accessible) premises are proposed for providing the service, identify the arrangements that need to be put in place to ensure that those premises are able to be used;
 - (v) Identify the methods by which the alternative service can be promoted to potential clients; and
 - (vi) Identify what can be done over time (such as through a building upgrade plan) to improve the accessibility of the primary premises.

Note: The above list is not exhaustive and additional matters will need to be addressed.

Note: Council may enter into a contract for large developments that are required to include vehicle parking with an allocation of accessible vehicle parking spaces for people with disability to enable Council to have "care, control and maintenance" of the accessible vehicle parking spaces. This will enable Council to police and allocate infringement notices if accessible vehicle spaces are misused and abused.



Table 1 - Access Requirements

Development Types	Statement of Consistency	Adaptable housing	General access requirements	Accessible Parking
Attached dwelling, dwelling house, secondary dwelling	Nil	Livable housing guidelines is encouraged for all Class 1a and 1b detached and semi detached housing (including secondary dwellings)	Encourage visitor access to the dwelling.	Encourage compliance with AS2890 Part 6.

Development Types	Statement of Consistency	Adaptable housing	General access requirements	Accessible Parking
Residential apartment buildings, conversion of non-residential buildings into apartments, shop top housing, multi dwelling housing and live/work buildings (includes mixture of classes for those including commercial and industrial components)	Statement of consistency lodged with DA (Refer to Controls C1 and C2 of this Part).	In developments containing 10 or more dwellings, a minimum of 20% of the dwellings are to be adaptable dwellings designed in accordance with Adaptable Housing Australian Standard 4299 Class B. Refer to AS4299 Class B.	Appropriate access for all persons through the principal entrance of a building and access to all common facilities. <u>Development is to provide barrier free access to at least 20% of dwellings</u> Refer to BCA AS1428.1 and <u>AS4299</u>	Half of the adaptable dwellings provided in a development are required to have allocated accessible resident parking, (e.g. 8 adaptable apartments requires a minimum of 4 accessible spaces.) At least 80% of these accessible spaces will be designed to AS4299 and a maximum of 20% of spaces complying with AS2890.6.

Comment [AQ1]: The proposed is consistent with the provision for accessible dwellings in the Rockdale L 2011.

Deleted: and

Comment [AQ2]: Reference is made to AS 4299 Adaptable Housing, which presents the objectives and principles of adaptable housing and provides guidance on planning and design.



Development Types	Statement of Consistency	Accessible Accommodation	General access requirements	Accessible Parking
Hotels, motels, serviced apartments and boarding houses containing guests/tenants' rooms	Statement of consistency lodged with DA (Refer to Controls C1 and C2 of this Part).	Refer to Table D3.1 of the BCA regarding the minimum requirements for accessible rooms and units.	Access for all persons through the principal entrance and access to any common laundry, kitchen, sanitary or other common facilities in accordance with relevant Australian Standards 1428.1, 1428.4.1 and lifts where provided.	There is to be one accessible parking space for every accessible room or unit as specified by Table D3.1 of BCA
Hostels and backpackers' accommodation containing guests' beds		Hotels and motels will provide at least one accessible room or unit with an interconnecting door to a separate standard room.	Refer to BCA and AS1428.2 with respect to furniture and fixtures within accessible rooms and units.	Refer to AS2890 Part 6 for relevant standards for accessible parking spaces.
		Accessible resident rooms and units are to comply with relevant Australian Standards 1428.1, BCA and AS1428.2 with respect to furniture and fixtures within accessible rooms and units including an allowance for a queen sized bed and related circulation spaces around the bed.		



Development Types	Statement of Consistency	Accommodation	General access requirements	Accessible Parking
Commercial and industrial developments (including office premises, business premises, retail premises, industry and warehouses.)	Statement of consistency lodged with DA (Refer to Controls C1 and C2 of this Part).	Nil	<p>Appropriate access to and within all areas normally used by the occupants, designed in accordance with the BCA and relevant Australian Standards.</p> <p>General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities, indoor and outdoor recreational facilities.</p>	<p>In a vehicle parking area containing 5 or less vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided although not signposted and reserved only for people with disabilities.</p> <p>In a vehicle parking area containing 6-49 vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided.</p> <p>The ratio of accessible parking spaces will comply with Table D3.5 of BCA, except that car parks for retail and medical facilities will provide 5% of spaces as accessible.</p> <p>Refer to AS2890 Part 6 for relevant standards for accessible parking spaces.</p>



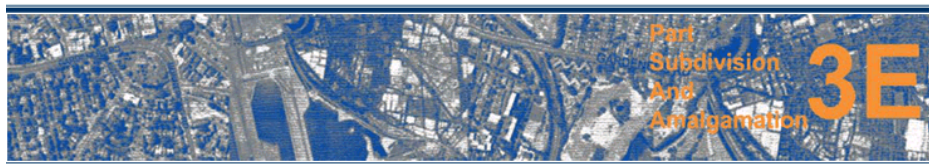
Development Types	Statement of Consistency	Accommodation	General access requirements	Accessible Parking
<p>Places of assembly (including cinemas or churches) public buildings (including council and government offices), health care buildings, educational establishments or child care centres.</p> <p>Residential Care Facilities</p>	<p>Statement of consistency lodged with DA</p> <p>(Refer to Controls C1 and C2 of this Part).</p>	<p>Refer to Table D3.1 of the BCA regarding Class 9c residential care facilities</p>	<p>Access for all persons through the principal entrance and access to appropriate sanitary facilities in accordance with the BCA and relevant Australian Standards.</p> <p>Note: The Premises Standards requires that all Class 9a and some Class 9b (schools and early childhood centres) to be accessible to and within all areas normally used by the occupants. Specific technical access requirements are specified in the Premises Standards for Class 9b (assembly buildings not being a school or early childhood centre), and Class 9c buildings.</p> <p>The following matters (where applicable) will be addressed:</p> <ul style="list-style-type: none"> ▪ Continuous accessible path of travel (CAPT); ▪ Accessible seating arrangements; ▪ Comparable sight lines; ▪ Gradient of floor surface; ▪ Measures for people with hearing impairments; ▪ Appropriate sanitary facilities; and ▪ Accessible automatic teller machines (ATMs). 	<p>In a vehicle parking area containing 5 or less vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided although not signposted and reserved only for people with disabilities.</p> <p>In a vehicle parking area containing 6-49 vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided.</p> <p>The ratio of accessible parking spaces will comply with Table D3.5 of BCA, except that car parks for retail and medical facilities will provide 5% of spaces as accessible.</p>



Development Types	Statement of Consistency	Accommodation	General access requirements	Accessible Parking
Aquatic centres and public swimming pools	Statement of consistency lodged with DA (Refer to Controls C1 and C2 of this Part).	Nil	<p>Access for all persons through the principal entrance and access to appropriate sanitary facilities in accordance with the BCA and relevant Australian Standards.</p> <p>The following matters (where applicable) will be addressed:</p> <ul style="list-style-type: none"> ▪ Continuous accessible path of travel (CAPT); ▪ Accessible public telephones; ▪ Safe, equitable and dignified access into and out of any swimming pool; ▪ Appropriate ramps and handrails; and ▪ A mechanical or hand operated hoist to assist people in and out of a pool <p>Refer to Part D3.10 of the BCA and related Specification.</p>	<p>In a vehicle parking area containing 5 or less vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided although not signposted and reserved only for people with disabilities.</p> <p>In a vehicle parking area containing 6-49 vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided.</p> <p>The ratio of accessible parking spaces is to comply with Table D3.5 of BCA, except that car parks for retail and medical facilities are to provide 5% of spaces as accessible. Refer to AS2890 Part 6 for relevant standards for accessible parking spaces.</p>

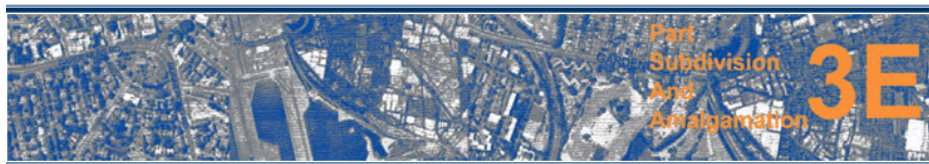


Development Types	Statement of Consistency	Adaptable housing	General access requirements	Accessible Parking
Public open space and facilities	Statement of consistency lodged with DA (Refer to Controls C1 and C2 of this Part).	Nil	<p>Access for all persons through the principal entrance and access to appropriate sanitary facilities and unique amenities and features in accordance with the BCA and relevant Australian Standards AS1428.1, AS1428.2, AS1428.4.1 and DDA Transport Standard where applicable.</p> <p>The following matters (where applicable) will be addressed:</p> <ul style="list-style-type: none"> ▪ Accessible infrastructure relating to public transport; ▪ Continuous accessible path of travel (CAPT); ▪ Unique amenities and features are to be accessible including viewing platforms; ▪ Appropriate sanitary facilities; ▪ Seating design in common areas; and ▪ Location and design for an accessible public telephone. 	<p>In a vehicle parking area containing 5 or less vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided although not signposted and reserved only for people with disabilities.</p> <p>In a vehicle parking area containing 6-49 vehicle spaces, one accessible vehicle space, designed in accordance with relevant Australian Standards will be provided.</p> <p>The ratio of accessible parking spaces will comply with Table D3.5 of BCA, except that car parks for retail and medical facilities will provide 5% of spaces as accessible.</p> <p>Refer to AS2890 Part 6 for relevant standards for accessible parking spaces.</p>



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3E.1 Introduction

Under the *Environmental Planning and Assessment Act, 1979* subdivision is defined as 'development that seeks the division of land into two or more parts that, after the division, would be adapted for separate occupation, use or disposition'.

Common subdivision types include Torrens title (including boundary adjustments and consolidation), Strata title, and Community title.

Subdivision and amalgamation of land allows for future development in a manner which may be different to its original state in regards to its use or intensity. It is therefore important to consider the future development potential of land and the potential impacts it may have on existing land uses and networks within the vicinity.

Such consideration may result in limitations being placed on the subdivision and amalgamation including maximum building envelopes, minimum setbacks, building heights, zoning, connectivity and environmental management requirements to ensure future development does not adversely impact on the surrounding locality.

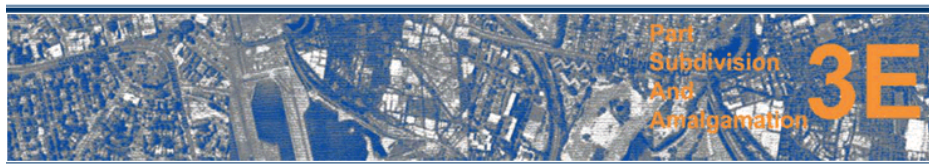
Note: While the Botany Bay Local Environmental Plan 2013 permits subdivision with consent; in determining whether a development application is required for subdivision or amalgamation, applicants should also refer to State Environmental Planning Policy (Exempt & Complying Development) 2008 which enables some forms of subdivision as exempt or complying development.

3E.1.1 Land to which this Part Applies

The controls in this Part applies to all land within the City of Botany Bay where development consent is required for a proposed subdivision or amalgamation; whether it is proposed through Torrens title, Strata title or Community title.

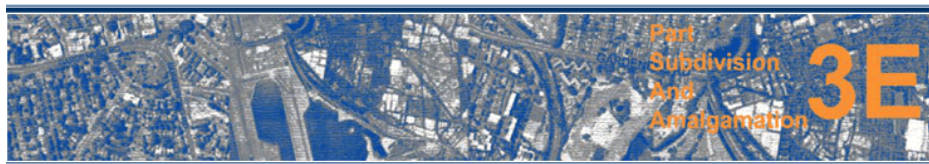
This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Notification and Advertising
- Part 3 - General Provisions
- Part 4 - Residential Development
- Part 5 - Business Centres
- Part 6 - Employment Zones
- Part 7 - Other Development Types and Land Uses
- Part 8 - Character Precincts
- Part 9 - Key Sites
- Part 10 – Technical Guidelines



3E.1.2 General Objectives

- O1 To ensure that subdivision and amalgamation and any associated development is consistent with the Desired Future Character of the area through consistent lot size, shape, orientation and housing density;
- O2 To prevent the fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations;
- O3 To minimise any likely impact of subdivision and development on the amenity of neighbouring properties;
- O4 To promote the creation of allotments which maximise the opportunity for energy efficient usage of land;
- O5 To ensure that lot sizes allow buildings to be sited to protect natural or cultural features including Heritage Items and retain special features such as trees and views;
- O6 To avoid increasing the community's exposure to coastal hazards;
- O7 To ensure that subdivision and amalgamation result in lots which can achieve compliance with all other relevant DCP controls; and
- O8 To ensure that the creation of new lots does not result in a reduction of pedestrian or vehicular connectivity within the existing street network and provides a safe network.



3E.2 Torrens Title Subdivision and Amalgamation

3E.2.1 General Torrens Title Subdivision and Amalgamation

A Torrens title subdivision involves the division land into multiple independent lots and includes a boundary adjustment where land is added or removed from an existing allotment.

Torrens title subdivision seeks to create two (2) or more allotments for individual use with no common property shared between the allotments created.

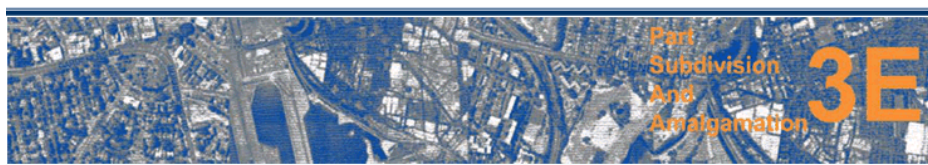
Objectives

- O1** To ensure that proposed subdivision or amalgamation is consistent with the Desired Future Character of the area;
- O2** To ensure the proposed subdivision or amalgamation is consistent with the prevailing lot pattern including the area, dimensions, shape and orientation;
- O3** To ensure a site's characteristics (features and constraints) are considered;
- O4** To avoid increasing the community's exposure to coastal hazards;
- O5** To ensure land affected by the boundary adjustment maintains any future development potential of any site; and
- O6** To ensure the orderly development of land does not adversely impact on the amenity of existing developments within the locality.

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts**, **Part 9 - Key Sites**, **Part 5 - Business Centres** and **Part 6 - Employment Zones**).
- C2** Subdivision or amalgamation must not compromise any significant features of the existing or adjoining sites including streetscape character, landscape features or trees.
- C3** Proposed subdivision or amalgamation must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimensions, shape and orientation (refer to **Figure 1**).

Note: Council generally considers the 'prevailing subdivision pattern' to be the typical characteristic of up to ten allotments on either side of the subject site and corresponding number



of allotments directly opposite the subject site. Properties located in the surrounding streets do not usually form part of the streetscape character and are therefore not taken into consideration when determining the prevailing subdivision pattern.

- C4** Development Applications shall demonstrate that future development for the site can comply with all Parts of the DCP (ie. setbacks, parking and private open space).
- C5** Applications must demonstrate that the following has been considered:
- (i) Site topography and other natural and physical features;
 - (ii) Existing services;
 - (iii) Existing vegetation;
 - (iv) Existing easements or the need for new easements;
 - (v) Vehicle access;
 - (vi) Any land dedications required (e.g. road widening);
 - (vii) Existing vegetation;
 - (viii) Potential flood affectation and stormwater management requirements;
 - (ix) Contamination of the land;
 - (x) Existing buildings or structures; and
 - (xi) Heritage Items, Conservation Areas and adjoining Heritage Items.
- C6** Subdivision must not result in the creation of a new lot that contains significant site features that would render the land unable to be developed (e.g. creation of allotments that are solely burdened by easements, flooding, highly contaminated land, land that contains significant trees or land of a size which could not facilitate development as per the zoning and controls applicable to the land).
- Note:** Development Applications for subdivision where in the Council's opinion will create a new lot that contains significant features, the DA is to include the construction of any buildings on the new allotment and the residue allotment.
- C7** Subdivision which results in additional residential allotments of land within an Australian Noise Exposure Forecast (ANEF) contour of 30+ is not permitted. **Refer to Part 3J – Development Affecting Operations at Sydney Airport.** Please note that the AS2021 requires for sites between 25 to 30 ANEF Contour that the external environment be considered for aircraft noise impacts.
- C8** Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.

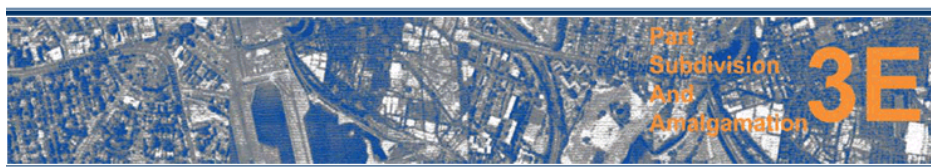
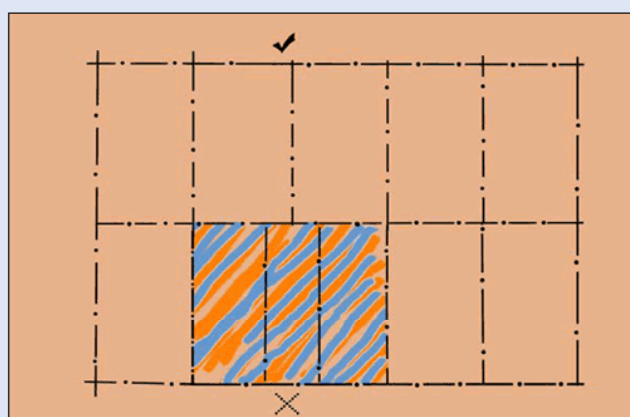
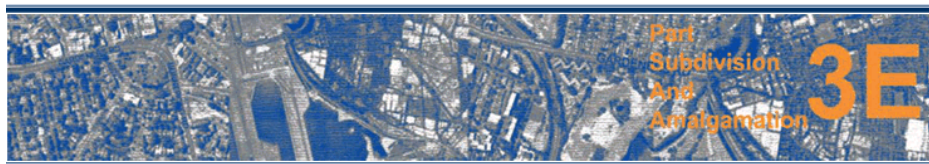


Figure 1 - Example of Acceptable Subdivision Pattern





3E.2.2 Residential Torrens Title

Residential subdivision or amalgamation may allow for higher density housing to be developed which may potentially place additional impacts on services of an area. This may present potential amenity impacts to existing land uses and affect the character of the locality. Therefore it is essential that design elements contained in this DCP are considered at the subdivision stage of a development. This is to ensure that the future development of a site is consistent with the Desired Future Character of the area.

Amalgamation is the combination of two or more lots for the purpose of redevelopment and is generally required when the existing cadastral arrangement contains lots that are too small or impractical in area, dimension, shape or orientation to achieve the desired future built form. Despite amalgamation being required in some instances, the existing cadastral pattern forms part of the streetscape character of the Botany Bay LGA and is generally appropriate to be retained.

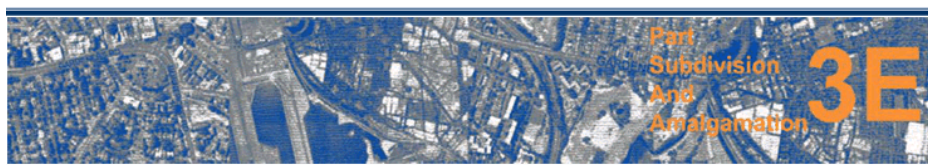
Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure the proposed subdivision is consistent the existing or prevailing subdivision pattern;
- O3** To ensure the site features and constraints are considered;
- O4** To ensure land affected by the boundary adjustment maintains any future development potential;
- O5** To avoid increasing the community's exposure to coastal hazards;
- O6** To facilitate the orderly development of land without adversely impacting on the amenity of existing developments within the locality; and
- O7** To ensure that future development can be accommodated on the land subject to controls with the DCP (ie. site frontage widths and setbacks).

Controls

General

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts**, **Part 9 - Key Sites** **Part 5 - Business Centres** and **Part 6 - Employment Zones**).
- C2** Proposed subdivision or amalgamation must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimensions, shape and orientation.



Note: Council generally considers the 'prevailing subdivision pattern' to be the typical characteristic of up to ten allotments on either side of the subject site and corresponding number of allotments directly opposite the subject site. Properties located in the surrounding streets do not usually form part of the streetscape character and are therefore not taken into consideration when determining the prevailing subdivision pattern.

C3 Development Applications which propose the creation of new allotments must be accompanied by a conceptual building plan that demonstrates compliance with all relevant DCP controls.

C4 Notwithstanding Control C2 above, land within Area H1 and H2 (refer to **Figure 2, Figure 3** and **Part 8 - Character Precincts**) may have a minimum lot width of 5 metres.

Note: Building height is restricted to 9 metres.

Note: Development Applications for Subdivision in Areas H1 and H2 are to be accompanied by a detailed site analysis and dwelling design that satisfies Council that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity.

C5 Proposed lots must be of a size and have dimensions to enable the siting and construction of a dwelling and ancillary structures that:

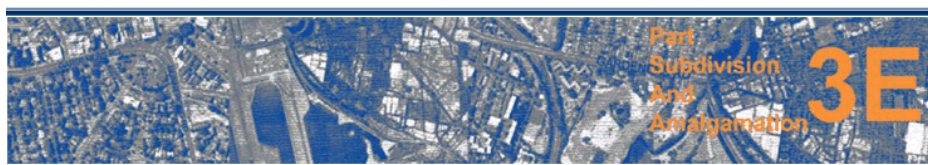
- (i) Acknowledge site constraints;
- (ii) Address the street;
- (iii) Minimise impacts on adjoining properties including access to sunlight, daylight, privacy and views;
- (iv) Provide usable private open space;
- (v) Provide vehicle access.
- (vi) Protect existing vegetation;
- (vii) Mitigate potential flood affectation and stormwater management requirements;
- (viii) Acknowledge contamination of the land; and
- (ix) Protect Heritage Items, Conservation Areas and land adjoining Heritage Items.

C6 Subdivision or amalgamation must not result in the creation of a new lot that contains significant site features that would render the land unable to be developed (e.g. creation of allotments that are solely burdened by easements, flooding, highly contaminated land or land of a size which could not facilitate development as per the zoning and development standards applicable to the land).

C7 All lots created shall have at least one (1) frontage to the street.

C8 Inter-allotment draining easement shall be provide if any proposed lots are not able to drain stormwater runoff from the site to a street or public drain way.

C9 Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise of 0.9 metres above the Australian Height Datum unless it can be



demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.

Battle-axe Subdivision

- C10** Battle-axe subdivision patterns will not be permitted within residential zones unless it can be demonstrated that it is part of the prevailing subdivision pattern.
- C11** Battle-axe subdivision patterns must result in one (1) or more allotments fronting the street and only one (1) allotment being serviced by a driveway access corridor.
- C12** Any proposed battle-axe allotment without a frontage to the street must have a minimum site area of 450m² and width of 12 metres.

Note: Battle-axe lots which are serviced via an access corridor are considered to be allotments without a frontage to the street. Where the access corridor is less than 8m wide, it shall not be included in the calculation of the minimum allotment area for either lot.

- C13** The width of an access corridor to a battle-axe lot shall be at least 3.5m for sites of less than 120m in depth.

- C14** Access corridors are to be located to ensure existing street trees are retained.

Note:

Refer to the Court Principles (in Galea v Marrickville Council [2005] NSWLEC 113) relating to building on the boundary in residential areas.

Comment [AQ1]: Fire & Rescue has advised that fire and rescue vehicle not need to enter a battle-axe property site has a depth of 120m or less, and therefore does not require the access corridor width that has been specified within the existing provision. The access corridor width of 3.5m is adopted, which is consistent with the existing RDCP 20 requirements.

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<#>4.5 metres for lengths less than 30 metres; and ¶
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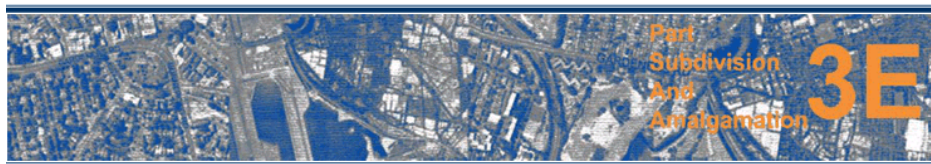
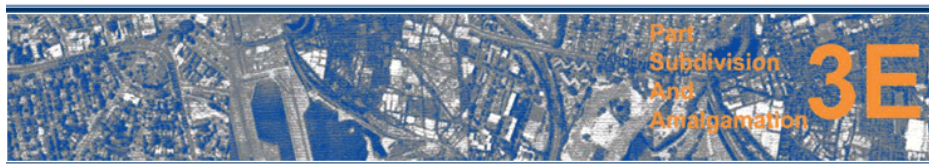


Figure 2 - Area H1



Figure 3 - Area H2





3E.2.3 Employment Zone Torrens Title

Industrial or Business Park Torrens Title subdivision or amalgamation may be required to accommodate a diverse range of employment development. Industrial amalgamations may be required to accommodate industrial uses, warehouses or freight transport that require a large open floor plate or large turning circles for long freight vehicles (refer to **Part 6 - Employment Zones**).

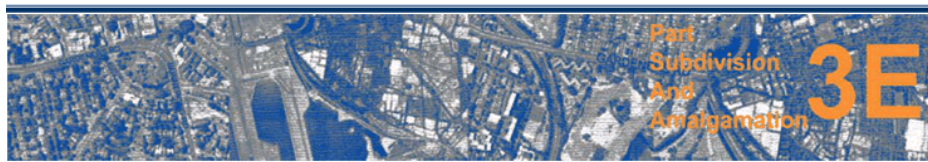
Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure the proposed subdivision is consistent the existing or prevailing subdivision pattern;
- O3** To facilitate opportunities for various industrial land uses within a locality;
- O4** To ensure safe and efficient vehicle, pedestrian and bicycle access within and to and from a site;
- O5** To prevent the excising of land that may be detrimental to the function of an existing continuing industrial use;
- O6** To avoid increasing the community's exposure to coastal hazards;
- O7** To reduce potential adverse impact of industrial development; and
- O8** To ensure that future development can be accommodated on the land subject to controls within the DCP (ie. parking and setbacks).

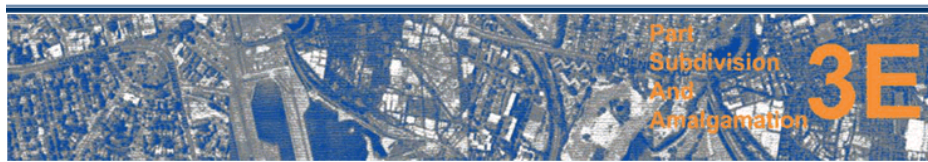
Controls

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to **Part 6 - Employment Zones**).
- C2** Any driveway/s required to service allotments must be designed to accommodate the largest vehicles assessing the site (based upon vehicle size identified in AS2890.2). In any case the driveway is not to have a width less than 6 metres at the property boundary.

Note: Council may require new road connections to be greater than 6 metres in width if cycleway and/or pedestrian footpaths are required. Any additional works required to the road network will be at the expense of the applicant.
- C3** Development Applications shall submit plans showing details of the vehicle access points, any internal road networks and/or driveways that require servicing each new allotment. The plans shall also demonstrate the following:



- (i) There is sufficient turning area within the new allotment to accommodate the largest vehicles entering and leaving the site in a forward direction; and
 - (ii) The vehicle crossing shall be designed so as not to interfere with the functioning of the existing road network by blocking lanes, or impacting on footpaths and kerbs or gutter.
- C4** Development Applications shall demonstrate that there is sufficient area to accommodate semi-trailers or delivery vehicles and their turning circles which may be permitted on the land as part of a future use.
- C5** Any driveway servicing multiple allotments must be registered as a right of way easement for the benefit of all allotments created and maintain access to any existing allotment/s which currently has access arrangements through the subject site.
- C6** The minimum allotment size permitted for industrial Torrens title subdivision or amalgamation of land is 1,500m² with a:
- (i) Minimum allotment width of 30 metres; and
 - (ii) Minimum allotment depth of 50 metres.
- Note:** All dimensions of the subdivision or amalgamation must be shown on detailed subdivision plans.
- C7** Torrens title subdivision development with proposed lots less than 1500m² or width less than 30 metres must be accompanied by a conceptual plan for the industrial development of the site which demonstrates that the proposed lots have an adequate area, dimension and a layout that allow for an employment use to comply with the DCP (refer to **Part 3 - General Provisions, Part 6 - Employment Zones, Part 7 - Other Development Types and Land Uses, Part 8 - Character Precincts and Part 9 - Key Sites**).
- C8** Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport**.
- C9** Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.



3E.2.4 Business Centres Torrens Title

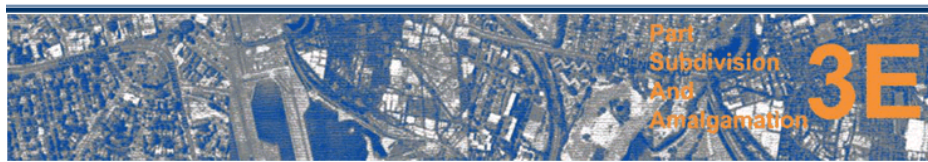
Many of the Business Centres in the Botany Bay LGA retain a traditional narrow Torrens title subdivision pattern with some Centres containing larger lots which have resulted from amalgamation of these traditional lots. These Centres are within the B2 and B4 zones. While it is important to maintain the existing character of the Centres, redevelopment and amalgamation of some centres is consistent with their Desired Future Character to enable some centres to achieve high densities and improved design quality.

Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure the proposed subdivision is consistent the existing or prevailing subdivision pattern;
- O3** To promote the orderly development of Business Centres;
- O4** To avoid increasing the community's exposure to coastal hazards; and
- O5** To ensure lots have a usable site frontage.

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to **Part 5 - Business Centres**).
- C2** Proposed lots shall have street frontage widths not less than the prevailing subdivision pattern within the business zone and are to have a compatible shape and orientation.
Note: The prevailing subdivision pattern does not include the subdivision pattern shown in zones adjoining the business centre. Properties located in the surrounding streets do not usually form part of the streetscape character and are therefore not taken into consideration when determining the prevailing subdivision pattern
- C3** Development applications are required to demonstrate that the subdivision pattern proposed complies with **Part 3A - Car Parking** for servicing, loading/unloading and car parking.
- C4** Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport**.
- C5** Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.



3E.3 Strata Title Subdivision

A strata title is the subdivision of a parcel of property into separate lots and common property. Individual ownership is given to small portions of larger property and undivided areas are shared as common property such as gardens or driveway. Strata title subdivision is generally associated with residential flat buildings, commercial unit buildings or mixed use developments.

The strata title subdivision allows for the development of a strata body or body corporate to manage and collect levies for the common property and to manage maintenance and set by laws for the use of the common property.

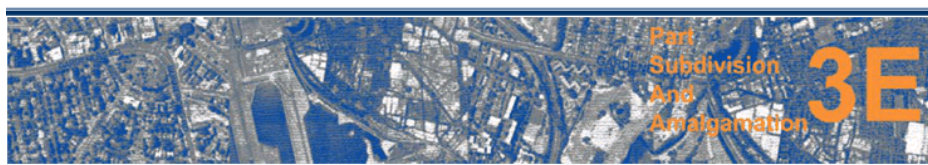
Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure that the subdivision relates to a development or building which has received development consent;
- O3** To ensure any required facilities are provided and the building is compliant with the Building Code of Australia, **Part 4B - Multi Dwelling Housing**, **Part 4C - Residential Flat Buildings**, **Part 6 - Employment Zones**, **Part 3A - Car Parking** and any other relevant Council controls;
- O4** To avoid increasing the community's exposure to coastal hazards;
- O5** To ensure there is adequate provision of affordable rental accommodation in residential strata title subdivision; and
- O6** To ensure that common areas are clearly defined, access is maintained from all proposed strata allotments and they are appropriately managed.

Controls

General

- C1** Development Applications shall demonstrate that the proposed subdivision is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts**, **Part 5 - Business Centres** and **Part 6 - Employment Zones**).
- C2** Strata title development applications must provide and demonstrate compliance with a development consent for the development proposed to be subdivided.
- C3** Any proposed subdivision must not contravene any conditions of consent applied to the development or building which is the subject of the proposed subdivision.

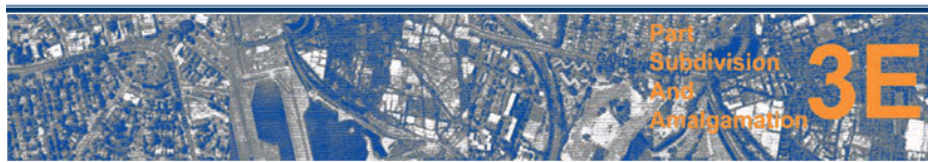


- C4** Any communal areas (ie. Common driveways or footpaths) or right-of-way easements (i.e. common driveways or footpaths) must be shown within the common property of the development to be managed either by a body corporate or strata body.
- C5** Any car parking associated with the development must be allocated to each individual strata title lot to be created and shown on the plan of subdivision to be submitted with the application.
- C6** Subdivision is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.

Residential

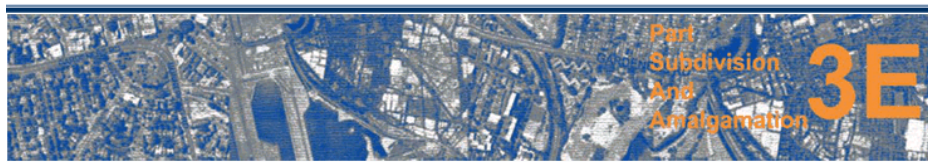
- C7** Development Applications shall demonstrate that the proposed strata subdivision is compliant with the Building Code of Australia, **Part 4B - Multi Dwelling Housing**, **Part 4C - Residential Flat Buildings**, **Part 3A - Car Parking** and any other relevant Council controls. If a development is not compliant with the BCA it must demonstrate how compliance will be achieved with the BCA.

Note: Any non-compliance with the BCA including fire safety in must be rectified prior to the issues of a Subdivision Certificate.
- C8** For the strata title subdivision of residential flat buildings, Development Applications are to demonstrate compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009 or demonstrate that it is not applicable.
- C9** Development Applications shall submit a structural engineers report on the structural integrity of the building(s) and balconies.
- C10** Development Applications shall submit a Building Inspection Report which provides details of the entire building (roof to internals) and must address the following factors:
 - (i) The repainting of all existing painted elements;
 - (ii) Rebedding and repointing roof hip and ridge tiles;
 - (iii) Replacement of garage doors;
 - (iv) Rebuilding of cracked and poorly laid brickwork in so far as it relates to the external walls;
 - (v) Repair gutter fascias;
 - (vi) Removal of graffiti from external walls as well as defacement works;
 - (vii) Repair of stairwell and entry foyer floor construction;
 - (viii) Ensure that the stormwater disposal system functions and is capable of functioning under the most adverse storm conditions;
 - (ix) Mitigation of surface water flow onto adjoining lands;
 - (x) Repair hardstand and manoeuvring areas;



- (xi) Rectification and re grout all open bed joints and perpends and grout solid around all plumbing penetrations to the external walls of the building;
- (xii) Installation of weatherproof trim and mouldings around the external windows and door opening onto the balconies to close the cavities;
- (xiii) Rectification of the defective waterproof membranes to the remaining bathroom floors and walls to prevent water penetration to the adjoining rooms. Any application should include details covering the extent of the works to the bathrooms, the type of water proofing system proposed, the manufactures specification and warranty details;
- (xiv) Any areas of concrete floor slab which require removal of concrete and treatment of the reinforcement due to exposure to excessive moisture shall be the subject of a report by a structural engineer incorporating details of required remedial works and prior to the placement of concrete shall be inspected by the structural engineer with written certification being submitted to Council;
- (xv) Installation of fire door sets to all sole occupancy units, installation of approved self closing devices, all hinges and tag all the fire doors and jambs and submit written certification of the level of compliance with the relevant Australian Standard;
- (xvi) Rectification of inadequate balcony drainage system and provide a proper finish where the concrete has covered up the external brick wall;
- (xvii) Screw fixing of the brackets securing the down pipes to the external walls of the building;
- (xviii) Replacement of defective fascia boards and eaves lining around the building in order to provide a reasonable standard of finish and avoid the potential danger of materials falling from the building and injuring occupants;
- (xix) Reconstruction/replacement of any defective fences;
- (xx) Landscape plan indicating street tree planting and the planting of suitable trees and shrubs on site;
- (xxi) Provision of a garbage container area; and
- (xxii) External finishes including colour schemes of all external timber and cement rendered surfaces.

C11 Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport** and must submit an Aircraft Noise Assessment.



3E.4 Community Title Subdivision

Community title subdivision is similar to strata title subdivision in that an allotment can be created for common property and all owners of the community title allotments share ownership of the common property. The main difference is community title subdivision relates to the land rather than a building.

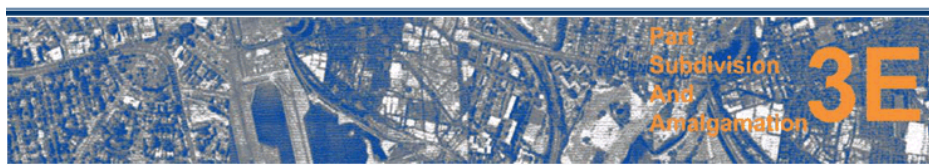
Community title normally occurs where there is staged development of land with significant infrastructure required to facilitate the future development of the land including roads, open spaces or recreation facilities that will be owned and managed by an association of the landowners. Further subdivision of land can occur within a community title scheme including strata title subdivision of individual buildings.

Objectives

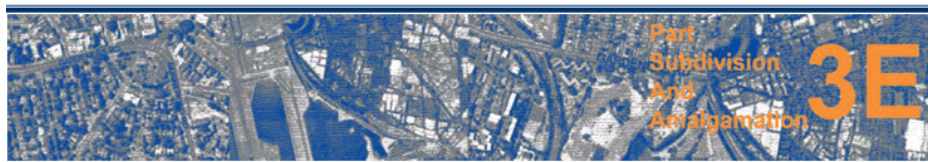
- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure the community scheme is appropriate for the development of the land and surroundings;
- O3** To avoid increasing the community's exposure to coastal hazards;
- O4** To provide for the subdivision of land where staged development is required; and
- O5** To ensure all common areas in the community scheme area are appropriately nominated and managed.

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts**, **Part 9 - Key Sites**, **Part 5 - Business Centres** and **Part 6 - Employment Zones**).
- C2** Development Applications must submit a plan of the community title subdivision clearly identifying the common land to be managed by a community association.
- C3** Development Applications shall demonstrate that future development for the site can comply with all Parts of the DCP (ie. setbacks, parking and private open space).
- C4** Development Applications must submit a management plan for the common property to be maintained by the association and details of the proposed staging of any future development.
- C5** Subdivision is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.



C6 Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport** and must submit an Aircraft Noise Assessment.



3E.5 Connectivity and Future Development Potential

Subdivisions and major developments have potential to impact on movement networks and affect the functionality of the public domain of an area. These movements may accommodate pedestrians, vehicles, service and infrastructure.

The predominant existing grid street pattern in the Botany Bay LGA provides a network that has good pedestrian and road connections and encourages sustainable forms of transport such as walking and cycling. Quick and direct travel paths and a variety of route choices provides good movement networks.

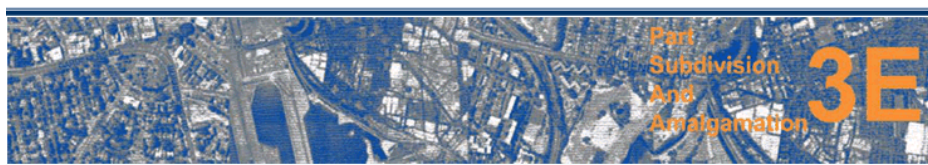
Where development includes the provision of new streets it has potential to impact the movement networks in the LGA. New streets are required to be interconnected with existing movement networks and public spaces to create functional neighbourhoods.

Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To retain and enhance an interconnected and permeable movement network;
- O3** To avoid increasing the community's exposure to coastal hazards;
- O4** To ensure the layout of subdivisions including the location of streets and open space creates vibrant and safe public spaces; and
- O5** To ensure the layout of subdivisions including the location of streets and open space response to a site's constraints and opportunities and the adjoining and surrounding sites.

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts**, **Part 9 - Key Sites**, **Part 5 - Business Centres** and **Part 6 - Employment Zones**).
- C2** Proposed subdivision or amalgamation must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimension, shape and orientation.
- C3** The subdivision of sites greater than 2,000m² and which have at least two (2) street frontages, must provide through site connectivity in the form of pedestrian pathways, cycle ways or new streets within the new subdivision pattern.
- C4** New streets, pedestrian pathways or cycle ways must be dedicated to Council as public land or



be the subject of a legal right-of-way for public access. Any land to be dedicated to Council must be developed to Council's standards.

- C5** New streets must be perpendicular to the existing street pattern and may require the upgrading of the existing street network to facilitate the new connection.

Note: Any upgrading required to the existing street network (i.e. new signalised intersections, new footpaths/pedestrian pathways and/or servicing) will be at the expense of the applicant.

- C6** Subdivision or amalgamation must not result in the isolation of lots or reduce the development potential of adjoining land. Applicants may be required to submit plans clearly identifying the future development potential of adjoining land to ensure its development potential will not be adversely impacted.
- C7** The isolation of parcels of land for the purpose of environmental protection is not permitted (i.e. the retention of significant trees or vegetation or the management of contaminated lands). This land must be incorporated into any future development and maintained by the landowner/s.
- C8** Where a rear lane is provided to adjoining land, the laneway configuration must be continued through the new lot and existing access arrangements to adjoining land maintained.
- C9** Development Applications shall demonstrate compliance with all relevant DCP controls including minimum setback, building height restriction, and access are all achievable.
- Note:** These are required to demonstrate that the proposed subdivision or amalgamation will not result in adverse impact/s of future development on adjoining land uses by way of amenity, privacy, overshadowing, overlooking, access, etc.)
- C10** Subdivision or amalgamation must not result in any restriction to existing parcels of land within the vicinity of the site. The proposed subdivision or amalgamation must not rely upon other land being burdened (i.e land downstream having to accept increased overland flows or on-site detention in order for land upstream to be developed).
- C11** Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.
- C12** Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport** and must submit an Aircraft Noise Assessment.



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3J.1 Introduction

This Part provides a means of assessing the effect of aircraft noise on development proposals by utilising an appropriately endorsed Australian Noise Exposure Forecast (ANEF) chart that takes into account long-term operating procedures and air traffic forecasts at Sydney (Kingsford-Smith) Airport. This Part also provides potential applicants with an understanding of the predicted level of the potential height limits due to prescribed airspace on proposed development sites and the potential for proposed developments to cause mechanical windshear.

3J.1.1 Land to which this Part Applies

The aircraft noise controls apply to all development in the City of Botany Bay within the 20 ANEF and above contour on the ANEF chart applicable to the City of Botany Bay. The ANEF chart for Sydney Airport will be the ANEF chart adopted by Council based on the most up-to-date information on operating procedures and air traffic forecasts at Sydney (Kingsford Smith) Airport.

The potential height limit controls, due to prescribed airspace for Sydney (Kingsford Smith) Airport, apply to all land within the Botany Bay LGA.

The map at **Schedule 2** shows the area of the Botany Bay LGA in which development may require an assessment for mechanical wind shear.

Note: In regards to minor development including non-habitable development or minor alterations and additions (i.e laundries) contact Council for further advice.

3J.1.2 Definitions

ANEF - Australian Noise Exposure Forecast:

A single number index for predicting the cumulative noise exposure levels in communities near an airport during a specified time period. It is based on a forecast of aircraft movement numbers, aircraft types, destinations and the location of runways at the airport. The most appropriate ANEF, as adopted by Council from time to time, is located in Council's Administration Centre, Coward Street, Mascot.

Australian Standard (AS) 2021-2015 - Acoustics - Aircraft Noise Intrusions - Building Siting and Construction:

The Standard provides guidance to State & Local Government authorities regarding land use planning, building construction and on the acoustic adequacy of existing buildings in areas in the vicinity of airports and aircraft flight paths.

Applicants can refer to the supplementary Handbook published by the Standards Australia Committee "Acoustics – Guidance on producing information on aircraft noise." (Publication SA HB 149:2016) to gain understanding of aircraft noise and its impacts.

Comment [AQ1]: AS 2021-2000 has been updated to AS 2021-2015.

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Comment [AQ2]: Standards Australia has published a handbook to supplement revised AS 2021-2015 intended to improve the availability of information about aircraft noise in a form that will allow individuals to make personal judgements about the impact of that noise on themselves. The handbook is available as a source of information for developers and the community.

**Indoor design sound level:**

The maximum A-weighted sound pressure level from an aircraft fly-over which, when heard inside a building by the average listener, will not be judged as intrusive or annoying by that listener while carrying out a specified activity.

3J.1.3 General Objectives**Objectives**

- O1** To provide a planning approach that is capable of variation in the event of differing circumstances arising from changed aircraft operating procedures and traffic volumes associated with Sydney (Kingsford-Smith) Airport; and
- O2** To ensure, to the extent practicable when applying an endorsed ANEF noise metric, that developers, property owners and purchasers/occupiers are aware of the predicted level of aircraft noise, potential height limits due to prescribed airspace for Sydney (Kingsford Smith) Airport on properties, the subject of development, and the possibility that certain development in certain areas in the vicinity of Sydney Airport may cause mechanical wind shear.



3J.2 Aircraft Noise Exposure Forecast

Objective

- O1** To provide a discretionary approach by Council in the assessment of proposed development within localities affected by aircraft noise.

Controls

Development Classified as "Acceptable"

- C1** Where the building site is classified as "acceptable" under Table 2.1 of AS2021-~~2015~~, development may take place subject to Council consent, there being no need, in the case of building construction, to provide protection specifically against aircraft noise.

Note:

Where the height of the proposed development is higher than the existing height of the localised building stock (and the proposed development has a direct line of sight to the seaport and/or the airport) an acoustical assessment by an accredited acoustical consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport.

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Development Classified as "Conditional"

- C2** Where the building site is classified as "conditional" under Table 2.1 of AS2021-~~2015~~, development may take place, subject to Council consent and compliance with the requirements of AS2021-~~2015~~.

Note:

Where the height of the proposed development is higher than the existing height of the localised building stock (and the proposed development has a direct line of sight to the seaport and/or the airport) an acoustical assessment by an accredited acoustical consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport.

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Development Classified as "Unacceptable"

- C3** In certain circumstances, and subject to Council discretion, Council may grant consent to development where the building site has been classified as "unacceptable" under Table 2.1 of AS2021-~~2015~~. For Council to be able to consider such applications for development, the following factors must be complied with:

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- (i) Submission of specialist acoustic advice by an accredited acoustical consultant certifying full compliance with the requirements of Table 3.3 of AS2021-~~2015~~;
- (ii) Submission of plans and documentation indicating the subject premises will be fully air-conditioned or mechanically ventilated in accordance with Council guidelines; and
- (iii) Any additional information considered necessary by Council to enable it to make a decision.

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Note: The Standard also requires that the external environment to a dwelling within a 25 to 30 ANEF Contour be considered for aircraft noise impacts. This process has to take the following into account:

1. Whether or not there is an existing residential dwelling on site;
2. What the application of the Standard applies to;
3. Does the dwelling have access to a rear yard within the property, which is currently available for outdoor recreational use by residents of the dwelling; and
4. Does the outdoor environment given the curfew and current operating patterns are such that in daylight hours there will be sufficient opportunity to resort to the private open space without the presence of aircraft noise.

Note: Where the height of the proposed development is higher than the existing height of the localised building stock (and the proposed development has a direct line of sight to the seaport and/or the airport) an acoustical assessment by an accredited acoustical consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport.

General

- C4** Notwithstanding the above controls, no applications for new residential development, new educational establishments, new child care centres, new hospitals, new nursing homes, or any other use which, in the opinion of Council, is considered to be aircraft noise sensitive will be supported by Council where the property is located within the 30+ ANEF contour.
- C5** Where a building site is considered by Council to be located on or immediately adjacent to an ANEF contour and could be affected by aircraft noise the subject development will be assessed as if it was located within the relevant ANEF contour.
- C6** For residential development located within the 25+ ANEF contour the external environment (i.e. deck and pergola) to the dwelling must be considered for aircraft noise impacts. The acoustic report must consider the external environment in accordance with AS 2021-~~2015~~.

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Note: Advice from the Department of Infrastructure and Regional Development's website:

AS 2021 provides an assessment of potential aircraft noise exposure around airports based on the Australian Noise Exposure Forecast (ANEF) metric which applies to the development of airport master plans and is applied in strategic land use planning in the vicinity of airports.



AS2021 currently specifies that it is 'acceptable' to construct noise sensitive developments in areas where the ANEF is less than 20. This may lead to the mistaken perception that intrusive aircraft noise stops at the 20 ANEF contour and that properties immediately adjacent to the contour will not be adversely impacted. For further information please access the Department of Infrastructure and Regional Developments website.

Comment [AQ3]: Invalid website deleted.

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http://www.infrastructure.gov.au/aviation/environmental/airport_safeguard/asf/review_as2021_2020.aspx

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3J.3 Aircraft Height Limits and Prescribed Zones

Botany Bay Local Government Area lies within the prescribed airspace for Sydney (Kingsford Smith) Airport. The prescribed airspace for Sydney over Botany Bay LGA consists of Procedures for Air Navigation Systems Operations (PANS-OPS) and Obstacle Limitation Surfaces (OLS).

The critical component of the prescribed airspace over Botany Bay is the Inner Horizontal Surface (51.0 metres AHD) of the OLS for Sydney (Kingsford Smith) Airport. Any intrusion into prescribed airspace would constitute a controlled activity and as such, must be referred to Sydney Airports Corporation Limited (SACL) for an approval process (*Airports Act 1996* Section 186).

Note: Section 182 of the *Airports Act 1996* defines 'Controlled Activities' as: constructing a building, or other structure, that intrudes into the prescribed airspace; altering a building or other structure so as to cause the building or structure to intrude into the prescribed airspace; any other activity that causes a thing attached to, or in physical contact with the ground to intrude into the prescribed airspace. It also makes reference to artificial lighting, light reflection and the generation of air turbulence and emissions such as smoke, dust, steam or gases or other particulate matter.

The approval process involves referral of the application to the Civil Aviation Safety Authority (CASA) and Airservices Australia (AsA) for assessment relating to safety, efficiency and regularity of air traffic using Sydney (Kingsford Smith) Airport. These assessments, once received, along with SACL recommendations, are forwarded to the Department of Infrastructure and Regional Development, for consideration and approval. The approval will nominate a building height limit that will not interfere with the prescribed air space or aircraft movements. The approval will also consider the impact of the proposed building envelope and building materials on airport navigation systems.

Note: Permanent controlled activities' are not permitted to penetrate the Procedures for Air Navigation Services Operations surfaces (PAN-OPS) component of the prescribed airspace. 'Permanent controlled activity' is considered to be any structure erected for a period of more than 3 months.

Objectives

- O1** To provide potential applicants with an understanding of the predicted level of the potential height limits due to prescribed airspace on proposed development sites;
- O2** To ensure, to the extent practicable, that developers, property owners and purchasers/occupiers are aware of the height limits on properties and the impact of controlled activities;
- O3** To provide guidance to applicants of the approval process required in areas impacted by Sydney (Kingsford Smith) Airport - Procedures for Air Navigation Systems Operations (PANS-OPS) and Obstacle Limitation Surfaces (OLS); and
- O4** To ensure that developments do not adversely impact on the PANS-OPS or OLS for Sydney (Kingsford Smith) Airport.



Controls

- C1** If the building is located within a specific area identified on the OLS map or seeks to exceed the height limit specified in the map the application must be referred to Civil Aviation Safety Authority and Airservices Australia for assessment.

Note 1: Any development over 7.62 metres from existing ground level in the area bounded by Hollingshed Street, Sutherland Street, Sparks Street, Wentworth Avenue, Myrtle Street, Lord Street and Botany Road is required to be referred to Sydney Airport Corporation for consideration on height grounds.

Note 2: Development outside the area detailed in **Note 1** above, which is 15.24 metres or over in height is required to be referred to Sydney Airport Corporation for consideration on height grounds.

- C2** Developments must consider the operating heights of all construction cranes or machinery (short-term controlled activities) that may exceed the OLS height limits thereby penetrating the prescribed airspace. Consideration should be given to the timing and location for the proposed controlled activity on site for referral to Civil Aviation Safety Authority and Airservices Australia.

- C3** Approval to operate construction equipment (i.e. cranes) shall be obtained prior to any commencement of construction, where the prescribed airspace is affected.

Note: Please contact Council for advice to whether or not your Development Application is required to be referred to SACL.



3J.4 National Airports Safeguarding Framework

The National Airports Safeguarding Framework is a national land use planning framework that aims to:

- Improve community amenity by minimising aircraft noise-sensitive developments near airports including through the use of additional noise metrics and improved noise-disclosure mechanisms; and
- Improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.

The National Airports Safeguarding Advisory Group (NASAG), comprising of Commonwealth, State and Territory Government planning and transport officials, the Australian Government Department of Defence, the Civil Aviation Safety Authority (CASA), Airservices Australia and the Australian Local Government Association (ALGA), has developed the National Airports Safeguarding Framework (the Framework).

Relevant Commonwealth, State (including NSW) and Territory Ministers considered and agreed to the Framework at the Ministerial Standing Council on Transport and Infrastructure (SCOTI) meeting in May 2012.

Additional information on the National Airports Safeguarding Framework can be found at http://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/

Note: For all development please refer to:

- *Guideline B: Managing the Risk of Building Generated Windshear and Turbulence at Airports;*
- *Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports, this risk needs to be addressed and minimised;*
- *Guideline D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation; and*
- *Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports.*
- **Guideline G: Protecting Aviation Facilities - Communication, Navigation and Surveillance (CNS)**

Comment [AQ4]: NASF has intro a new guideline for CNS facilities.

With respect to Guideline B, a procedure has been prepared on behalf of Sydney Airport Corporation Limited by wind engineering and air quality consultants Cermak Peterka Petersen that can be used to determine whether or not an assessment for mechanical wind shear impacts is needed for any development proposed to occur in the area of the Botany Bay LGA shown in the map at **Schedule 2**. The procedure is reproduced in full at **Schedule 3**.



SCHEDULE 1 - AUSTRALIAN STANDARDS 2021-~~2015~~

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The following tables have been reproduced from AS2021-~~2015~~ and set out the criteria to be used in the siting of buildings (Table 2.1) and in the setting of indoor design sound levels (Table 3.3).

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BUILDING SITE ACCEPTABILITY BASED ON ANEF ZONES

Source: AS2021-~~2015~~ (to be used in conjunction with Table 3.3)

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Building Type	ANEF Zone of Site		
	Acceptable	Conditional	Unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25-30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF (Note 1)	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF (Note 1)	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

Notes:

1. The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths. Because of this, the procedure of Clause 2.3.2 may be followed for building sites outside but near to the 20 ANEF contour.
2. Within 20 ANEF to 25 ANEF, some people may find that the land is not compatible with residential or educational uses. Land use authorities may consider that the incorporation of noise control features in the construction of residences or schools is appropriate (see also Figure A1 of Appendix A).
3. There will be cases where a building of a particular type will contain spaces used for activities which would generally be found in a different type of building (e.g. an office in an industrial building). In these cases Table 2.1 should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by Table 3.3.
4. This standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing build-up areas designed as unacceptable, it is recommended that such development should achieve the required ANR determined according to Clause 3.2. For residences, schools, etc., the effect of aircraft noise on outdoor areas associated with the buildings should be considered.
5. In no case should new development take place in greenfield sites deemed unacceptable because such development may impact airport operations.



INDOOR DESIGN SOUND LEVELS FOR DETERMINATION OF AIRCRAFT NOISE REDUCTION

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Source: AS2021-2015 - These indoor design levels are not intended to be used for measurement of adequacy of construction.

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Building Type and Activity	Indoor Design Sound Level, dB(A)
Houses, home units, flats, caravan parks	
Sleeping areas, dedicated lounges	50
Relaxing or sleeping areas	55
Normal domestic	60
Hotels, motels, hostels	
Relaxing or sleeping	55
Social activities	70
Service activities	75
Schools, universities	
Libraries, study areas	50
Teaching areas, assembly areas (see Note 5)	55
Workshops, gymnasias	75
Hospitals, nursing homes	
Wards, theatres, treatment and consulting rooms	50
Laboratories	65
Service areas	75
Public buildings	
Churches, religious activities	50
Theatres, cinemas, recording studios (see Note 4)	40
Court houses, libraries, galleries	50
Commercial buildings, offices and shops	
Private offices, conference rooms	55
Drafting, open offices	65
Typing, data processing	70
Shops, supermarkets, showrooms	75
Industrial	
Inspection, analysis, precision work	75
Light machinery, assembly, bench work	80
Heavy machinery, warehouse, maintenance	85

Notes:

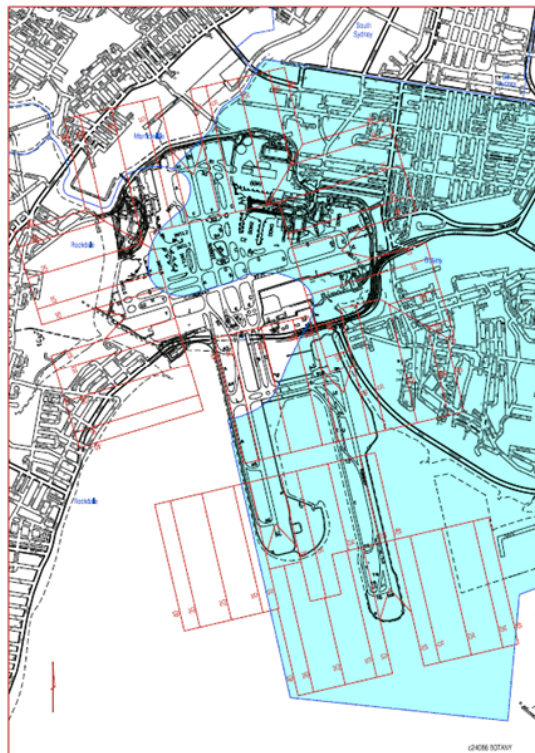
1. The indoor design sound levels in Column 2 are hypothesised values which are based on Australian experience. A design sound level is the maximum level (dB(A)) from an aircraft fly-over which, when heard inside a building by the average listener, will be judged as not intrusive or annoying by that listener while carrying out the specified activity. Owing to the variability of subjective responses to aircraft noise, these figures will not provide sufficiently low interior noise levels for occupants who have a particular sensitivity to aircraft noise.
2. Some of these levels, because of the short duration of individual aircraft fly-overs, exceed some other criteria published by Standards Australia for indoor background noise levels (see AS2107).



3. The indoor design sound levels are intended for the sole purpose of designing adequate construction against aircraft noise intrusion and are not intended to be used for assessing the effects of noise. Land use planning authorities may have their own internal noise level requirements which may be used in place of the levels above.
4. For opera and concert halls and theatres, and for recording, broadcast and television studios and similar buildings where noise intrusion is unacceptable, specialist acoustic advice should always be obtained.
5. Certain activities in schools may be considered particularly noise sensitive and 50 dB(A) may be a more desirable indoor sound level to select for any teaching areas used for such activities. However, the effect of other noise sources should be considered.
6. The provisions of this standard relating to different internal design sound levels for different indoor spaces could result in the use of different construction of materials in contiguous spaces, and require the construction of substantial barriers between habitable spaces, e.g. heavy self-closing internal doors, detracting from the amenity of the building. Therefore consideration should be given to a uniform perimeter insulation approach.



Schedule 2 – Map showing shaded blue area in which proposed development may require assessment for mechanical wind shear





SCHEDULE 3 - PROCEDURE TO USE TO DETERMINE WHETHER OR NOT AN ASSESSMENT FOR MECHANICAL WIND SHEAR IMPACTS IS NEEDED

The following has been supplied by Sydney Airport Corporation¹ to Council for applicants to follow when assessing whether an assessment for mechanical wind shear is required and whether the development application needs to be forwarded to SACL for its assessment.

Assessment Procedure

In terms of a procedure a series of steps have been defined for the wind shear assessment of development applications. It has been assumed through the development of this assessment process that the building height would not penetrate the obstacle limitation surface (OLS) for the airport, and that the operating wind criterion for using a Runway is limited by a 3 s gust wind speed measured at the control anemometer location of 30 kt in the cross-wind direction.

Step 1: Location of the development

If the proposed development is wholly outside the zoned plan area presented in Figure 1 then the development does not require any additional assessment.

Step 2: Height of the development

If the development is below the height surface presented in Figure 1 then the development does not require any additional assessment. The height limit surface varies linearly with distance perpendicular to the centreline of the runway.

It is assumed that the height of the building is less than the OLS, which is a maximum of 51 m AHD for the assessment areas.

¹ Letter dated 23 April 2014 from Cermak Peterka Petersen, Wind Engineering and Air Quality Consultants to Sydney Airport Corporation Limited





Figure 1: NASAG zones showing minimum height limits requiring assessment and OLS relative to AHD

Step 3: Type of development: isolated or compound

To determine whether a building is isolated, all existing (or Council approved) buildings with a height greater than 70% of the proposed building should be considered. The plan-form shape for each building should be taken as the enveloping rectangle parallel to the runway for all building elements above the plane through the 70% height of the proposed building. This is illustrated in Figure 2.

The proposed building is classified as isolated, if the distance between the proposed and the adjacent existing (or Council approved) buildings of height greater than 70% of the proposed building, is less than the maximum dimension of the two enveloping rectangles.

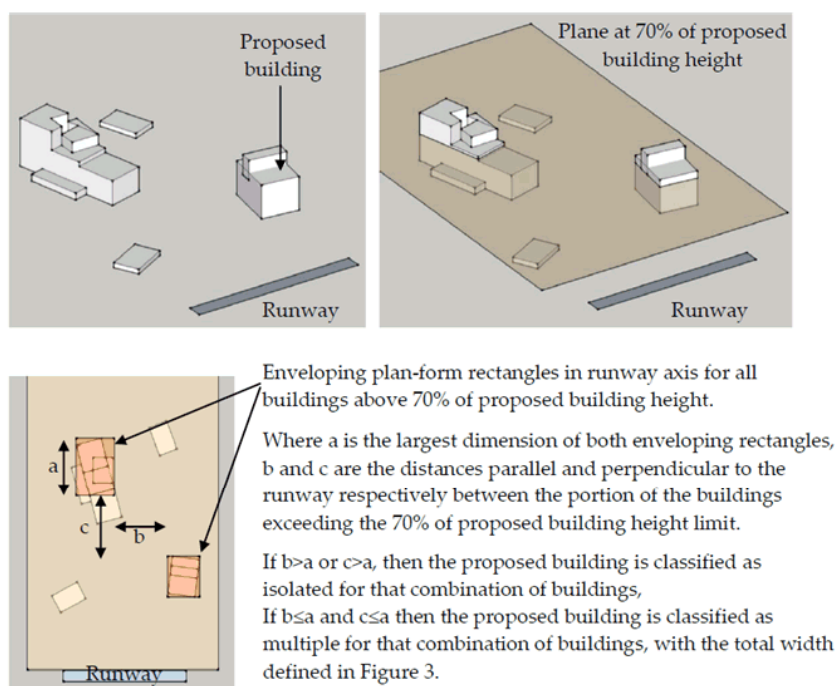


Figure 2: Schematic for determining isolated building

For determining the compound size of multiple buildings, the proposed building should be assessed in the first instance individually with all neighbouring existing and Council approved buildings. If a compound building is determined the assessment should progressively expand from the perimeter building, using the dimensions of the individual buildings, not the compound shape.

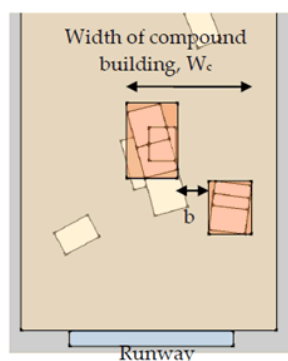


Figure 3: Width of compound building for adjacent buildings

In the example sketched in Figure 4, the proposed building was assessed independently with all buildings and only buildings B and E were classified as compound. Building E is on the edge of the compound shape and should be assessed with neighbouring Building F using their respective building envelopes, not the building envelope of the compound shape, W_c . As Building E and F are considered compound, Building F is on the edge of the compound shape and should be similarly assessed with neighbouring Building G. The width of the compound building is the overall width parallel to the runway as noted in Figure 4.

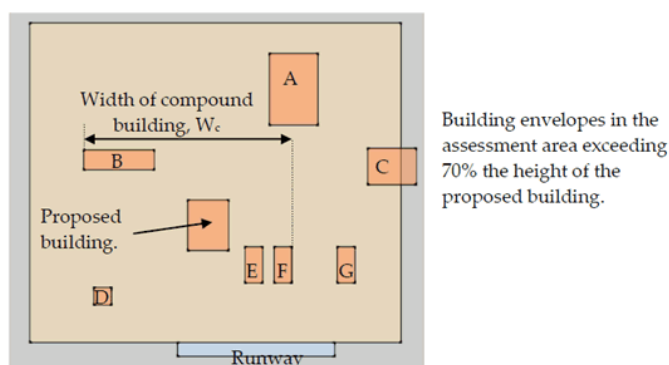


Figure 4: Example for assessing compound size of multiple buildings



Step 4: Isolated building assessment

If the enveloping rectangle dimension parallel to the Runway, W , is less than one third of the distance from the rear face of the building to the Runway Centreline, D , then the building does not require any further wind shear assessment. If $W > D/3$, then the building requires a qualitative assessment in accordance with NASAG (2012).

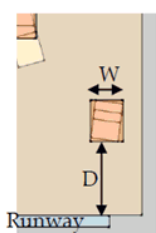


Figure 5: Definition for assessing an isolated building



Step 4: Compound building assessment

If the width of a compound building parallel to the Runway, W_c , is less than one third of the distance from the rear face of the compound building to the edge of the Runway, D , Figure 6, then the building does not require any further wind shear assessment. If $W > D/3$, then the building requires a qualitative or quantitative assessment in accordance with NASAG (2012).

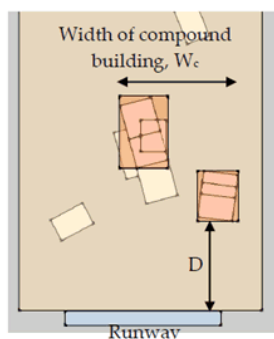


Figure 6 Definition for assessing a compound building



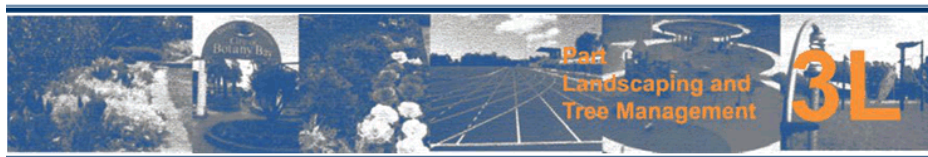
Conclusions

A procedure has been developed to assist with the wind shear assessment of proposed development applications for Council. The assessment is based on the procedures outlined in NASAG (2012) in combination with the upper height restrictions defined in the Sydney Airport OLS (51 m AHD), and an operational 3 s gust wind speed of 30 kt in the cross-wind direction.



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3L.1 Introduction

This Part must be read in conjunction with **Part 10 – Technical Guidelines for Landscaping on Development** sites.

Landscaping and planting design is a necessary component in the development of a site that:

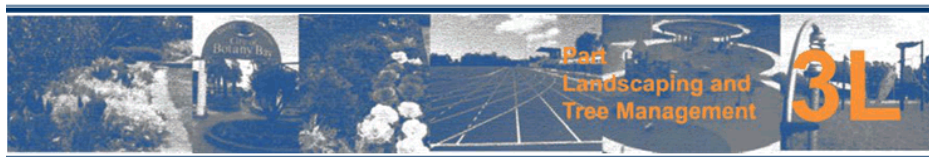
- Improves the overall quality of the development and the environment, amenity and aesthetics of a site;
- Enhances its integration and relationship with the surrounding streetscape, built context and landscape;
- Contributes to the health and well-being of the users of the site and of the community; and
- Provides opportunities for stormwater management and microclimate control.

Landscape design is to optimise the usability and amenity of the open spaces surrounding built structures to enhance social connection, visual outlook, access, usability, functionality, site responsiveness and privacy. Well designed, constructed and maintained landscapes are an asset to the community. Council actively promotes a high standard of landscaping on development sites through consideration of:

- The individual site and its intrinsic qualities and assets and how the proposed development can enhance and improve the site;
- The surrounding context, streetscapes and public spaces;
- Minimising impacts on neighbours, the streetscape and public domain;
- Good quality landscape design that is functional, aesthetically pleasing and site responsive;
- Construction details that include contemporary, robust finishes; and
- Provision of a high proportion of tree canopy cover in appropriate locations and the retention of trees.

Site responsive landscape design is encouraged that aims to:

- Unify the buildings and structures on a site and enhance pedestrian and open space;
- Retain and incorporate views and vistas, natural landforms, trees and vegetation and any other significant features;
- Improve microclimate, energy efficiency and air quality and reduce stormwater runoff;
- Contribute to local biodiversity, green corridors and wildlife habitat;
- Enhance privacy and screening, particularly the provision of landscaped buffers between residential and industrial interfaces and the screening of utility areas, car parks and vehicle circulation areas;
- Use planting and other landscape elements appropriate to the scale of the development to integrate the development with the character and proportions of the streetscape and public domain;
- Provide sufficient soil depths and planter box dimensions to enable trees to be grown over podiums;
- Minimise maintenance by using robust landscape elements; and
- Be sustainably designed.



Trees contribute significantly to the character, quality and amenity of an area. It is vitally important to protect, preserve and manage trees and vegetation.

New developments provide an opportunity to reinforce and embellish the landscape character by protecting and planting trees.

A diverse and healthy tree community provides significant aesthetic, environmental and ecological benefits for residents, workers and visitors, including:

- Enhancing biodiversity, landscape quality and visual amenity of open spaces and providing green canopy cover to the built environment;
- Encouraging native wildlife by providing wildlife corridors and connections, food and habitats;
- Reducing stormwater runoff by increasing the absorption of water into the soil;
- Promoting environmental sustainability. For example, through natural temperature modification of buildings, walls and hard surfaces;
- Providing shade and reducing heat islands over hard surfaces;
- Enhancing the comfort and liveability of properties, streets, paths and open spaces;
- Ameliorating, screening and softening buildings and car parks; and
- Filtering the air and improving air quality.



3L.1.1 Bonds

Tree Preservation Bonds

Council may impose a Tree Preservation Bond on significant or heritage trees or trees with a high potential to be damaged or impacted upon during construction. Council will calculate the bond amount using the Thyer Tree Valuation Method. Tree Bonds are paid to Council in the form of a refundable deposit prior to issuing any Construction Certificate.

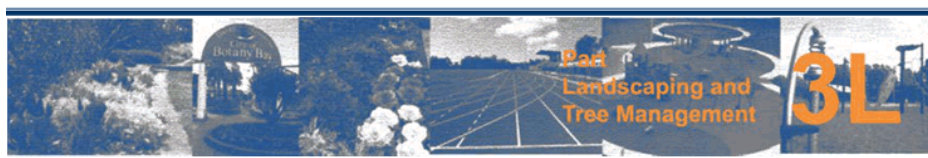
Tree Preservation Bonds are refunded if there is no damage incurred to the tree (both above and below ground) and may be in force for any length of time after construction has ceased to monitor tree health or structural soundness. If the tree is damaged or dies during construction or in the monitoring period, or if conditional tree protection requirements are not adhered to during construction, the bond may be partially or fully forfeited.

Landscape Bonds

To ensure the establishment and maintenance of landscaping in accordance with a Development Consent, applicants may be required to enter into a 5 year legal agreement with Council.

The landscape bond is calculated at approximately 30% of the estimated current industry cost of the initial cost to install the landscaping multiplied by the area of landscaping proposed. This may be increased annually in accordance with CPI. The bond is subject to a minimum of \$2000 and tenure commences on issue of the Occupation Certificate.

Council undertakes inspections of landscaping in all new developments to ensure compliance with the Development Consent. If the landscaping is not installed or maintained in accordance with the approval, the landscaping must be rectified within a specified time frame to Council's requirements otherwise the landscape bond may be forfeited and utilised by Council to reinstate the landscaping.



3L.1.2 Development Application Submission Requirements

C1 Landscape documentation is required to be submitted in accordance with **Table 1**.

Table 1 - Development Application Landscape Documentation Submission Requirements

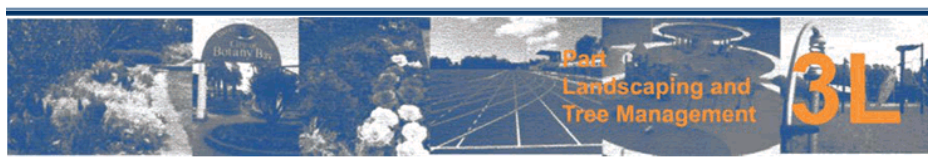
Development Type	Documentation to be Submitted	To be prepared by
New Residential Dwellings, Secondary Dwellings, Ancillary Buildings, First Floor Additions, Alterations and Additions	<u>Landscape Plan</u> <u>Arborist Report / Tree Assessment where applicable</u>	<u>Surveyor/Designer</u> <u>Consulting Arborist (AQF 5)</u>
Swimming Pools	<u>Landscape Plan</u> <u>Specifications and Construction Details</u>	<u>Surveyor/Designer</u> <u>Draftsman/Engineer</u>
Multi Dwelling Housing & Residential Flat Buildings	<u>Arborist Report / Tree Assessment</u> <u>Landscape Plan</u> <u>Schedule of Finishes</u> <u>Specifications and Construction Details</u> <u>Landscape Maintenance Schedule</u> <u>Public Domain Plan</u>	<u>Consulting Arborist (AQF 5)</u> <u>Landscape Architect and/or Landscape specialist for green roof/wall</u>
Industrial Development	<u>Arborist Report / Tree Assessment</u> <u>Landscape Plan</u> <u>Schedule of Finishes</u> <u>Specifications and Construction Details</u> <u>Landscape Maintenance Schedule</u>	<u>Consulting Arborist (AQF 5)</u> <u>Landscape Architect</u>
Commercial / Mixed Use Development	<u>Arborist Report / Tree Assessment</u> <u>Landscape Plan</u> <u>Schedule of Finishes</u> <u>Specifications and Construction Details</u> <u>Landscape Maintenance Schedule</u> <u>Public Domain Plan</u>	<u>Consulting Arborist (AQF 5)</u> <u>Landscape Architect and/or Landscape specialist for green roof/wall</u>

Comment [AQ1]: Previous descriptions of information required were duplicated the controls for each type of landscape documentation that followed this table.

The descriptions are replaced by the number of the documentation type for easy reference to the controls (C2-C6) that follows this Table.

Comment [AQ2]: Insert arborist qualification requirement.

Comment [AQ3]: Swimming pool separated from residential dwelling as requires construction details to be submitted due to the structural and excavation work that are involved, which may disturb existing tree roots.



<u>Child Care Centres, Community Centres and Related Buildings (eg. schools, churches)</u>	<u>Survey Plan</u> <u>Landscape Plan</u> <u>Arborist Report / Tree Assessment where applicable</u>	<u>Surveyor</u> <u>Designer</u> <u>Consulting Arborist (AQF 5)</u>
<u>Car Parks</u>	<u>Arborist Report / Tree Assessment</u> <u>Landscape Plan</u> <u>Schedule of Finishes</u> <u>Specifications and Construction Details</u> <u>Landscape Maintenance Schedule</u>	<u>Consulting Arborist (AQF 5)</u> <u>Landscape Architect</u>
<u>Subdivision and Demolition Applications</u>	<u>Survey Plan</u>	<u>Surveyor</u>
<u>Fences</u>	<u>Survey Plan</u> <u>Specifications and Construction Details</u>	<u>Surveyor</u> <u>Draftsman/Engineer</u>
<u>Third Party Advertising Signage</u>	<u>Arborist Report / Tree Assessment</u> <u>Detailed perspective sketches and/or photo montages</u> <u>Landscape Plan</u> <u>Schedule of Finishes</u> <u>Specifications and Construction Details</u> <u>Landscape Maintenance Schedule</u>	<u>Consulting Arborist (AQF 5)</u> <u>Architect</u> <u>Landscape Architect and/or Landscape specialist for green roof/wall</u>
<u>Development adjoining Wetland Zones or Natural Areas</u>	<u>Flora & Fauna Assessment</u> <u>Assessment of Significance</u> <u>Species Impact Statement</u> <u>Refer to Part 3M – Natural Resources</u>	<u>Ecological Consultant – professionally trained, qualified and experienced</u>

Note: Applicants are strongly advised to engage consultants with adequate training, qualifications and experience to prepare landscape documentation that demonstrate appropriate and responsive landscape outcomes to the site and comply with this DCP and industry best practice.

Additional landscape documentation may be requested by Council. Inadequate landscape documentation will need to be amended and resubmitted. Hand drafted submissions are not acceptable.

Comment [AQ4]: Advisory discla is relocated to ensure applicability for required landscape documentation.



C2 If an **Arborist Report / Tree Assessment** is required in **Table 1**, it must comply with section **3L.4.5 Applying for Council Approval**.

C3 If a **Landscape Plan** is required in **Table 1**, it must be of sufficient detail to enable Council evaluation of the adequacy and suitability of landscaping for the development proposed and include the following:

- a) Layout and details of open space, landscaped areas, planter beds, paved areas, walls and fences; and
- b) A plant schedule listing of all plants, including botanical names, plant numbers, spacings, and pot sizes; and
- c) Building envelopes and paved areas, including parking and vehicular areas; and
- d) Finished levels of the subject and adjoining properties; and
- e) Location, species, height and spread of existing trees and vegetation to be removed and retained, including trees on adjoining properties and street trees; and
- f) Treatment of interface with adjoining land uses and public land; and
- g) Public domain improvements (where applicable), such as street trees, footpaths, furniture and landscaping; and
- h) Underground and overhead utilities, including drainage, fire booster valve assemblies and electrical kiosks (where applicable); and
- i) Irrigation system details for podium landscapes, roof-top gardens, and green walls; and
- j) An adequate number of sections and elevations to adequately depict the landscape proposal and to clearly indicate changes in levels, terraces, retaining walls and podium planters; and
- k) Overlay basement car park areas with the ground level landscape plan / layout clearly showing landscaping on natural ground and landscaping over podium.

C4 If a **Schedule of Finishes** is required in **Table 1** it must include a materials samples palette and colour scheme inclusive of pavements and hard landscape elements. The samples palette should be cross-referenced with manufacturer's details. The colour scheme should take the form of rendered and coloured elevations cross-referenced with a colour chart.

C5 If **Specifications and Construction Details** are required in **Table 1** it must:

- a) Clearly illustrate and quantify the type, layout and method of construction of landscape materials and elements to be used in the project; and
- b) Include tree/shrub planting methods, tree protection measures, paving construction details, edge treatments, retaining walls, fences, steps, footings, planter boxes on slab (construction and drainage), furniture, landscape structures, etc.
- c) Landscape construction of landscaping is to be in accordance with **Part 10 - Landscape Technical Guidelines for Development Sites**.

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Comment [AQ5]: Reference is made to 3L.4.5 regarding the Arborist Report requirements to maintain consistency.

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Comment [AQ6]: Specific landscape features that require details for irrigation systems is listed to match the requirements listed in the Rockdale Landscape Technical Specification document.

Comment [AQ7]: Relocated from C10 (k) and (l)

Comment [AQ8]: This is relocated to the end of C1 (after the table) to ensure applicability for all required landscape documentation.

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Note: Applicants are strongly advised to engage consultants with sufficient training, qualification, experience to provide Landscape Plans that provide landscape outcomes that are appropriate responsive to the site and comply with this DCP and industry best practice. Inadequate plans will be amended and resubmitted.

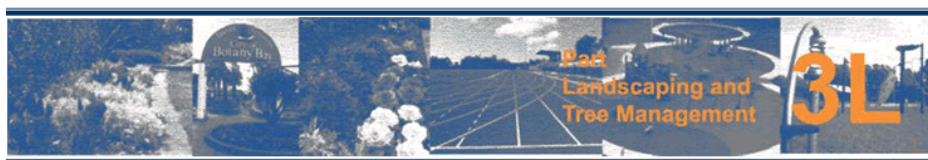
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Comment [AQ9]: Relocated from C12

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Comment [AQ10]: Relocated from 3L.2 C11



C6 If a **Landscape Maintenance Schedule** is required in **Table 1** it must:

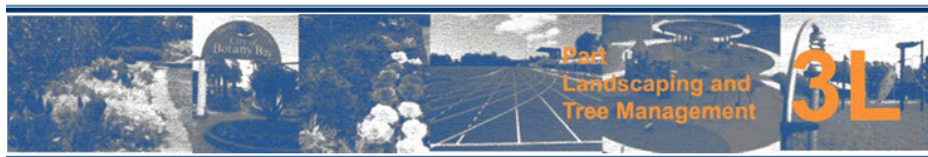
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- d) Cover a 12 month period and provides a guide to the landowner or occupier on how to best maintain the constructed landscaped areas; and
- e) Include the following information:
- f) Shrub pruning/trimming (frequency, plant requirements);
- g) Fertilising and pest control (soil testing, types, rate, frequency);
- h) Mulching, weeding and soil improvement (frequency, materials);
- i) Irrigation (checks, adjustments);
- j) Adjustment of tree stakes and ties;
- k) Tree maintenance (fertilising, mulching, special tree requirements);
- l) Maintenance of hard landscape elements (paving, edges, walls, pergolas, seats, planter box walls, etc); and
- m) Planter boxes/roof gardens/green wall (specialised maintenance requirements).

Comment [AQ11]: Relocated from 3L.2 C13

Comment [AQ12]: This is already addressed in C4 and hence this duplicate is deleted.

Deleted: For new large industrial commercial developments a Scheme of Finishes is required and must include a materials samples palette and a scheme of pavements and hard landscape elements. The samples palette is to be cross-referenced with elevation plans and manufacturer's details



3L.1.3 Definitions

Deep soil zones are areas of natural or existing ground with the natural soil profile retained within a development to promote the healthy growth of large canopy trees, to protect existing trees and to enhance the natural infiltration of stormwater and runoff to the ground water table. Deep soil zones are to be related to the provision of open space and retention of existing trees on a site (boundary setbacks, communal open space, private open space and green corridors).

Deep soil zone do not include landscape areas or planters located over building podium or basement car parks and do not include planter boxes regardless of soil depth.

Deep soil zones do not contain stormwater detention tanks, rainwater tanks or infiltration trenches, driveways, car parks (at grade or basements) or large areas of paving, they are green landscaped areas.

Hard landscaped area includes the following:

- Uncovered balconies, decks, pergolas and the like;
- Paving and patios (porous and non-porous);
- Driveways and car stand areas (porous and non-porous);
- Water features;
- Any part of a basement car park which extends beyond the footprint of the building above; and
- Excludes anything defined as soft landscaped area or site coverage.

Landscaped area includes all of the parts of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. This refers to soft landscaping only.

Site coverage is the proportion of a site area covered by buildings.

The following are not included for the purpose of calculating site coverage:

- (i) any basement,
- (ii) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (iii) any eaves,
- (iv) unenclosed balconies, decks, pergolas and the like.

Swimming pools are included in the calculation of site coverage, however 'landscaped area' and 'hard landscaped area' is not included.



Injury or Injuring or Wilful Destruction means damage to a tree and includes:

- (i) The administering of a chemical or artificial substance that is toxic to a tree or part of a tree (includes spilling and runoff) whether deliberate or accidental.
- (ii) The alteration of ground level or water table which causes damage to the tree or any part of the tree including roots.
- (iii) Any physical injury especially by machinery on construction sites such as tearing or hacking of branches or roots that is not carried out in accordance with arboricultural practices or AS 4373 - 2007 – Pruning of Amenity Trees.
- (iv) Ringbarking - damaging the bark with machinery whether intentional or otherwise, fixing objects to trees with nails, staples or wire, or any actions that restrict the normal function of the tree's trunk or branches.
- (v) Soil compaction, excavation within or suffocation of the tree's root zone through impervious pavements, fill materials or storage in the root zone, topsoil stripping, soil stockpiling.
- (vi) Construction of unapproved wall footings or retaining walls in the tree root zone.
- (vii) Construction of sub-surface stormwater detention or infiltration devices and pits without consideration of tree roots.
- (viii) Lopping (cutting between branch unions) and topping (to reduce height) of the canopy.
- (ix) Changes to drainage in the tree's root zone.



3L.2 General Requirements

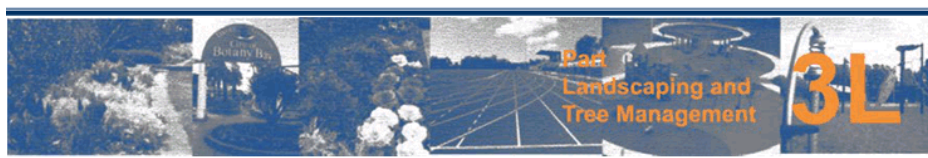
Objectives

- O1 To maintain and embellish the visual and environmental amenity of the City;
- O2 To ensure that new development incorporates high quality landscaping and planting designs integral to the overall development;
- O3 To ensure landscaping is site responsive, retains trees and provides adequate and appropriate landscaping;
- O4 To improve and enhance the landscape structure and character of the City of Botany Bay;
- O5 To ensure that landscaping improves the amenity of open spaces in a development;
- O6 To conserve and protect the natural environment and promote the use of native and indigenous species, contributing to the effective management of biodiversity;
- O7 To retain and increase canopy cover, particularly medium and large canopy trees and contribute to the urban forest;
- O8 To provide vegetated screens and buffers around developments to reduce impacts on neighbouring properties;
- O9 To promote landscape planning and design in conjunction with planning the layout of buildings, structures, vehicle circulation and ancillary areas on a development site;
- O10 To improve the visual amenity of the built environment by minimising bulk and scale; and
- O11 To enhance the existing streetscape by providing a scale and density of landscaping that softens the visual impact of buildings.

Controls

- ~~C1~~ Existing trees including street trees must be preserved. The arrangement of buildings, secondary dwellings, pods, car parks, driveways, ancillary building and paved vehicle/other circulation spaces must consider existing trees and incorporate them into the site layout.
- C2 Landscaping will be designed to reduce the bulk, scale and size of buildings, to shade and soften hard paved areas, to create a comfortably scaled environment for pedestrians in the public domain, or from within the site, and to screen utility and vehicle circulation or parking areas. Emphasis is to be placed upon landscaped setbacks.
- C3 Landscaping is to be used to define the transition between public and private spaces.

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C4 Landscape screening or buffers are to be included and designed so as to enhance privacy between properties and softening of walls and facades.

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C5 Street tree planting is required for most large developments. Landscaping in the public domain is to reinforce existing streetscape planting themes and patterns. The species and size will be in accordance with Council's Street Tree Master Plan and to Council specification and may include street tree planting, grass, shrub and accent planting. Streetscape beautification may also include re-paving public footpaths.

Note: Council may require that all street trees be planted at the Site Establishment Phase or during Stage 1 of a staged development so that trees become established and soften the development by practical completion.

C6 All fencing and wall details will be provided in the Landscape Documentation and comply with the relevant Parts of the DCP.

C7 Any electrical kiosk, fire booster assembly or similar utilities will be in a location that is visible from the main entrance of the development, unable to be obstructed, and readily accessible to vehicles and service staff.

Fire booster assemblies are to be a minimum of 10m distance to an electrical kiosk, and housed within the external face of the building structure or in a built enclosure with screen doors. The enclosure is to be integrated with the architectural design of the development and compliant with AS2419.

Applicants are encouraged to provide landscaping that will not impede access to, and effective use of, the utilities to reduce the visual impact of the utilities on the streetscape and public domain.

C8 Retaining walls will be certified by a Structural Engineer if over 500mm in height.

Deep Soil Landscape Zone

C9 A deep soil landscape zone is required for all developments within boundary setbacks (particularly where a site adjoins a residential property), communal and private open space, and green corridors.

Note: Development in B1 and B2 zones are permitted to be built to front boundary and therefore do not require a deep soil landscape zone in the front boundary.

C10 Where possible, deep soil zones are to be contiguous with deep soil zones on neighbouring sites so as to enhance tree canopy continuation and wildlife corridors.

C11 Underground parking should be situated underneath the building footprint to maximise the deep soil landscape zone.

Comment [AQ13]: Documentation controls are relocated to 3L.1.2 DA Submission Requirements

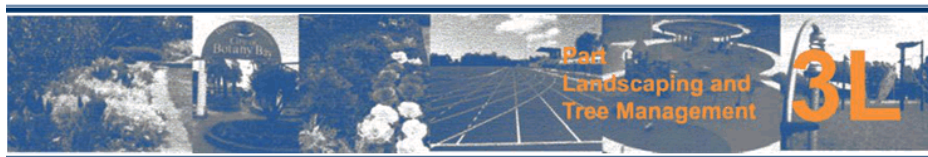
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¶ Documentation ¶

¶ <#>Landscape documentation i required to be submitted in accordance with Table 1 ¶

¶ Table 1 - Development Application Landscape Submission Requirements¶

¶ Development Type



- C12** Areas containing trees are to be of suitable dimensions to allow for lateral root growth as well as adequate water penetration and air exchange to the soil substrate.

Planter Beds

- C13** All planter beds will be a minimum 1 metre wide except where otherwise stipulated in boundary setbacks for individual development types.
- C14** All planter beds adjoining paved areas will be separated by a 150mm high masonry kerb or edge.
- Note:** Does not apply to dwelling houses.
- C15** Planter beds along building façades are encouraged to visually "ground" buildings and connect them to the landscape.

Paving

- C16** Use of asphalt and large expanses of bland concrete paving is not permitted. Hard paved areas are to be finished with unit pavers.
- C17** A contrast of paving materials is required to break up large sections of paving and to delineate pedestrian areas, entries, car parks, special use areas or transition zones between different uses. Porous paving is to be utilised wherever possible.



3L.3 Planting Design & Species

Objectives

- O1** To ensure the landscape and plant design enhances the appearance and amenity of the development and makes a positive contribution to the streetscape;
- O2** To promote adequate and suitable landscaping that is functional, site-responsive, low maintenance, sustainable and promotes energy efficiency and aesthetically pleasing and contributes to a greener and visually enhanced local environment; and
- O3** To encourage the planting of environmentally sustainable native and locally indigenous species throughout the City.

Controls

General

- C1** Landscape design and plant species selection is to be utilised to improve the local microclimate, improve energy efficiency and the thermal performance of buildings and reduce energy consumption.
This can be achieved by using suitable and well located trees and vegetation to:
 - i. Provide shade to buildings and outdoor spaces in summer;
 - ii. Provide solar access to living areas, outdoor spaces, solar collectors and drying areas in winter;
 - iii. Reduce glare from hard surfaces;
 - iv. Funnel favourable air currents into buildings;
 - v. Provide windbreaks to unfavourable wind directions;
 - vi. Reduce noise;
 - vii. Reduce evaporation of pools through shading; and
 - viii. Provide privacy, and filter or screen views.

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Species

- C2** A minimum of 80% of a planting scheme is to consist of native plants. Locally indigenous species, as specified in **Part 10 – Technical Guidelines for Landscaping on Development Sites**, are to be incorporated where practical and suit the microclimate conditions. .
- C3** Plant species suited to the local soils will be selected to reduce the need for large quantities of soil improvement, fertilizers or pesticides.
- C4** Landscaping adjoining Endangered Ecological Community (EEC) remnants is to provide an effective buffer to these areas and not overshadow or compete with the ecological communities.



- C5** Plant low water consumption plants and group plants of similar irrigation requirements (i.e. hydrozoning).
- C6** Shrubs are to be densely planted and trees spaced and located according to their mature size. Close spacing of certain species of trees may be used for screening.

Planting Design

- C7** Canopy trees are to be planted in setbacks, particularly the front and rear setbacks of a property, to ameliorate built elements, subduing their appearance in the landscape and to encourage the continuity of landscape patterns.
- C8** To allow adequate lateral root space and soil volume for medium to large canopy trees, the front setback area must be on one level or at a slightly battered grade rather than terraced, stepped or containing narrow planter boxes.
- C9** Tree species must be of a suitable scale for the development and size of buildings on a site and soften the ends and corners of buildings. A list of suitable trees and plants for residential sites can be found in **Part 10 Landscape Technical Guidelines for Development Sites**
- C10** A layered landscaping approach incorporating the following is required in large landscaped areas, setbacks, buffer zones and interface areas:
 - i. Canopy trees for upper level screening and softening of buildings, privacy and shade (a mixture of small to large trees can be used for different purposes but the site must contain large canopy trees);
 - ii. Shrubs for mid-level screening and demarcation of spaces and uses (a mixture of low to tall shrubs are to be used for different purposes); and
 - iii. Groundcovers for low-level screening, soil stabilization and weed reduction.
- C11** Lawns are generally not permitted (except on rear yards of detached dwellings) since they are generally not water efficient or as effective as trees and shrubs in screening, ameliorating buildings and structures and enhancing the streetscape and public domain. Native groundcovers can be used in open areas instead.
- C12** Landscaped areas are to be supplied with an automatic drip irrigation system (except on land occupied by detached dwellings) preferably with moisture sensors and connected to a recycled water source. However, plant species that are sustainable and not reliant on long term irrigation are preferable.



3L.4 Tree Management

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This Part identifies whether Council's approval (i.e. a Development Application) is required to remove or prune a tree.

Consent is required to undertake any tree pruning or removal work. Where works to trees is required as part of other works for which development consent is required, the works will be assessed as part of the Development Application, otherwise an Application to Remove or Prune a Tree on Private Property (i.e. a Tree Permit) should be lodged with Council. Information on Tree Permit Applications can be accessed on Council's website at <http://www.botanybay.nsw.gov.au/Resident-Services/Trees/Tree-Inspections>.

This Part applies to trees and vegetation on all land within the City of Botany Bay and supplements **Clause 5.9** Preservation of Trees and Vegetation BBLEP 2013.

Clause 5.9 of Botany Bay LEP 2013 identifies controls for the preservation of trees within the City of Botany Bay. The objective of Clause 5.9 is "to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation." In accordance with BBLEP 2013 this Part of the Development Control Plan prescribes the trees or other vegetation to which the clause applies.

The following legislation is also applicable:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No. 19 - Bushland in Urban Areas*;
- *Environment Protection and Biodiversity Conservation Act 1999*;
- *Threatened Species Conservation Act 1995*; and
- *Noxious Weeds Act 1993*

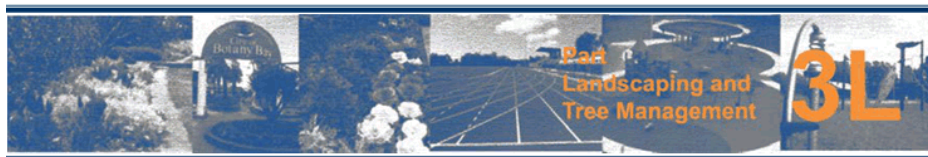
The following must also be complied with:

- **Australian Standard AS4373-2007 – Pruning of amenity trees**
Provides a guide defining uniform tree pruning procedures and practices to minimise adverse impacts on trees.
- **Australian Standard AS4970-2009 – Protection of trees on development sites**
Provides best practices for the planning and protection of trees on development sites.
- **WorkCover NSW Code of Practice: Amenity Tree Industry, 1998**



3L.4.1 General Objectives

- O1** To prescribe trees and other vegetation to be protected under **Clause 5.9** of BBLEP 2013;
- O2** To preserve significant and valuable trees;
- O3** To maintain and embellish the visual and environmental amenity of the City through the preservation of trees and vegetation;
- O4** To protect and preserve trees and vegetation within the City of Botany Bay for biodiversity, visual and aesthetic and environmental amenity values;
- O5** To maximise the quality and quantity of healthy tree canopy throughout the City;
- O6** To ensure the protection of trees and vegetation by ensuring new developments consider and incorporate existing trees into the site layout and design and ensure vegetation is protected during construction and the ongoing operation of the site; and
- O7** To provide a guide to the regulatory framework for the preservation of trees and establish a coordinated approach to tree management.

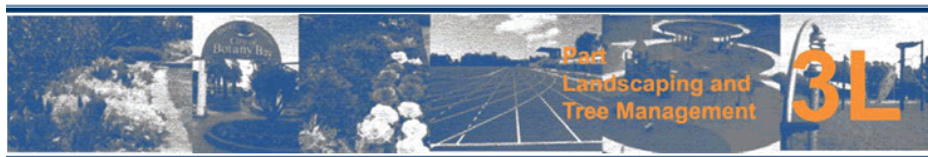


3L.4.2 Tree Works Requiring Council Approval

Tree works are actions affecting the health, form, habitat or canopy of a tree or vegetation community and includes modification to the tree crown (all types of pruning work, crown thinning and crown lifting – refer to AS4373-2007), root pruning and tree removal.

The removal, lopping, topping, ring barking, injuring or willful destruction of the following trees and vegetation without Council approval is prohibited:

- (i) Any tree works that are not considered to be exempt (refer to **Part 3L.4.3 – Exempt Tree Works**);
- (ii) Any tree, palm or vegetation on private land (other than an exempt species listed in **Table 3L.1**) at least 3 metres in height or with a diameter at breast height (DBH) equal to or greater than 200mm or 600mm circumference for a multi trunked tree;
- (iii) Any tree or plant identified as a heritage item, located on a heritage listed property; and
- (iv) Any vegetation within an area identified as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995* or protected by any other State or Federal legislation (*Environment Protection and Biodiversity Conservation Act 1999*) irrespective of size.



3L.4.3 Exempt Tree Works

The following tree removal or pruning works do not require Council approval:

- (i) Any tree works that do not require approval under **Section 3L.4.2 – Tree Works Requiring Council Approval**;
- (ii) Tree works to exempt species identified in **Table 3L.1**;
- (iii) Trees that meet criteria under *SEPP (Exempt & Complying Development Codes) 2008* (Clause 3.6A and Clause 5A.3);
- (iv) Removal of noxious weed species in the Botany Bay Local Government Area under the *Noxious Weeds Act 1993* (as listed in **Part 10 – Landscape Technical Guidelines for Development Sites**);
- (v) Pruning near domestic power or telecommunications lines to maintain line distance clearance where the work is a maximum distance clearance of 500mm of branches up to 50mm diameter at the nearest branch collar (Branch collar is the point of attachment to another branch/trunk). Work must be carried out by an experienced Arborist or Tree Surgeon AQF Level 5 in accordance with *AS4373-2007*;
- (vi) Minor pruning work at a maximum distance clearance of 2 metres measured from the surface of the structural component (wall/ roof) of the building's edge and of branches up to 50mm in diameter at the nearest branch collar. (Branch collar is the point of attachment to another branch/trunk for branches overhanging the roof only);
- (vii) Tree works authorised under the *Electricity Supply Act 1995* or the *Roads Act 1993*;
- (viii) Emergency work carried out by Council, State Emergency Services, Fire Services or a public authority;
- (ix) Removal or pruning works undertaken by Council or a contractor acting on behalf of Council on Council owned or controlled land; and
- (x) Where Council is satisfied the tree is dying or dead or poses a risk to human health or safety.

Note: **Part 3L.4.2 – Tree Works Requiring Council Approval** overrides the exemptions listed above as Council approval is required for works involving threatened species, populations or ecological communities.

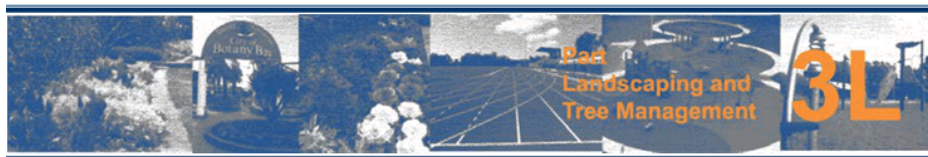


Table 3L.1 - Exempt Tree Species List

<i>Alnus altissima</i>	Tree of Heaven
<i>Bambusa spp.</i> , <i>Phyllostachys spp.</i> and others	Bamboo
<i>Cinnamomum camphora</i>	Camphor Laurel Note: Only trees under 5 metres high
<i>Citrus spp.</i>	Lemon, Orange, Mandarin
<i>Cotoneaster spp.</i>	Cotoneaster
<i>Erythrina crista-galli.</i>	Coral Tree Note: Only trees under 5 metres high
<i>Ficus elastica</i>	Rubber Tree
<i>Morus alba</i>	Mulberry
<i>Nerium oleander</i>	Oleander
<i>Olea europaea subsp. cuspidata</i>	African Olive
<i>Olea europaea</i>	European Olive
<i>Prunus spp.</i> (fruiting species)	Fruiting species only (Peach, Plum, Apricot, Cherry). Note: Does not apply to ornamental/sterile varieties.
<i>Pyrus spp.</i> (fruiting species)	Fruiting species only (Pear). Note: Does not apply to ornamental/sterile varieties.
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus romanzoffiana</i>	Queen Palm Note : only palms less than 5 metres

Note: The above exemptions do not apply to trees upon land in a Heritage Conservation Areas or on land in which a listed Heritage Item is located or any tree listed on a Significant Tree List.



3L.4.5 Applying for Council Approval

A Development Application for proposed tree works (removal or pruning) is required to include the following at a minimum:

1. A site plan showing the surveyed location of all tree/s or vegetation on the property and trees within 5 metres of property boundaries (trees on adjoining properties and street trees);
2. Details of the species and size (height, canopy spread and trunk diameter/girth at ground level) of the surveyed trees or vegetation, whether to be retained or removed;
3. Arborist Report for sites with large trees, several trees or as required by Council;
4. Full written details and justification for the proposed tree or vegetation removal and/or pruning (refer to C3 below). It is the responsibility of the applicant to substantiate applications for tree removal; and
5. Owner's consent.

Retention of Trees on Development Sites

Council expects the retention of healthy and/or functional trees on all development sites. Developments are to be designed to incorporate existing trees into the layout and design of open spaces, buildings, basement car parks, hard stands and ancillary structures to ensure that their health is not compromised by siting structures too close to trees, including trees on adjoining properties.

Controls

- C1** A Development Application involving tree removal or pruning works based on one or more of the following reasons is likely to be refused:
- (i) The shedding of leaves, bark, fruits, flowers, sticks or the like which are part of the normal life cycle of a tree;
 - (ii) To minimise the inconvenience caused by animals and insects, including the dropping of fruit and bird droppings;
 - (iii) To improve views, visibility of signage (unless essential road signage) or reduce shading of solar receptors;
 - (iv) To reduce the height of a tree (topping) which is not in accordance with Australian Standards;
 - (v) To facilitate the construction of a driveway or structures, including swimming pools, outbuildings or fences. Alternative locations of such structures must be sought;
 - (vi) Lifting of pavements. Tree removal is the final option when all other avenues for management have been investigated, such as removing paving from the base of a tree and relaying pavers;
 - (vii) Sewer chokes where an aged/faulty sewer system has not been replaced with PVC to the mains supply. Alternatives to tree removal include replacement of damaged pipes and relocation or encasement of pipes;
 - (viii) Structural impact of a minor nature that could be rectified by an alternate means or cannot be directly attributed to a tree. For example, absent, aged or poorly constructed fence or footings, minor cracking that could be rectified by bracing walls, bridge footings or relocating



fence sections, relaying pavers over a reinforced concrete slab, alternative paving solutions such as asphalt or raised decking, removing paving from the base of a tree, relocating clothes lines, re-routing small sections of stormwater pipe, alternative fence or wall construction methods, relaying of public footpaths;

- (ix) Overhanging a property boundary. Council may approve selective pruning of some branches that does not adversely affect the health and aesthetics of trees.

C2 Council will only approve the removal of a tree under C1 if:

- (i) The tree is in a poor or declining condition, is dysfunctional, hazardous or has a minimal life expectancy; or
- (ii) It can be demonstrated that it is not possible to provide an alternative layout or design of buildings or structures to permit retention of the tree.

C3 The following matters are considered by Council when a Development Application involves removal or pruning work to trees or vegetation:

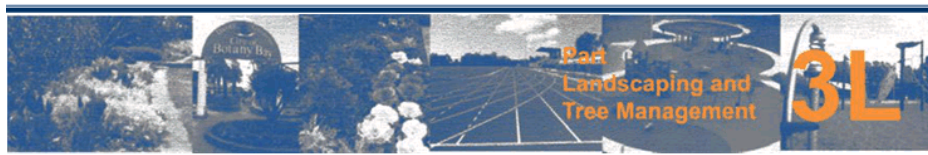
- (i) Whether the tree or vegetation has significance or value (amenity, aesthetic, environmental);
- (ii) Whether the tree is heritage listed, located on a site with a heritage item or in a Heritage Conservation Area, on any significant tree list or listed under State or Federal legislation
- (iii) Whether removal will impact on local biodiversity, habitats or the quality and quantity of healthy tree canopy;
- (iv) Whether the clearing of vegetation or work near it directly or indirectly impacts on a vegetation community protected by State or Federal legislation;
- (v) The health or condition of the tree or vegetation, whether the tree or its branches are dead, dying, diseased or structurally unsound and the tree's Safe Useful Life Expectancy (SULE);
- (vi) Whether the tree is dangerous, hazardous or a public nuisance;
- (vii) Proximity to and interference (current and future) with existing or proposed buildings, structures, utilities or vehicle sightlines;
- (viii) Impact on the development potential of the land;
- (ix) Whether the tree will be adversely impacted by a development proposal (its canopy and/or root system) and whether alternatives have been considered for building or structure layout, design or siting; and
- (x) Whether the tree forms a valuable component of the streetscape.

C4 Setbacks are to maximise the retention of existing trees (including those on adjoining properties) and their root systems and may need to be varied to achieve this.

Arborist Report

C5 Council requires an Arborist Report for works to trees that are heritage listed or located on a site with a heritage item or within a Heritage Conservation Area.

C6 An Arborist Report may be required for any trees or vegetation on private or public land



considered to be locally significant (based on height, habitat, condition or representation etc), if it is within 5 metres of a proposed development, or if there is potential for the tree to be impacted on.

- C7** Council may also require a Report if additional or more detailed information on a tree or vegetation is deemed necessary.

The Report must be prepared by a suitably qualified and experienced Consulting Arborist with a minimum qualification of AQF (Australian Qualification Framework) Level 5.

The Arborist Report must address the following:

- (i) Company details, qualifications and experience of the Arborist/s;
- (ii) Person or company for whom the report is prepared;
- (iii) Date of inspection;
- (iv) Aims of the report;
- (v) Address of the site and a site plan;
- (vi) Methods and techniques used in the inspection;
- (vii) Whether the tree is a heritage item or on a site containing a heritage item;
- (viii) The botanical name of each tree on the site and adjoining the site and whether they are proposed to be retained, removed or pruned;
- (ix) The tree/s size, age, condition/health, estimate of longevity (SULE), critical and primary and structural root zones and any other pertinent information relating to tree root structure or distribution, significance value/rating, amenity value, previous pruning, structural defects or damage and any other relevant considerations such as wildlife, habitats, soil, drainage etc;
- (x) Potential impacts on the tree/s as a result of the proposed development or construction work;
- (xi) Tree retention and protection options, including construction techniques involving footing design, excavation and scaffolding, and building or structural modifications;
- (xii) Recommendations for future management of trees to be retained, including branch or root pruning;
- (xiii) Recommend mitigation or compensatory measures where there is a loss of amenity with tree removal or pruning;
- (xiv) Demonstrate how the proposal complies with AS4970-2009 – *Protection of Trees on Development Sites* for trees to be removed and retained and AS4373-2007 - *Pruning of Amenity Trees*; and
- (xv) Supporting evidence such as photographs, testing (Resistograph and Picus Sonic Tomograph reports), root mapping and aerial inspection findings.

Note: Arborist recommendations for tree removal must be objective and based on the arboricultural findings only. An arborist is qualified to report on tree health and structure but not on the significance of vegetation. An ecologist is required for this.

Note: Council may also require a detailed report or root mapping for trees on the property or on adjoining properties that may be impacted by construction work.



Flora & Fauna Impact Assessment/Vegetation Management Plan (VMP)

- C8** A Flora & Fauna Impact Assessment prepared by an ecologist may be required for development work on or near remnant vegetation forming part of a locally endangered ecological community (refer to **Part 3M – Natural Resources**). The Flora & Fauna Impact Assessment should include an Assessment of Significance in accordance with section 5A of the *Environmental Planning and Assessment Act 1979* comprising a full description of its extent, makeup and condition and potential direct and indirect impacts expected with the proposed development. A Vegetation Management Plan should also be submitted fulfilling the property owner's responsibilities under the *Threatened Species Conservation Act 1995* and any other relevant legislation.

Other Reports

- C9** Structural engineering and licensed plumbers' reports may be required for alleged damage/blockage to sewer or stormwater lines or damage to fences and other structures.

Demolition and Subdivision Sites

- C10** A tree requiring approval is not permitted to be removed on a site in which subdivision or demolition has been granted by Council unless consent for removal has been obtained through the Development Application or a separate Tree Works Permit.

Protection of Trees on Development Sites During Construction

- C11** Council may impose a Tree Preservation Bond on significant or heritage trees or trees with a high potential to be damaged or impacted upon during construction. Council will calculate the bond amount using the Thyer Tree Valuation Method. Tree Bonds are paid to Council in the form of a refundable deposit prior to issuing any Construction Certificate.

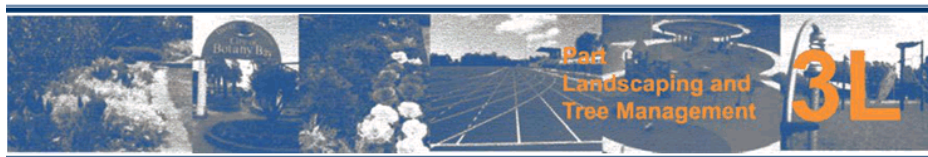
Tree Preservation Bonds are refunded if there is no damage incurred to the tree (both above and below ground) and may be in force for any length of time after construction has ceased to monitor tree health or structural soundness. If the tree is damaged or dies during construction or in the monitoring period, or if conditional tree protection requirements are not adhered to during construction, the bond may be partially or fully forfeited.

Replacement Trees

- C12** If consent is granted for the removal or pruning of a tree, suitable replacement tree/s will be required to be planted on the subject property by the property owner or applicant.

Council will stipulate the minimum acceptable replacement tree/s pot size and number of trees and may recommend suitable species.

Replacement trees are to be planted with consideration of the location of boundary fences, walls, pipes and buildings.



Requests for Tree Works on Council Owned or Managed Land

C13 Where a Development Application is submitted to Council for pruning or tree removal within a public park or reserve, road reserve (street trees) or other public land, the request will be evaluated against the criteria in C3. Application for removal of a street tree must be sought prior to lodgement of a Development Application in consultation with Council's Planning and Parks and Landscape Departments.

Note: Canopy pruning of street trees associated with the HV electrical service is undertaken by the energy provider.

C14 Council will only prune or remove street trees or trees on public land for essential tree maintenance. Council will not consider applications by private parties for the pruning or removal of public trees based on the reasons provided in C1.

C15 Permission to remove street trees to accommodate a development or for the purposes of a relocated or widened vehicular driveway and its crossover are unlikely to be successful. The applicant must consider the location of street trees and investigate alternative designs prior to lodging a Development Application.

C16 New or widened driveway crossovers are required to be located a minimum distance of **3 metres** from the trunk of an existing street tree. Advice should be sought from Council for large street trees as an offset of up to 5 metres may be required.

C17 If pruning or removal of a tree on public land is deemed appropriate or necessary, the work will be scheduled into the works program of Council's Tree Management Team.

C18 For trees on public land that may be impacted by a Development Application, Council may impose conditions of consent and a Tree Preservation Bond to ensure the trees' preservation during and post-construction. Council will also require appropriate replacement planting in accordance with C11. Tree removal and replacement costs are borne by the applicant.

Tree Work Approvals

C19 Tree works approved with a Development Application lapse if the consent lapses or becomes invalid, void or surrendered.

C20 Tree works approved with a Development Application must only be undertaken once construction work has substantially commenced.

C21 A copy of the Development Consent must be presented on demand to Council's authorised officers and the Arborist engaged to undertake the approved tree works.

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3L.4.7 Dispute Resolution

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Where a private property owner wishes to appeal a Council decision denying consent to remove or prune a tree or vegetation on private or public land, the following procedures will take place.

Trees or vegetation on private property

The property owner is required to engage an Independent Consulting Arborist or other specialist i.e. structural engineer or plumber to provide further detailed advice and assessment of the matter. Council will consider the independent report and re-inspect and/or review its decision if new information is provided or uphold its decision.

For minor structural damage, the property owner must investigate alternative measures to rectify the damage and retain the tree. Council will only review its decision if all avenues have been exhausted and evidence provided thereof.

Trees or vegetation on public property (including street trees)

The property owner may write to Council requesting a review of the decision clearly stating the reasons and provide any new or additional information, including photographs. Council may engage a Consulting Arborist to obtain additional independent advice.

3L.4.8 Penalties

Tree works carried out on private land without Council approval or not carried out in accordance with an approval, may attract a Penalty Infringement Notice (PIN) or incur legal action in the Local Court or Land and Environment Court under Sections 125 and 126 of the *Environmental Planning and Assessment Act 1979*. The Court may also order the repair, remedial pruning or replacement of a damaged or removed tree and impose an order to maintain such replacement to maturity.

A PIN may be issued for the injury or removal of trees and vegetation on public land under Section 629 of the *Local Government Act 1993*.

Further penalties apply to the removal or damage to vegetation under the *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*.



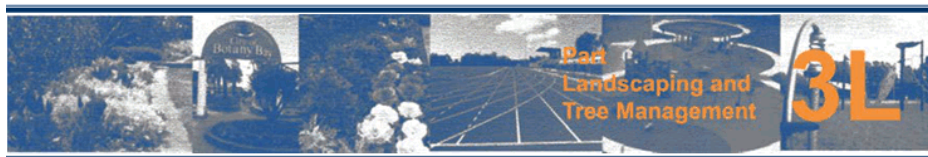
3L.5 Stormwater

Objective

- O1** To minimise stormwater runoff and increase natural infiltration through landscape design.

Controls

- C1** Impervious surfacing is to be minimised. Permeable pavements are to be used where possible eg. Decks, pebbles, spaced pavers, specialised permeable pavers.
- Note:** Run-off from paved areas can be minimised by directing runoff to garden beds.
- C2** Underground on-site stormwater detention (OSD) tanks and infiltration trenches are not to be located within soft landscaped areas.
- C3** An alternative location is underneath driveways or paved areas or otherwise sited where they will not restrict landscaping of a site, particularly tree planting. No stormwater inlet pits, piping, tanks or infiltration trenches are to be located within the drip line or primary and structural root zone of any existing or proposed trees. The hydraulic design must be designed in conjunction with tree retention.
- C4** WSUD (Water Sensitive Urban Design) principles and practices are required to be incorporated in all larger scale developments and may include such elements as bio-swales and rain gardens (refer to **Part 3G - Stormwater Management**).
- C5** Stormwater absorption basins are to be planted with suitable trees with non-invasive root systems (where concrete storage tanks do not exist underneath), groundcovers and native grasses instead of lawn. Species are to be tolerant of periodic inundation and water logging and will not reduce the storage capacity of the basin.



3L.6 Landscaping in Car Parks

Objectives

- O1** To integrate landscaping with car parks to provide shade for vehicles, to reduce the heat island effect of large areas of paved surfaces, to soften the impact of large areas of paving and parking, to improve amenity and to screen car parks from the public domain;
- O2** To minimise the visual impact of car parks in the streetscape and public domain; and
- O3** To integrate landscape design with the car park to provide generous sized planter beds that sustain the growth of trees.

Controls

- C1** For at-grade car parks 1 tree will be provided for every 5 car spaces so that at least a 50% canopy coverage of the car park at maturity is provided. Car parks will be generously landscaped..
- C2** Vehicle circulation areas, driveway access and parking will be arranged to maximise the area available for landscaping and the preservation of existing trees. Excess hardstand areas will be minimised. Planting is to be provided to edges, boundaries and internal areas of car parks to screen car parks and circulation areas from the public domain.
- C3** Landscaping, including broad canopy trees will be used to effectively and adequately screen and soften parking areas, vehicle circulation areas and ancillary and utility areas and provide shade and glare reduction. Landscaped areas will be planted densely using layered plantings of trees, shrubs and groundcovers.
- C4** Contrasting materials and finishes must be used to break up large sections of paving and to delineate pedestrian areas/crossings, entries, car parks, special use areas or at transition zones between different uses.
- C5** Internal landscaping must allow for pedestrian visibility of traffic, maintaining open sightlines. This can be achieved utilising clear trunked trees and low level shrub plantings. Broad, dense canopy trees are to be used to enhance shading.
- C6** All circulation areas must be accessible for a person with a disability.
- C7** All car parking spaces adjoining planter beds or trees will contain wheel stops to reduce damage to and vehicle overhang of planter beds.
- C8** **Figure 1 and Figure 2** Indicates preferred landscaping options in car parks.
- C9** Small planters 1 metre x 1 metre for trees are not permitted. Planter beds must be of an adequate



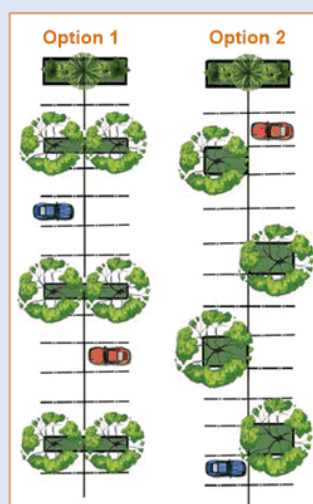
dimension to cater for tree roots and future tree growth and to provide adequate moisture penetration and aeration of the root zone.

C10 Tree root barriers are encouraged for certain tree species. Trees with excessive fruit or leaf drop, large root systems or high maintenance needs are not encouraged to avoid applications for removal of trees at a later date. Trees with broad, leafy canopies however are required.

C11 The minimum pot size at installation for trees is 100 litres.

C12 Adequate distances from sub-surface utilities and lighting are required.

Figure 1 - Preferred Car Park Landscaping Layout

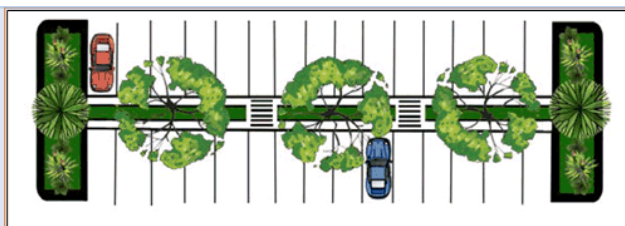
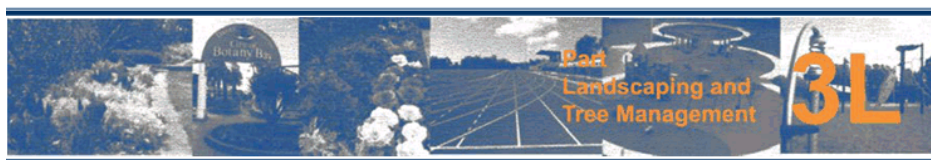


Note: Alternative landscape layouts are permitted if space does not permit either option.

Note: Option 1 is a more formal layout with the island length and width of 2 car spaces.

Note: Option 2 is less formal due to the random placement of planted islands.

Figure 2 - Preferred Car Park Landscaping Layout



Note: A central dividing planter bed and return and end of parking bay. Minimum 1.5 metres wide planted with shrubs and trees at the rate of 1 tree every 5 car spaces.

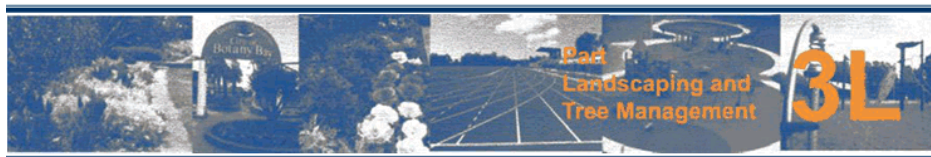


Figure 3 - An Informal Alternative for Car Park Landscaping Layout

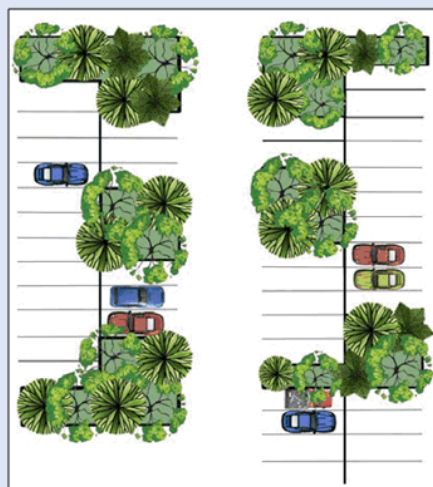
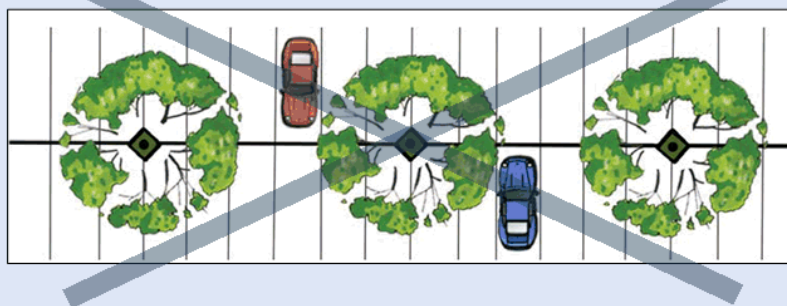


Figure 4 - Non-Permissible Car Park Landscaping Layout





3L.7 Green Walls

Objectives

- O1** To encourage green roofs and walls to improve air quality, ambient air temperature, building insulation, energy efficiency, stormwater quality and runoff, fauna habitat and aesthetic quality of the urban environment by softening blank walls and screening utilities.

Controls

- C1** Green walls can be utilised for their thermal properties and to visually soften large expanses of blank walling.
- C2** Green walls are to be designed by a specialised landscape architect or horticulturalist.
- C3** A site appraisal is required to determine the suitability of the green wall to the climatic conditions, surrounding environment and building structure, including access for maintenance.
- C4** The bio-engineering details of the green wall construction, including the waterproofing membrane, root barrier, drainage system, filter fabric, soil, irrigation, support system/structure and long term waterproofing performance are to be submitted with the Development Application. Construction and materials are required to be of a high standard.
- C5** An ongoing plan of management outlining the required maintenance for the green wall is to be submitted with the Development Application.
- C6** Green walls on heritage items and within Heritage Conservation Areas are not to detract from the item or streetscape through the concealment of significant fabric and architectural features.
- C7** Suitable plants of variable height and species are to be planted in accordance with **Section 3L.2 – Planting design and species**. Adequate soil depths are to be provided. Plants and materials are to be tolerant of the specific environmental conditions experienced in these areas such as drought, high wind, exposure, high temperature and light extremes. Species are to be selected to achieve their desired intention and to be responsive to site conditions.
- C8** Water recycling and reuse, and integration of roof gardens with alternate energy sources, is to be incorporated.
- C9** Green walls are excluded from the percentage landscape requirement for the site.



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3N.1 Introduction

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes.

3N.1.1 Land to which this Part Applies

This Part applies during demolition, construction and on-going management of a development within the Botany Bay LGA.

This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Notification and Advertising
- Part 3 - General Provisions
- Part 4 - Residential Development
- Part 5 - Business Centres
- Part 6 - Employment Zones
- Part 7 - Other Development Types and Land Uses
- Part 8 - Character Precincts
- Part 9 - Key Sites
- Part 10 - Technical Guidelines

Note: A Site Waste Minimisation Management Plan (SWMMMP) is required for development identified as Complying Development in accordance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Site waste minimisation and management must be carried out in accordance with an approved SWMMMP, and dockets retained on site to show where any construction and/ or demolition waste has been transported.

A Site Waste Minimisation and Management Plan (SWMMMP) is not required in association with Exempt Development carried out in accordance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. However, a person carrying out exempt development should seek to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives in this Part.

3N.1.2 General Objectives

- O1** To encourage best practice in waste management that minimises waste generation, facilitate waste separation and maximises reuse and recycling;
- O2** To reduce the amount of construction and demolition waste and waste generated in the operation of a development going to landfill; and
- O3** To ensure suitable and efficient waste storage, recycling and collection in all development.



3N.2 Demolition and Construction

Objectives

- O1** To minimise the volume of waste generated during demolition and construction;
- O2** To maximise the re-use and recycling of materials generated during demolition and construction; and
- O3** To minimise the volume of waste that is directed to landfill.

Controls

- C1** A Site Waste Minimisation and Management Plan in accordance with Part 1 – Model Site Waste Minimisation and Management Plan (refer to **Part 3N.4 - Appendices**) must be submitted for Development Application involving:
 - (i) Demolition
 - (ii) New development; and
 - (iii) Alterations and additions affecting more than 20m² of floor area.
- C2** A detailed plan must be submitted showing:
 - (i) A scaled drawing of any bin/container storage room (s) and area(s), temporary holding area(s), waste chute service room(s) and interim recycle/waste storage room(s);
 - (ii) Details regarding how waste is to be minimised within a development;
 - (iii) Estimation of quantities and types of materials to be re-used or left over from removal from the site;
 - (iv) Details regarding the types of waste and likely quantities of waste to be produced;
 - (v) A site plan showing areas away from public access for reusable materials and recyclable materials during demolition and construction and the vehicle access to these areas;
 - (vi) Details of reusing and recycling methods for waste either on-site or off-site;
 - (vii) Target for recycling and reuse;
 - (viii) Nomination of persons responsible for ensuring targets are met and the person responsible for retaining waste dockets from facilities appropriately licensed to receive the development's construction and demolition waste;
 - (ix) Confirmation that all waste going to landfill is not recyclable or hazardous; and
 - (x) Measures to reuse or recycle at least 80% of construction and demolition waste, either on site or diverted for reused and recycling with receipts sufficient to demonstrate the target will be achieved.



- C3** Materials that have an existing reuse or recycling market should not be disposed of in landfill. **Table 1** provides some examples of demolition materials and potential reuse/recycling opportunities.
- C4** Separate collection bins or storage areas for materials to be reused, recycled and directed to landfill are to be provided.
- C5** All storage areas and collection bins must be located within the site boundaries.
- C6** Any material moved offsite is to be transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)*.
- C7** Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area if the location of the container(s):
- (i) Does not disturb traffic flow or pedestrian movement; and
 - (ii) Does not disturb normal stormwater flow.
- C8** Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) must be conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- C9** Evidence/records such as weighbridge dockets and invoices for waste disposal or recycling services are to be retained on site demonstrating lawful disposal of waste.
- C10** All waste and recycling is to be stored so as to prevent damage by the elements.
- C11** Storage areas must be easily accessible for collection vehicles, clearly signposted indicating purpose and content and managed appropriately to prevent stormwater pollution, damage to vegetation and odour and health risks.



Table 1 - Example of Demolition Materials and Potential Reuse/Recycling Opportunities

Source: Combined Sydney Regional Organisation of Councils Model DCP 1997

Material	Reuse/Recycling Potential
Concrete	Reused for filling, levelling or road base
Bricks and Pavers	Can be cleaned for reuse or rendered over or crushed for use in landscaping and driveways
Roof Tiles	Can be cleaned and reused or crushed for use in landscaping and driveways
Untreated Timber	Reused as floorboards, fencing, furniture, mulched or sent to second hand timber suppliers
Treated Timber	Reused as formwork, bridging, blocking and propping, or sent to second hand timber suppliers
Doors, Windows, Fittings	Sent to second hand suppliers
Glass	Reused as glazing or aggregate for concrete production
Metals (fittings, appliances and wiring)	Removal for recycling
Synthetic Rubber (carpet underlay)	Reprocessed for use in safety devices and speed humps
Significant Trees	Relocated either onsite or offsite
Overburden	Power screened and used as topsoil
Garden Waste	Mulched, composted
Carpet	Can be sent to recyclers or reused in landscaping
Plasterboard	Removal for recycling, return to supplier
Electrical Waste	Must be correctly recycled



3N.3 On-going Operation of Development

3N.3.1 General Requirements

Objectives

- O1** To provide guidelines for the storage, amenity and management of waste;
- O2** To promote safe practices for storage, handling and collection of waste and recycling; and
- O3** To minimise amenity impacts from waste.

Controls

- C1** A Site Waste Minimisation and Management Plan (SWMMP) in accordance with Part 2 - Model Site Waste Minimisation and Management Plan (refer to **Part 3N.4 - Appendices**) must be submitted for Development Application involving:

- (i) New development;
- (ii) Change of use of an existing premises; and
- (iii) Alterations and addition that would affect waste management facilities or practices.

Note: Does not apply to attached dwellings, dwelling houses, semi-detached dwellings or secondary dwellings.

- C2** A detailed plan must be submitted showing:

- (i) The location of an individual recycling/waste storage room/area for each tenancy or the location of communal waste/recycling storage room(s) or area(s) for the entire development;
- (ii) The location of an indoor recycling/waste cupboard for each and every kitchen area in the development;
- (iii) The location of on-site individual compost container for each tenancy or communal compost container for the entire development;
- (iv) The location of any waste chute(s) and service room (for accessing a waste chute and recycling bins) on each floor of the building;
- (v) The location of any interim recycling/waste storage room (for access recycling and waste bins) on each floor of the building;
- (vi) The location of any service lifts used for transporting recyclable/waste materials;
- (vii) The location of any waste compaction equipment;



- (viii) Where applicable, details of grey water collection, treatment and onsite utilisation;
- (ix) The location of any trade wastewater discharge points;
- (x) Where applicable, an identified on-site collection point for the collection and emptying of bins/containers;
- (xi) The path of travel for moving bins/containers from the recycling/waste storage room(s) or area(s) to the identified collection point(s);
- (xii) The on-site path of travel for recycling/waste collection vehicles (if collection vehicles are to enter the site); and
- (xiii) A scaled drawing of any bin/container storage room(s) and area(s), temporary holding area(s), waste chute service room(s) and interim recycle/waste storage room(s).

Waste Storage

- C3** All waste and recycling must be stored in Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- C4** All organic waste should be either treated in a composting or worm farming system or stored in a Council approved bin or skip.
- C5** Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public domain/streetscape.
- C6** No incineration devices are permitted.
- C7** Waste and recycling storage rooms must be:
 - (i) Constructed of concrete or other approved materials at least 75mm thick;
 - (ii) Finished with a smooth even surface;
 - (iii) Graded and drained to the sewerage system and approved by the Sydney Water Corporation;
 - (iv) Fitted with a close fitting and self-closing door that can be opened from within the room;
 - (v) Fitted with smoke detectors in accordance with Australian Standards and connected to the fire prevention system of the building;
 - (vi) Equipped with taps supplying hot and cold water, mixed through a centralised mixing valve with a hose cock and fitted with an aerator to increase water efficiency;
 - (vii) Designed to include a clear and easy-to-read "NO STOPPING" sign and "DANGER" sign on the external face of waste storage rooms where appropriate;
 - (viii) Designed to ensure waste-water from the cleaning of the waste storage area and bins, is not to drain into the stormwater system; and
 - (ix) Fitted with childproof compacters or mechanical devices where used in the storage of waste.



- C8** Separate containers of sufficient size must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment.

Note: Waste/Recycling Generation Rates for various commercial and residential developments are provided as indicative references only in Table 2.

Comment [AQ1]: Table 2 is an extract from the *Better Practice Guide for Waste Management in Multi-Unit Dwellings* prepared by the EPA to assist in the management of waste services. This is provided as an indicative guide only, not to be used as a control for the design of waste management.



Table 2 - Waste/Recycling Generation Rates

Source: Better Practice Guide for Waste Management in Multi-Unit Dwellings

Premises type		Waste generation	Recyclable Material Generation
Backpackers' Hostel		40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House		60L/occupant space/week	20L/occupant space/week
Food premises:			
	Butcher	80L/100m ² floor area/day	Variable
	Delicatessen	80L/100m ² floor area/day	Variable
	Fish Shop	80L/100m ² floor area/day	Variable
	Greengrocer	240L/100m ² floor area/day	120L/100m ² floor area/day
	Restaurant, Café	10L/1.5m ² floor area/day	2L/1.5m ² floor area/day
	Supermarket	240L/100m ² floor area/day	240L/100m ² floor area/day
	Takeaway food shop	80L/100m ² floor area/day	Variable
Hairdresser, Beauty Salon		60L/100m ² floor area/week	Variable
Hotel, Licensed Club, Motel		5L/bed space/day; plus 50L/100m ² bar area/day; plus 10L/1.5m ² dining area/day.	1L/bed space/day; plus 50L/100m ² bar area/day; plus 50L/100m ² dining area/day.
Offices		10L/100m ² floor area/day	10L/100m ² floor area/day
Shop less than 100m ² floor area		50L/100m ² floor area/day	25L/100m ² floor area/day
Shop greater than 100m ² floor area		50L/100m ² floor area/day	50L/100m ² floor area/day
Showroom		40L/100m ² floor area/day	10L/100m ² floor area/day
Multi-Unit Dwellings		80L/unit/week	40L/unit/week

**Environmental Amenity**

- C9** Waste and recycling storage areas must be visually and physically integrated into the design of the development.
- C10** Waste and recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites including noise and odour.
- C11** All waste and recycling receptacles must be put out for kerb-side collection no earlier than the previous evening.
- C12** All waste and recycling receptacles must be removed from the kerb-side or laneway as soon as possible on the same day as the collection service.

Multi Unit, Multi Dwelling, Commercial and Mixed Use Development

- C13** The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for transfer of bins within the property, to the collection point and back to the storage areas.
- C14** Clear and easy to read signs identifying the different waste receptacles (e.g. paper/cardboard recycling, plastic/glass/metal recycling, waste and green waste) and where in the storage area these should be positioned must be displayed.
- C15** The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for transfer of bins within the property, to the collection point and back to the storage areas.
- C16** Clear and easy to read signs identifying the different waste receptacles (e.g. paper/cardboard recycling, plastic/glass/metal recycling, waste and green waste) and where in the storage area these should be positioned must be displayed.



3N.3.2 Residential Development

Objectives

- O1** To ensure the storage, amenity and management of waste is sufficient to meet the needs of residential development; and
- O2** To ensure waste from within residential development can be collected and disposed of in a manner that is healthy, efficient and minimise disruption to amenity.

Controls

- C1** Residential Development must provide recycle/waste bins in accordance with **Table 3**.
- C2** Waste and recycling storage areas must be located in a position convenient for both users and waste collection personnel.
- C3** Where a building consists of 40 or more residential units, 660L bins can be used, subject to negotiation with Council. The use of 660L bins will only be considered where:
 - (i) The building has more than 20 units; and
 - (ii) Adequate off site access for waste collection vehicles is provided and is in accordance with relevant Australian Standards.
- C4** For developments with over 40 units, a compactor may be used subject to negotiation with Council.
- C5** Any volume reducing equipment must be installed in accordance with the manufacturers design specifications. The equipment must be installed on either a concrete plinth 75mm high or on legs at least 150mm high and have a space between the unit and the walls to enable easy access for cleaning and maintenance. Compaction rates must not be set higher than 2:1.

Table 3 - Type and Number of Bins Required for Residential Development

Type of Development	Recycling Bins	General Waste Bins	Green Waste Bins
Attached dwellings, dwelling houses, semi-detached dwellings, dual occupancies and secondary dwellings	1 x 240L per dwelling or 1 x 120L per dwelling upon request	1 x 120L per dwelling or 1 x 240L (optional) per dwelling	1 x 120L or 1 x 240L (optional) per dwelling
Multi dwelling housing, residential flat buildings, senior housing and residential component of mixed use	1 x 240L per 2-3 dwellings	1 x 240L per 2-3 dwellings	1 x 240L (optional) per 5 dwellings

Comment [AQ2]: Existing Council waste collection vehicles are not equipped to collect bin sizes of 140L and 360L. 80L, 120L and 240L bins can be collected. All references to 140L bins are amended to approximate equivalent capacities as per recommendations of Council's waste officer.

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development			
Boarding houses, hostels residential care facilities and tourist visitors' accommodation	1 x 240 per 6 occupant space or part thereof	1 x 240 per 6 occupant space or part thereof	1 x 240 per 6 occupant space or part thereof

Dwelling Houses

- C6** A waste/recycling storage area must be provided on-site for each new dwelling house, which is of sufficient size to accommodate Council's waste, recycling and garden waste bins. Refer to Table 4 for indicative bin sizes.
- C7** The waste/recycling storage area must be located to avoid vandalism, nuisance and adverse visual impacts.
- C8** The waste/recycling storage area must be easily accessible and have unobstructed access to Council's collection point.

Table 4 - Indicative Bin Sizes

Source: Better Practice Guide for Waste Management in Multi-Unit Dwellings

Bin type	Height	Depth	Width
80 Litre Bin	870mm	530mm	450mm
120 Litre Bin	940mm	560mm	485mm
140 Litre Bin	1065mm	540mm	500mm
240 Litre Bin	1080mm	735mm	580mm

Note: These dimensions are only a guide and differ slightly according to manufacturer, if bins have flat or dome lids and are used with different lifting devices.



Multi Unit Housing Development and Residential Flat Buildings

C9 The following minimum collection and storage facilities must be provided and identified on the SWMMP:

- (i) Each dwelling unit should be provided with an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation;
- (ii) Residential flat buildings and multi unit housing must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms);
- (iii) Space must be provided for an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the siting of which will have regard to potential amenity impacts; and
- (iv) The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision.

C10 Plans submitted with a Development Application must show:

- (i) The location of an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation for each dwelling;
- (ii) The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins designed; and
- (iii) The location of any garbage chute(s).

C11 The following location and design criteria is required:

- (i) Garbage chutes must be designed in accordance with **Part 3N.5.3 - Garbage Chutes**. Garbage chutes are not suitable for recyclable materials and must be clearly labeled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system;
- (ii) Waste/recycling storage rooms must be constructed in accordance with the requirements of the Building Code of Australia (BCA);
Location & Appearance
- (iii) Waste/recycling storage rooms must be integrated into the design of the overall development. It is preferable that such rooms be located behind the front building line. Wherever possible, the room should be in a basement location within the main building envelope (rather than a separate stand-alone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development;
- (iv) Minimise adverse impacts associated with:
 - a) The proximity of the room to any dwellings;
 - b) The visibility of the room;



- c) Noise generated by any equipment located within the room;
- d) Noise generated by the movement of bins into and out of the room;
- e) Noise generated by collection vehicles accessing the site; and
- f) Odours emanating from the room;
- (v) Each service room and storage area must be located for convenient access by users and must be well ventilated and well lit;
- Size**
- (vi) Waste/recycling storage rooms must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development;
- (vii) The gradient of waste/recycling storage room floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements;
- (viii) Communal waste storage areas should have adequate space to accommodate and manoeuvre the Council's required number of waste and recycling containers;
- Layout & Design**
- (ix) Within waste/recycling storage rooms, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised;
- Access**
- (x) There must be an unobstructed and Continuous Accessible Path of Travel (as per Australian Standard 1428 Design for Access and Mobility - 2001) and free of steps and kerbs from the waste/recycling storage area(s) or room(s) to:
 - a) The entry to any Adaptable Housing (as per Australian Standard 4299 Adaptable Housing - 1995);
 - b) The principal entrance to each residential flat building; and
 - c) The point at which bins are collected/emptied.

Note: In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area(s) or room(s);

- (xi) Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002;
- (xii) For development with fewer than 20 dwellings, bins may be collected from a kerbside location. The kerbside bin holding location must be temporary and must not impede pedestrian or vehicle access;
- (xiii) For development with 20 or more dwellings, bins must be collected onsite and are to be collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance;
- (xiv) Where onsite access is required, the development must be designed to allow for access by garbage collection vehicles in accordance with the limiting dimensions of a Medium Rigid Vehicle (MRV) stipulated by AS 2890.2; and

Deleted: Where site characteristics, number of bins and length of street frontage bins may be collected from a kerbside location. In instance where kerbside bin collection not appropriate, bins must be collected onsite. Bins that are collected

Comment [AQ3]: Recent developments with 20 or more dwellings that only provide kerbside waste collection have caused significant impacts on the amenity of footpaths and pedestrian access.

The reference to garbage collection vehicle dimensions has been replaced by the standardised reference to the limiting dimension of MRVs in AS 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities, which encapsulates the dimensions of all of Council's existing garbage collection vehicles and potential new vehicles that may be acquired in future.



(xv) The collection vehicles **must** enter and exit the site in a forward direction and not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

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C12 The SWMMP must ensure the following management responsibilities are complied with:

- (i) Agents of the owners' corporation must take responsibility for the management of waste and recyclable materials generated upon the site; and
- (ii) Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

Deleted: Where bins cannot be collected from a kerbside location from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access for garbage collection vehicles in accordance with Part 3N 5.2 - Garbage Truck Dimension for Residential Vehicle Collection. In these instances, the

C13 Council will require indemnity against claims for loss or damage to the pavement or other driving surface. Council may also require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

C14 If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place.

C15 If bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.

C16 Residents must have access to a cold water supply for the cleaning of bins at:

- (i) The entry to any Adaptable Housing (as per Australian Standard 4299 Adaptable Housing - 1995);
- (ii) The principal entrance to each residential flat building; and
- (iii) The point at which bins are collected/emptied.

C17 Developments containing more than three (3) habitable storeys must:

- (i) Provide a system for convenient transportation of waste and recyclable material to the communal waste and recycling storage area; and
- (ii) Provide a waste and recycling compartment/area on each floor with sufficient capacity to store at least 1 day volume of waste and recycling likely to be generated on that floor.

C18 Developments containing four (4) or more storeys must provide garbage chute(s) and interim storage facilities for recyclable materials and a service rooms (for accessing a garbage chute) on each floor of the building.



C19 For multi-storey developments that include ten (10) or more dwellings, a room or caged area with a minimum volume of 4m³ must be allocated for the storage of discarded bulky items, such as old furniture, awaiting council pick up.

C20 Waste and recycling bins/crates must be stored together.



3N.3.3 Commercial, Industrial and Other Non-Residential Development

Objectives

- O1** To ensure the storage, amenity and management of waste is sufficient to meet the needs of non-residential development; and
- O2** To ensure waste from within non-residential development can be collected and disposed in a manner that is healthy, efficient and minimise disruption to amenity.

Controls

- C1** Waste and recycling storage areas must be located in a position convenient for both users and waste collection personnel.
- C2** The following minimum collection and storage facilities must be provided and identified on the SWMMP:
 - (i) A waste service compartment (waste and recycling area) on each floor of the building and have sufficient capacity to store at least 1 days volume of waste and recycling likely to be generated on that floor;
 - (ii) Sufficient space allocated on site for the storage of reusable items such as crates and pallets;
 - (iii) Separate space for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, banded and drained to a grease trap; and
 - (iv) Adequate storage for waste to accommodate future change of uses including grease traps is to be provided;
 - (v) Provisions for all parts of the development to move recyclable materials and general waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift;
 - (vi) A waste/recycling storage room/area to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in **Table 2**);
 - (vii) Standard and consistent signage on how to use the waste management facilities is to be clearly displayed;
 - (viii) Separate containers for the separation of recyclable materials from general waste. The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor; and
 - (ix) Be capable of accommodating reasonable future changes in use of the development.



C3 Plans submitted with a Development Application must show:

- (i) The location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants;
- (ii) The location of temporary waste and recycling storage areas within each tenancy;
- (iii) An identified collection point for the collection and emptying of waste, recycling and garden waste bins;
- (iv) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area); and
- (v) The on-site path of travel for collection vehicles (if collection is to occur on-site).

C4 The following location and design criteria is required:

- (i) Waste/recycling storage rooms must be constructed in accordance with the requirements of the Building Code of Australia (BCA);
- (ii) Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers;
- (iii) Garbage chutes must be designed in accordance with **Part 3N.5.3 - Garbage Chutes**. Garbage chutes are not suitable for recyclable materials and must be clearly labeled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system;

Location & Appearance

- (iv) Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development;
- (v) Minimise adverse impacts associated with:
 - (a) The proximity of the area to dwellings;
 - (b) The visibility of the area;
 - (c) Noise generated by any equipment located within the area;
 - (d) Noise generated by the movement of bins into and out of the area;
 - (e) Noise generated by collection vehicles accessing the site; and
 - (f) Odours emanating from the area;

Size

- (vi) Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development;
- (vii) Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated (at the rate described in Table 2) between collections;
- (viii) A waste/recycling cupboard for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each



waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials;

- (ix) Temporary waste and recycling storage areas must be of a sufficient size to store a minimum of one day's worth of waste within each tenancy;
- (x) Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy;

Layout & Design

- (xi) The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements;
- (xii) Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers, so that the potential for contamination of recyclable materials is minimized;
- (xiii) Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site;
- (xiv) Vermin must be prevented from entering the waste/recycling storage area;
- (xv) Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within;
- (xvi) Doors/gates to waste/recycling storage areas must be durable. With a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers;
- (xvii) Signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins;
- (xviii) The floor must be graded so that any water is directed to Sydney Water approved drainage connection located upon the site;

Access

- (xix) The development must allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles;
- (xx) Convenient access from each tenancy to the waste/recycling storage area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s);
- (xxi) Where possible, waste/recycling containers should be collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements; and
- (xxii) Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with Australian Standard 2890.2 Parking Facilities - Off-Street Commercial Vehicle Facilities - 2002.



C5 The SWMMP must ensure the following management responsibilities are complied with:

- (i) Arrangements must be in place so that the waste/recycling storage area is not accessible to the general public; and
- (ii) Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to Sydney Water approved drainage connection.

Note: The Better Practice Guide for Waste Management in Multi-Unit Dwellings gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the Department of Environment and Climate Change NSW website (www.environment.nsw.gov.au). Further updates will be published as further information from social research and waste stream audits becomes available.

- C6** All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site.
- C7** Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow.
- C8** Bins must be stored in the designated waste/recycling storage room(s) or area(s).
- C9** Premises which generate at least 50 litres per day of food waste or whose waste contain 20% of their or more of food waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.
- C10** Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- C11** The waste and recycling management (including composting) and collection system, along with allocated responsibilities should be clearly outlined in contracts with cleaners, building managers and tenants.
- C12** Production, storage and disposal of hazardous wastes must comply with all relevant legislation.



3N.3.4 Mixed Use Development

Objectives

- O1** To ensure the storage, amenity and management of waste is sufficient to meet the needs of mixed use development; and
- O2** To ensure waste from within mixed use development can be collected and disposed of in a manner that is healthy, efficient and minimise disruption to amenity.

Controls

- C1** Noise and odour generated from the storage and collection of waste generated from the commercial component of development must not impact on residents in the same site.
- C2** Residential units must be insulated from noise if adjacent or above the waste and recycling storage facility, compaction equipment or collection and vehicle access points.
- C3** Separate and self-contained waste management systems for the residential component and the non-residential component must be provided. In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.
- C4** The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.



3N.4 Appendices

3N.4.1 Model Site Waste Minimisation and Management Plan

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3N.4.1.1 Part 1 – Demolition / Construction: Model Site Waste Minimisation and Management Plan

Deleted: 5

Source: Marrickville DCP 2011

GENERAL REQUIREMENTS
Site Address:
Proposed Development:
Applicant(s) Name:
Applicant Telephone Number:
The information provided on this Recycling and Waste Management Plan - Part 1 and the accompanying plans provides an accurate indication of the manner in which recyclable/waste materials are to be managed.
Applicants(s) Signature:
Date:
PLANS
The Recycling and Waste Management Plan Part 1 must be accompanied by plans which show:
<ul style="list-style-type: none"> ▪ The location of areas that will be used for the sorting of demolition and construction recyclables/waste; ▪ The location of areas that will be used for the storage of demolition and construction recyclables/waste, including the location of any associated waste containers/skip bins; and ▪ The point at which vehicles removing demolition and construction recyclables/waste will access the site.



REUSE / RECYCLE / DISPOSAL				
MATERIALS ON SITE		DESTINATION		
		Re-use and recycling		Disposal
Type of Material	Estimated volume (m³ or tonnes)	On-Site reuse & recycling (specify proposed on-site reuse & recycling methods)	Off-site reuse & recycling (specify contractor and/or recycling outlet)	Off-site disposal (specify contractor & landfill site)
Excavation material				
Green waste (organic)				
Bricks				
Concrete				
Timber – specify type				
Plasterboard				
Metals – specify type				
Tiles – specify type				
Other (such as light fittings, kitchen or bathroom fittings)				
Note: Documentation (including receipts) regarding the destination and disposal method of material/waste leaving the site must be retained by the applicant. Council may wish to audit such documentation so as to monitor compliance with the Recycling and Waste Management Plan.				



3N.4.1.2 Part 2 – Ongoing use of Premises: Model Site Waste Minimisation and Management Plan

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Source: Marrickville DCP 2011

GENERAL DETAILS	
Site Address:	
Proposed Development:	
Applicant Name :	
Applicant Telephone Number:	
The information provided on this Recycling and Waste Management Plan - Part 2 and the accompanying plans provides and accurate indication of the manner in which recyclable/waste materials is to be managed.	
Applicants(s) Signature:.....	
Date:	
Number of proposed dwellings:	
Number of proposed commercial/industrial tenancies:	
Total industrial/ commercial floor area m ²
RESIDENTIAL FLAT BUILDINGS, MULTI UNIT HOUSING & RESIDENTIAL COMPONENT OF MIXED USE BUILDINGS	
General Waste	
Number of Council 240 or 120 litre general waste bins to be accommodated on site: x 240L x 120L
Recyclable Materials	
Number of Council 240 or 120 litre recycling bins to be accommodated on site: x 240L x 120L
Green Waste Materials	
Number of Council 240 or 120 litre recycling bins to be accommodated on site: x 240L x 120L

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Part 3N - Waste Minimisation and Management

Botany Bay Development Control Plan 2013 (Amendment X)
Enforced ~~XX/XX/XXXX~~

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Alternative Types of Bins			
Where alternative types of bins greater than 360L (ie skip bins) are desired:			
Size and number of skip bins:	 x L x L x L	
	Skip bins for general waste: x L x L	
	Skip bins for recycling: x L x L	
	Skip bins for green waste: x L x L	
NON – RESIDENTIAL DEVELOPMENT ONLY			
General Waste			
Type of General Waste (specify types)	Volume (m ³ or L) per week	On-site storage/treatment arrangements	Method of Disposal
Recyclable Materials			
Type of General Waste (specify types)	Volume (m ³ or L) per week	On-site storage/treatment arrangements	Method of Disposal



WASTE MANAGEMENT PRACTICES IN ALL DEVELOPMENT TYPES

If applicable, describe arrangements and responsibilities for moving bins from their usual storage area to the place at which they are to be emptied:

Describe arrangement and responsibilities for cleaning bins, waste storage room/areas, and other waste management facilities:

Describe arrangements and responsibilities for maintain waste storage rooms/areas (including signage) and other waste management facilities:

Describe arrangement for educating staff (in non-residential development) and contractors of on-site waste management practices:

Describe other waste management practices relating to the ongoing use of the premises:

Comment [AQ4]: Council has recently acquired new garbage collection vehicles that are not of the same dimensions as existing vehicles. It has been identified that all Council garbage collection vehicles within the limiting / envelope dimensions stipulated by AS 2890.2: Medium Rigid Vehicles (MRV) stipulated by AS 2890.2. The existing control 3N C11 (xiv) has been updated in the above item (refer to **above amendment item** where the reference to the "Typical C Garbage Truck" is replaced by MRV dimensions).

Deleted: 3N.5.2 Garbage Truck Dimension for Residential Waste Collection.

† This Part includes information regarding the dimensions of garbage trucks that are typically used for the collection of residential waste. Developments that require Council garbage trucks to the site for the collection of residential waste must be designed to accommodate on-site truck movement.
† Requirements regarding vehicle turning circles and driveway width/gradient contained in *Australian Standard 2890.2 2002/Planning Facilities – street commercial vehicles*.

† **Typical Council Garbage Truck for Domestic Waste Collection**



3N.4.2 Garbage Chutes

Garbage Chute Design

Garage chutes must be designed in accordance with the following:

- (i) The Building Code of Australia (BCA);
- (ii) Located and insulated in a manner that reduces noise impacts;
- (iii) Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant;
- (iv) Chutes, service openings and charging devices must be capable of being easily cleaned;
- (v) Chutes must be cylindrical and should have a diameter of at least 500mm;
- (vi) There must not be any bends (or sections of reduced diameter) in the main shaft of the chute;
- (vii) Internal overlaps in the chute must follow the direction of waste flow;
- (viii) Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room;
- (ix) A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced;
- (x) The upper end of a chute should extend above the roofline of the building; and
- (xi) The upper end of a chute should be weather protected in a manner that doesn't impede the upward movement of air out of the chute.

Garbage chute service room must be designed in accordance with the following:

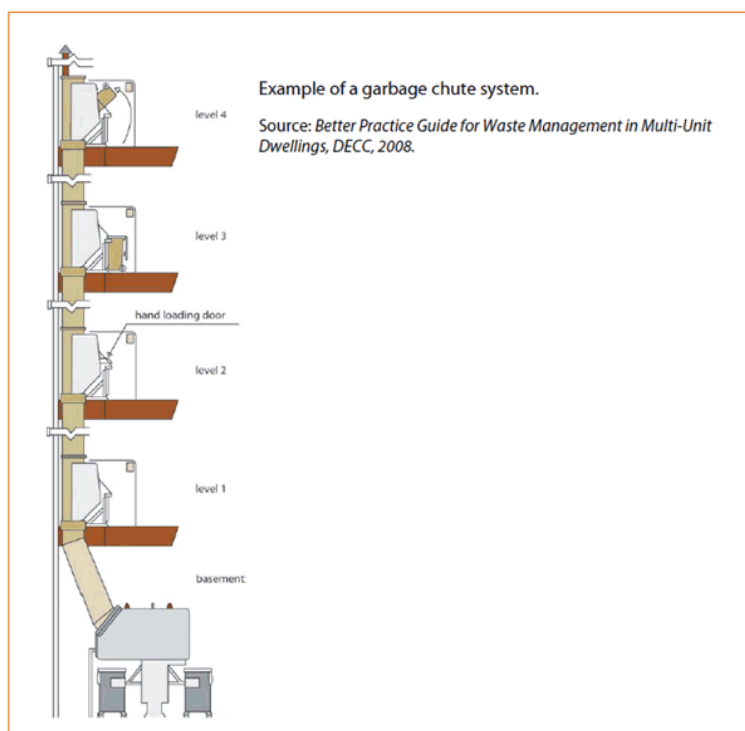
- (i) The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room;
- (ii) The charging device for each service opening must be self-closing and must not project into the main chute.
- (iii) Branches connecting service openings to the main chute are to be no more than 1metre long;
- (iv) Each service room must include containers for the storage of recyclable materials. Signage regarding the materials that can be recycled should be displayed near these containers;
- (v) Each service room must be located for convenient access by users and must be well ventilated and well lit;
- (vi) The floors, walls and ceilings of service rooms must be finished with smooth, durable materials that are capable of being easily cleaned; and
- (vii) Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute and the types of materials which should be deposited into recycling bins.



Management of Garbage Chutes

Garbage chutes are to be managed in accordance with the following:

- (i) Garbage chutes are not to be used for the disposal of recyclable materials. Signage to this effect should be displayed near service openings;
- (ii) Arrangements must be in place for the regular maintenance and cleaning of garbage chutes and any associated service rooms, service openings and charging devices; and
- (iii) Arrangements must be in place for the regular transferral of recyclable materials (which are stored in service rooms) to the main waste/recycling storage.





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4B.1 Introduction

4B.1.2 Land to which this Part Applies

This Part applies to multi dwelling housing where three (3) or more dwellings are located on a single lot of land. Multi dwelling housing includes development commonly known as townhouses and villas. Botany Bay Local Environmental Plan 2013 defines multi dwelling housing as:

'3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential apartment building.'

Whilst SEPP No. 65 – Design Quality of Apartment Buildings, and the Apartment Design Guide, does not directly apply to multi dwelling housing, it is advised that applicants make themselves familiar with the controls and advice available in the **Apartment Design Guide** to inform best practice development.

4B. 1.2 General Objectives

- O1** To ensure development is compatible and complementary to the streetscape and consistent with the Desired Future Character of the area;
- O2** To provide detailed objectives and controls that encourage innovative design that positively contributes to the character and context of the locality;
- O3** To maintain and encourage compatible architectural styles within residential areas;
- O4** To encourage residential development which creates a high standard of residential amenity, promotes a safe living environment; and makes better use of existing infrastructure;
- O5** To ensure that development employs the principles of ecologically sustainable development (ESD);
- O6** To provide for a range of housing types and forms to accommodate a diverse and changing population; and

Note:

This Part may direct applicants to sections of the Apartment Design Guide for reference, however Multi Dwelling Housing development is to comply with the provisions contained within this Part of the DCP.



4B.2 Site Design

4B.2.1 Design Excellence

Botany Bay Local Environmental Plan 2013 aims "to create a highly liveable urban place, through promotion of design excellence in all elements of the built environment and public domain."

As such, all new development is required to achieve excellence in urban design, as detailed in the objectives and controls in this Part.

Objectives

- O1** To encourage innovative design that positively responds to the character and context of the locality;
- O2** To create a highly liveable urban place, through promotion of design excellence in all elements of the built environment and public domain; and
- O3** To encourage well designed buildings that minimise the bulk and scale of the built form.

Controls

- C1** To achieve excellence in urban design, development will:
 - (i) Take into consideration the characteristics of the site and adjoining development by undertaking a thorough site analysis;
 - (ii) Utilise innovative design which positively responds to the character and context of its locality;
 - (iii) Provide a design which employs a number of ESD principles and best practice;
 - (iv) Enhance the streetscape character of the locality;
 - (v) Ensure development is consistent in height and scale with surrounding development;
 - (vi) Maintain established setbacks;
 - (vii) Design buildings to minimise impacts on neighbours by maintaining appropriate levels of solar access and privacy;
 - (viii) Ensure any development utilises materials and finishes which complement the locality;
 - (ix) Design for acoustic and visual privacy;
 - (x) Ensure dwellings and open space areas achieve good solar access, and are energy efficient;
 - (xi) Ensure building entries address the street and are clearly visible from the street or footpaths;
 - (xii) Design development that provides good quality landscaping;
 - (xiii) Consider the relationship of private open space to the layout of the dwelling; and
 - (xiv) Use design techniques which promote safety and discourage crime.



4B.2.2 Local Character

The City of Botany Bay's residential areas contain a range of housing styles from high density centres around Mascot Railway Station, to low density residential dwelling houses. An important factor in managing the desired future character of the City is understanding that all areas have their unique qualities and these qualities are to be maintained. **Part 8 - Character Precincts** provides a description of each character precinct within the City and identifies and defines the existing and Desired Future Character.

Objective

- O1** To ensure that building design responds to the existing characteristics and constraints of a site; and
- O2** To ensure that Council's Desired Future Character of its Precinct is achieved.

Controls

- C1** Development is to respond to the opportunities and constraints identified in the Site Analysis Plan prepared in accordance with **Part 4B.2.1 - Site Analysis**.
- C2** Development will comply with the relevant Desired Future Character Statements (refer to **Part 8 - Character Precincts**).



4B.2.3 Site Analysis

Objectives

- O1** To ensure that development:
 - a. Is sensitive to its environment;
 - b. Positively contributes to the context;
 - c. Minimises adverse impacts on adjoining properties.
- O2** To facilitate an acceptable siting and scale of development with an acceptable relationship with neighbouring dwellings and the wider street context.
- O3** To ensure applicants can accurately identify the opportunities and constraints of the site;
- O4** To identify the existing site conditions and location of buildings on adjoining site; and
- O5** To identify the existing streetscape and a development response that enhances the streetscape.

Control

- C1** A Site Analysis Plan prepared in accordance with the **Apartment Design Guide** is to be submitted with development for Multi Dwelling Housing.



4B.2.4 Streetscape Presentation

The term streetscape refers to buildings, setbacks, street and landscape design features, and the way in which new developments interact with adjacent buildings, landscaping and fencing, traffic treatments, paths, driveways, street surfaces and utility services. The spatial arrangement of these components and their visual appearance determine the streetscape character of an area.

New development is to be compatible with the characteristic development in a street and be designed to relate to the pattern of buildings in the street.

Objectives

- O1 To ensure that development recognises predominant streetscape qualities (i.e. setbacks and design features);
- O2 To achieve design excellence; and
- O3 To ensure development complements the height, scale and architectural style found in the immediate vicinity, particularly where this has a clearly established character (refer to Desired Future Character statements within **Part 8 - Character Precincts**).

Figure 3 - Streetscape Continuity





Controls

General

- C1** Development is to reflect the relevant Desired Future Character in **Part 8 - Character Precincts**.
- C2** New development will be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape.
Note: This can be achieved through consideration of building setbacks; building height and treatment of the building facades (refer to **Figure 3**).
- C3** The maximum length of any building is 24 metres.
- C4** Façades are to be articulated and use materials and finishes that enhance the character of the streetscape.
- C5** The minimum internal width of dwellings is to comply with **Table 1**.

Table 1 - Internal Width of Dwellings

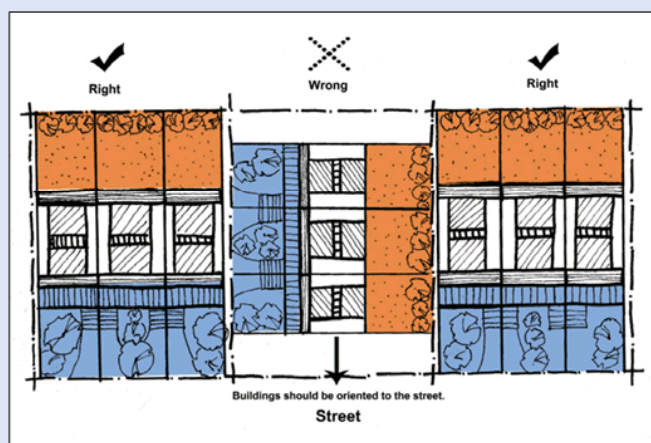
Type of Dwelling	Minimum Internal Unit Width measured face to face
Single level dwelling	6 metres (excluding garage)
Town houses	5 metres (excluding garage)
Townhouses (single rooms in width)	4.7 metres (excluding garage)



Street Presentation

- C6 Buildings are to be sited to address the street and relate to neighbouring buildings.
- C7 Developments on sites with two or more frontages are to address both frontages.
- C8 Street corners are to be addressed appropriately by giving visual prominence to parts of the building façade, such as a change in building articulation, materials, colour, roof form or height.

Figure 4 - Ensure That New Development is Oriented Towards the Street.





4B.2.5 Height

Objectives

- O1** To limit the height and scale of buildings so that they do not dominate the streetscape;
- O2** To ensure that new development complements the scale, massing and design of adjoining development; and
- O3** To limit visual impact, loss of privacy, loss of views or overshadowing within new development or on neighbouring properties.

Controls

- C1** The proposed height of buildings is not to exceed the maximum permissible height of a site.
- C2** Council may require a reduction in permissible height where a building built to the permissible height would have unacceptably adverse impacts in regards to:
 - (i) The overshadowing of a dwelling, private open space or public open space;
 - (ii) An inappropriate transition in built form and land use intensity;
 - (iii) The design excellence of a building;
 - (iv) View loss; or
 - (v) The Obstacle Limitation Surface.
- C3** The maximum number of storeys will not exceed the maximum number of storeys identified in the relevant character precinct as set out in **Part 8 - Character Precincts**. If the maximum number of storeys is not identified in Part 8, development is to be consistent with the characteristic building height set by the immediate context.
- C4** Basements more than 1.2 metres above ground level will be counted as a storey.
Note: The calculation is taken from natural ground level to the underside of the floor construction.
- C5** The building height and bulk of developments is to be distributed on the site to ensure that there is no significant loss of amenity to adjacent sites, open space and public streets.
- C6** Habitable rooms are encouraged within an attic where the applicant can demonstrate that the resulting development will not detrimentally affect the amenity of the area due to:
 - (i) An unacceptable loss of sunlight to adjacent properties and public spaces;
 - (ii) A reduced level of privacy to adjacent properties; and
 - (iii) Unacceptable view loss from adjacent properties and surrounding areas.
- C7** The height of buildings will comply with the requirements of the Civil Aviation Safety Authority (CASA).



4B.2.6 Floor Space Ratio (FSR)

Objectives

- O1** To provide for bulk and scale of development that does not detract from the amenity of the streetscape and minimises impacts on adjoining residential properties; and
- O2** To prevent the over-development of land and ensure that an adequate balance of private open space and landscaping are provided for each dwelling.

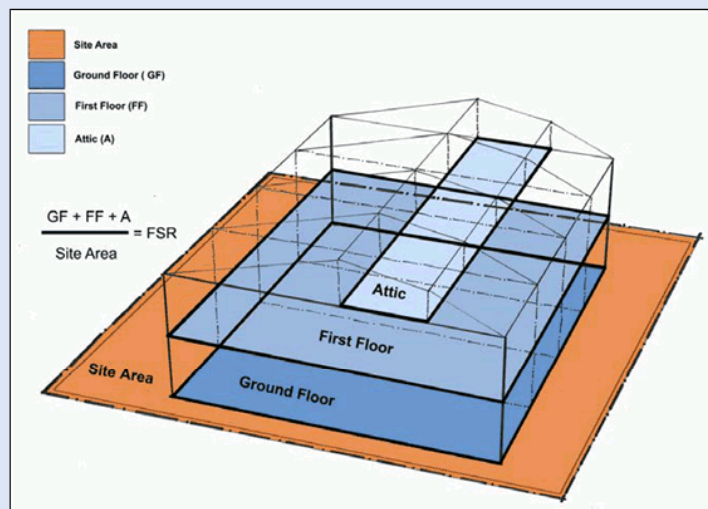
Controls

Achieving FSR

- C1** Not all site developments may be able to achieve the maximum permissible FSR, due to particular site characteristics, such as:
 - (i) The size, shape and topography of the land;
 - (ii) The presence of existing buildings on site, required to be retained;
 - (iii) The need to reduce adverse impacts on neighbouring sites; and
 - (iv) Not being able to satisfy Council's traffic, parking and vehicular access requirements.
- C2** In determining an appropriate FSR, applicants are to demonstrate to Council, in their Development Application, that the bulk and scale of development is acceptable and will not result in adverse impacts on adjoining dwellings or the streetscape in terms of:
 - (i) Loss of Privacy;
 - (ii) Overshadowing/loss of natural light;
 - (iii) Loss of views;
 - (iv) Visual Amenity (Bulk and Scale); and
 - (v) Increased traffic generation.



Figure 5 - Measuring Floor Space Ratio





4B.2.7 Site Coverage

Objectives

- O1 To ensure that new development is consistent with the Desired Future Character of the area;
- O2 To ensure site coverage creates a development that provides a balance between built form, landscaped area and private open space; and
- O3 To control site density.

Controls

- C1 Refer to **Part 3L.1.4 – Definitions.**
- C2 Development will not exceed site coverage of 45%.
- C3 Site coverage of development will be assessed with consideration of the following:
 - (i) Bulk of the proposed/existing development;
 - (ii) Impacts on adjoining land and buildings;
 - (iii) Setbacks;
 - (iv) Overshadowing and privacy;
 - (v) Streetscape considerations (visual bulk and scale);
 - (vi) Parking and landscape requirements;
 - (vii) Existing views & sightlines;
 - (viii) Impact to significant trees on site;
 - (ix) The provision of private open space on site; and
 - (x) Site topography and allotment size.



4B.2.8 Landscaped Area and Deep Soil Planting

Objectives

- O1 To increase tree and landscape coverage within the City of Botany Bay through the retention of existing vegetation and provision of substantial new plantings and landscaping;
- O2 To effectively ameliorate development and its impact within and to the streetscape and adjoining properties through site responsive, appropriate and strategic landscaping;
- O3 To provide well designed, located and functional open space areas through the site;
- O4 To increase natural stormwater filtration and decrease impervious surfaces and runoff; and
- O5 To enhance the public domain at the edges of new development.

Controls

General

- C1 Landscaping will comply with **Part 3L – Landscaping and Tree Management**.
- C2 Existing street trees are to be retained.
Note: Council trees are not to be utilised as the sole means of ameliorating a development. Trees are required in setbacks.
- C3 Development will comply with **Table 2**.
- C4 A plan is to be submitted which clearly identifies how landscaped areas and unbuilt upon areas have been calculated (refer to Council's **Development Application Guide** and definitions above).
- C5 Energy efficient landscaping practices and Ecologically Sustainable Development (ESD) principles are to be incorporated during the design phase of the development (refer to **Part 3H - Sustainable Design and Part 10 - Landscape Technical Guidelines for Development Sites**).
- C6 Siting of buildings, ancillary structures, and hard landscaping is to preserve existing trees, including street trees and trees on adjoining properties (refer to **Part 3L – Landscaping and Tree Management**).
- C7 Development applications are to identify what measures are proposed to protect existing trees during construction (refer to **Part 3L – Landscaping and Tree Management**).
Note: An Arborist report is required.
- C8 The majority of tree plantings are to be evergreen native species, particularly within setbacks. Deciduous trees are to be limited.
- C9 Pervious surface materials are to be used as far as practical and paved areas drained to planter beds.
Note: They will however comply with standards for access for people with a disability.
- C10 Landscaping in the public domain is required and is to reinforce existing streetscape planting themes and patterns.
Note: Council may require street tree planting and paving in the public domain and this is to be included on the landscape plan.
- C11 Stormwater inlet pits or piping is not to be located within the drip line of existing or proposed trees and be consistent with Councils Stormwater Management Technical Guidelines (refer to **Part 10 - Stormwater Management Technical Guidelines**).



- C12** Underground OSD detention tanks or infiltration trenches are not to be located within setbacks or landscaped areas. They are to be located under paved areas, e.g. at grade car parks or driveways or within a basement car park structure.
- C13** Driveways and pathways are to be located at least 1.5 metres from common boundaries to allow for continuous landscaped buffer boundaries and a significant landscaped setting for all paved areas. The landscape strip is to contain tall screen planting that retains foliage to the ground.
- C14** Landscaping over a basement car park will contain an adequate number of small and medium sized trees for screening, softening and shading. Accordingly, planter bed dimensions are to provide adequate soil planting volumes (refer to **Part 10 - Landscape Technical Guidelines** for planted box on podium depths and dimensions).
- C15** Any planter bed shall be a minimum of 1 metre in width, unless otherwise stipulated for setbacks.
- C16** Landscaped areas will be effectively distributed on the site to minimise the dominance of buildings, structures and paving when viewed from the street, public places and surrounding properties.
- C17** Trees are to be selected so that the height and width of the tree is in scale with the size of the building. A list of suitable trees and plants for residential sites can be found in **Part 10 - Landscape Technical Guidelines for Development Sites**.
- C18** Green roofs and walls are encouraged but are in addition to the minimum landscaping requirement for the site. Refer to **Part 3L – Landscaping and Tree Management**.

Setbacks

- C19** The front landscape setback area is to be set aside exclusively for soft landscaping and is required to be deep soil (refer to **Part 3L – Landscaping and Tree Management**).
- C20** Trees in the front setback shall attain a height of at least 10 metres at maturity to ameliorate buildings and contribute to the streetscape.
- C21** Front setbacks shall be fully planted with a layered approach using a variety of decorative and feature trees and shrubs at different heights.
- C22** Planting is to be provided alongside rear and side boundaries and between driveways, patios and side boundaries. Trees are to be provided for each dwelling.
- C23** Not more than one-third of the front landscaped setback shall be paved (including driveways and pathways to individual dwellings).
Note: This is to enable sufficient landscaping to soften and ameliorate the development and reduce its impact upon the streetscape. This may necessitate an alteration of design and/or layout, shared or reduced width driveways and a reduced amount of access pathways.
- C24** The front setback shall be on one level (grade) or an even, slightly battered grade, not terraced or stepped or containing narrow planter boxes, so as to allow adequate lateral root space and volume for medium to large canopy trees.



Deep Soil Planting

C25 A minimum of 35% of a site is to comprise a deep soil planting area (refer to **Table 2** and **Figure 6**), of which:

- (i) A minimum of 50% of this area is to be located at the rear of the site. For sites with dual or rear lane frontages, this area may be relocated to allow buildings to address the secondary frontage or provide for rear lane carparking access;
- (ii) A minimum of 30% of this area is to be located within the front setback;
- (iii) A minimum 1.5 metre wide strip of landscaping is to be located along side and rear boundaries; and
- (iv) Where building height is greater than 7 metres, a minimum 3 metres wide landscape planter bed for the purposes of dense, layered landscape screening is to be located on both the side and rear boundaries.

Note: Deep soil planting may be constrained by the provision of basement carparking.

Constraints are to be demonstrated and justification is required if C19 cannot be met.

C26 Communal open space is to be deep soil (not over a podium or car parks) (refer to **Figure 7**).

C27 Basement car parks, where permitted, will not extend to the site boundaries and excavation for any associated garages, car parking, plant rooms or ancillary storage will not exceed 65% of the site area. Underground parking is to be set back off boundaries and located under the building footprint to allow for deep soil zones along the front landscaped setback, side and rear boundaries and in the communal open space.

Table 2 - Site Coverage

Requirement	Control
Site Coverage	Maximum of 45%
Soft landscaped area (includes deep soil area)	Minimum of 35%
Hard landscaped area	Maximum of 20%



Figure 6 - Calculating Site Coverage, Soft Landscaped Area and Hard Landscaped Area

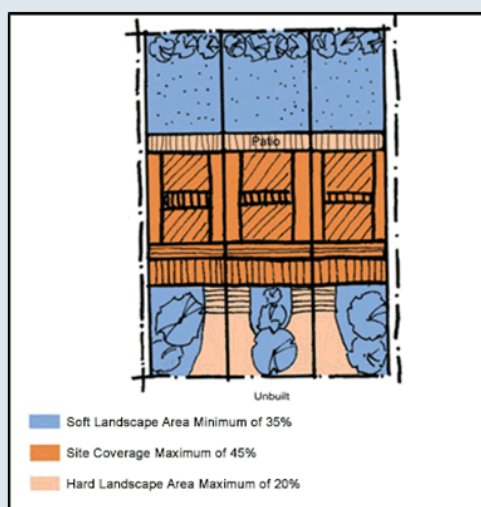
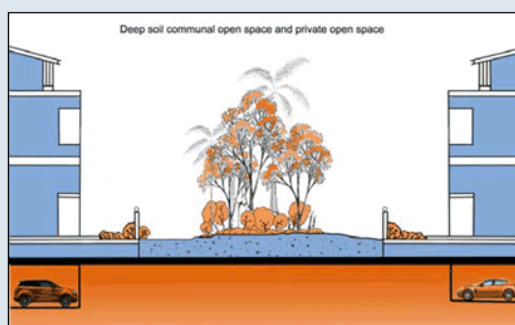


Figure 7 - Example of Deep Soil Planting





4B.2.9 Private and Communal Open Space

Objectives

- O1** To ensure residents are provided with quality usable communal and private outdoor living areas;
- O2** To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas;
- O3** To ensure the adequate provision of accessible communal open space for residents for passive and active recreation opportunities; and
- O4** To ensure the provision of functional, useable and liveable communal open space for residents and to encourage social interaction.

Controls

Private Open Space

- C1** Private open space is to comply with **Table 3**.
Note: Areas defined as 'unbuilt upon area' (refer to **Part 4B.2.7 - Landscape Area and Deep Soil Planting**) such as driveways and car parking areas are not considered private open space.
- C2** Each dwelling is to have an area of private open space attached to it at ground level that contains an unimpeded level space no steeper than 1:10.
Note: Unimpeded means it does not include clotheslines or planter beds or the like.
- C3** Private open space will have minimum dimensions of 6 metres x 4 metres (refer to **Figure 8**).
- C4** Private open space is to be designed as an extension of the main living areas at the rear of each dwelling (i.e. kitchens, living rooms and dining areas).
- C5** Where possible private open space is to be located on the northern portion of the site to maximise privacy and solar access.
- C6** Where private open spaces adjoin other dwellings within the development, landscaping or screening shall be used to provide visual privacy and shade to private open spaces.
- C7** The front of each townhouse is to be landscaped and include a small tree for amenity, privacy and shade.

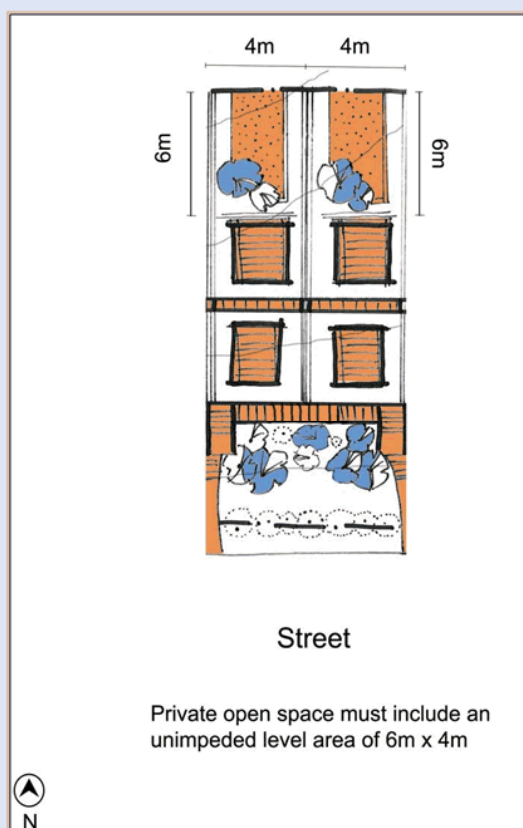


Table 3 - Private Open Space

No of Bedrooms	Private Open Space Required per Dwelling
Studio	24.5 m ²
1 bedroom	24.5 m ²
2 bedrooms	35 m ²
3 bedrooms	45.5 m ²
4 bedrooms	56 m ²



Figure 8 - Private Open Space





Communal Open Space

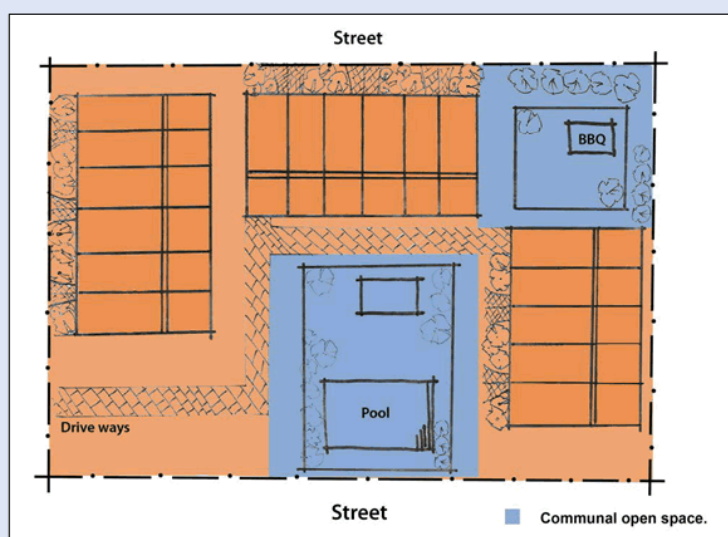
- C8** For sites with 15 dwellings or more, the communal open space shall comply with **Table 4**.
Note: Communal open space is to be considered early on during site planning to provide a visual focus for the development and enable preservation of existing trees and ensure siting for solar access (refer to **Figure 10**).
Note: Utility areas, driveways and areas with a dimension of less than 3 metres (i.e. access and pathways) are not considered communal open space.
- C9** Communal open space shall be designed to :
 (i) Encourage positive outlook, respite and attractive views within the development;
 (ii) Provide building separation and achieve a balance between open space and built form;
 (iii) Provide visual and acoustic privacy and an area of good solar access for recreational purposes;
 (iv) Provide natural stormwater infiltration;
 (v) Encourage use of rooftop gardens in addition to the 35% soft landscaping requirement;
 (vi) Locate linkages to public open spaces where possible;
 (vii) Include medium and large canopy trees; and
 (viii) Provide functional, usable and liveable spaces for a mix of recreational activities.
- C10** Communal open space areas will receive at least 3 hours of direct sunlight between 9:00am and 3:00pm on 21st June.
- C11** Communal open spaces are to be deep soil zones (i.e. not to be located over suspended slabs, sub surface car parks or stormwater detention tanks).
- C12** Communal open spaces shall be appropriately landscaped and may provide active and passive recreational facilities (for example BBQ area, seating, children's play area, vegetable gardens, landscape features or the like).
- C13** All communal open spaces areas are to be shown on the detailed landscape plan to be submitted with the development application.
- C14** Communal open space shall be functional, accessible and designed in conjunction with pedestrian links through the site.
- C15** Communal open space is to be clearly defined and free from encroachment from residential units, car parking, driveways or roadways, carwash bays and access ways.
Note: Separation between buildings can only be considered communal open space if it has sufficient length and width to make the space usable and permits tree planting and adequate solar access.
Note: Communal open spaces are to be easily accessible for all dwellings and not form any part of an individual dwelling's private open space.
- C16** A garden maintenance and storage area which is efficient and convenient to use and is connected to water and drainage is to be provided.



Table 4 - Communal Open Space

Development type	FSR	Minimum Communal Open Space required
Villas and Townhouses	Up to 0.5:1	10% site area
	0.5:1 to 1:1	15% site area
	1:1 and over	20% site area

Figure 9 - Communal Open Space





4B.2.10 Setbacks, Building Frontage and Separation

Objectives

- O1** To reinforce the characteristic pattern of setbacks;
- O2** To improve local character and streetscape qualities by reinforcing existing alignments and setbacks;
- O3** To ensure adequate space for landscaping while establishing an attractive streetscape;
- O4** To provide separation between buildings and ensure adequate space for landscaping; and
- O5** To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.

Controls

General

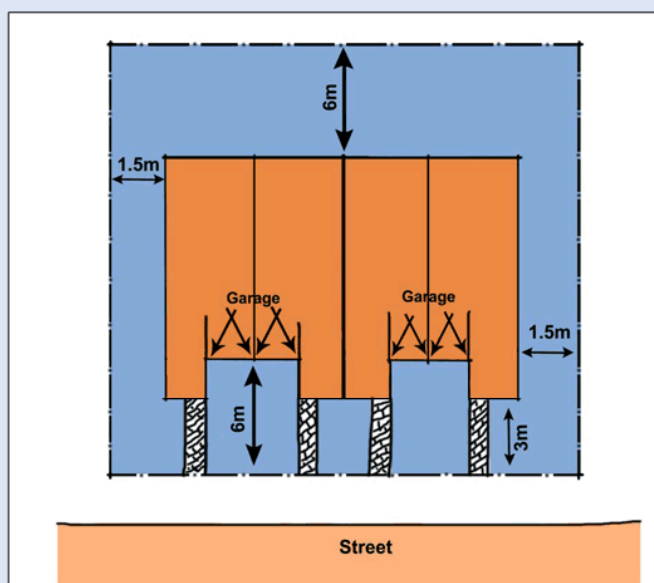
- C1** All setbacks are to allow adequate landscaping and allow sufficient space for the retention of existing trees.
- C2** Development is to be designed to create spatial separation between the buildings to:
 - (i) Minimise bulk and scale of the building;
 - (ii) Ensure adequate exposure to sunlight and ventilation; and
 - (iii) Create a buffer for visual and acoustic privacy.
- C3** No part of a building or structure is to encroach into the front, side or rear setbacks.
- C4** Setbacks are to be deep soil zones (refer to **Part 3L – Landscaping and Tree Management** for Definition).
- C5** Setbacks are to maximise the retention of existing trees and their root systems and may need to be variable to achieve this (includes trees on adjoining properties).
- C6** Awnings, verandas, pergolas and the like;
 - (i) along classified roads are to be set back a minimum of 1.5 metres from the kerb;
 - (ii) along local roads that intersect with classified roads are to be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the intersection with the classified road; and
 at any signalised intersections (on local roads or classified roads), are to be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the signalised intersection.

Front Setbacks

- C7** Building setbacks from the existing front boundary are to match the characteristic setback of adjoining properties, but are to be a minimum of 3 metres (or 4 metres if fronting a classified (SP2 Zoned) road).
- C8** All garages are to be setback a minimum of 6 metres from the front boundary if the garage fronts the street (refer to **Figure 10**).
- C9** Garages fronting a rear laneway are to have a 1 metre minimum setback from the lane.



Figure 10 - Front Setback for Two Storey Development



Side Setbacks

C10 The following side boundary setbacks apply (refer to **Figure 10**):

- (i) A minimum setback of 900mm for single storey development (for buildings up to 4 metres in height);
- (ii) A minimum setback of 1.5 metres for two storey development (for buildings up to 7 metres in height);
- (iii) A minimum setback of 3 metres (for buildings greater than 7 metres in height); and
- (iv) A minimum setback of 3 metres where a site adjoins a business or industrial property.

C11 Side setbacks shall ensure that adequate solar access is retained to adjoining properties.

C12 The side setback can be reduced by a maximum of 1 metre for 30% of the length of the boundary, only when the setback is increased by an equal amount elsewhere along the same boundary.



Rear Setback

- C13** Rear building setbacks are to match the characteristic setback on adjoining properties. Where the adjoining properties are not characteristic a minimum rear boundary setback of 6 metres is required.

Setbacks Following Land Dedication

- C14** Where land dedications are required resulting in a new boundary line all setbacks will be provided from this new boundary line, including basement car parking setbacks.

Variations to Setbacks

- C15** The following elements may encroach into the setback area:
- (i) Eaves;
 - (ii) Sunshading devices; and
 - (iii) Columns.

Building Frontage and Separation

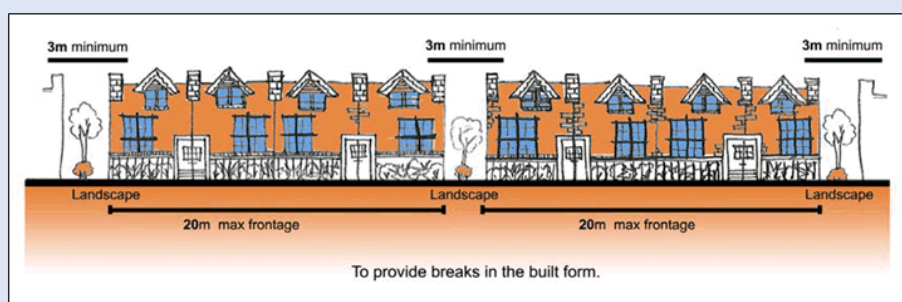
- C16** The maximum length of building frontage along the street is 20 metres (refer to **Figure 11**).
- C17** A minimum separation of 3 metres between developments along the street is required.
Note: Where this space is proposed to be used as part of the outdoor area associated with a dwelling, fencing and landscaping is to be designed to address any privacy needs for that space and also to address the streetscape presentation of the development.
- C18** In addition to the building frontage controls in C18 to 19 above, developments are required to provide adequate separation between habitable rooms, balconies and non-habitable rooms, in order to achieve appropriate sunlight access, natural ventilation and privacy for outdoor spaces (refer to **Part 4B2.8 - Private and Communal Open Space** and **Part 4B.5.5 – Solar Access**).

Corner Allotments:

- C19** New developments on corner lots that present to one primary street and a secondary street are to provide a minimum secondary street setback of 3 metres at the second street frontage.



Figure 11 - Maximum Building Frontage





4B.2.11 Through Site Links and View Corridors

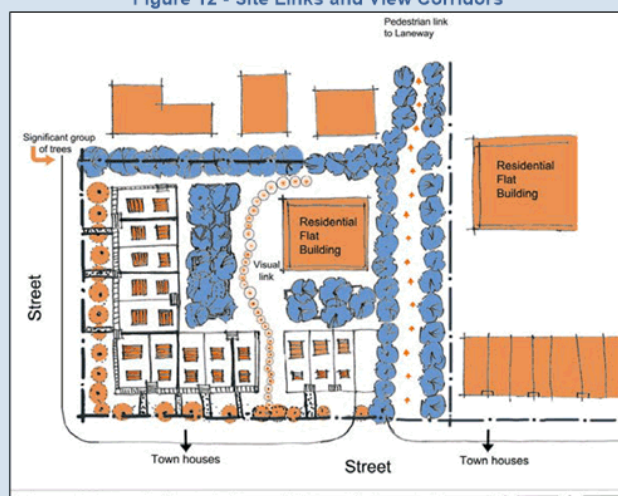
Objectives

- O1 To incorporate pedestrian links through new developments, at points where they are most legibly and safely connected to the existing street and pedestrian network;
- O2 To optimise visual and physical access to open space areas, pocket parks, buildings with public uses and important connecting streets; and
- O3 To support the creation of and enhance existing vegetation and wildlife corridors.

Controls

- C1 Existing significant views are to be retained and integrated into any new development.
- C2 Building footprints are to take into account the requirement for consolidated open space as well as for view corridors.
- C3 If a site has a frontage to two (2) or more streets with a boundary length greater than 25 metres, then one through site link to the other street/s is to be provided (refer to **Figure 12**).

Figure 12 - Site Links and View Corridors





4B.2.11 Heritage

Control

- C1** If a development site is in the vicinity of a Heritage Item or a Heritage Conservation Area, or the subject site contains a Heritage Item, or is located within a Heritage Conservation Area, compliance with **Part 3B - Heritage** is required.
- C2** Demolition of heritage listed properties is not permitted.
Note: Refer to Heritage Map within Botany Bay Local Environmental Plan 2013 to see if the site is identified as a Heritage Item or within a Heritage Conservation Area.



4B.2.12 Consideration of Isolated Sites

Objectives

- O1** To promote the efficient use of land;
- O2** To encourage the amalgamation of land parcels into larger development sites for medium density housing developments;
- O3** To ensure allotment size is sufficient for development and associated provision of landscaping, parking, vehicular and pedestrian access;
- O4** To maintain amenity by having sufficient separation between buildings; and
- O5** To ensure sites are not restricted in their development potential as a direct result of adjoining developments.

Controls

- C1** Applicants are to demonstrate to Council's satisfaction that adjoining parcels not included in their development site will be capable of being economically developed.
Note: This will include establishing appropriate separation distances between adjoining buildings.
- C2** The development will not result in isolated sites which are inconsistent with character of the streetscape and will achieve a satisfactory level of residential amenity for adjoining allotments (refer to **Figure 13**).
- C3** Where it is demonstrated by an applicant (with written documentation) that attempts have been made to address a potentially isolated site (e.g. an offer to acquire the isolated site and reply from the owner of that site) the proposed development will be assessed on its merits.
- C4** Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.
- C5** Developments which will result in potential isolated sites are required to address the Land and Environment Court Principles on isolation of site by redevelopment of adjacent site(s) (refer to http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html).



Figure 13 - Example of a Potential Isolated Site





4B.3 Building Design

Controls

General

- C1 Balcony types that respond to the street context, building orientation and residential amenity are encouraged. Partially recessed completely recessed or Juliet balconies will all create different façade profiles.
- C2 The use of recessed balconies and deep windows is encouraged to create articulation and define shadows thereby adding visual depth to the façade.
- C3 Balustrades are to be detailed to reflect the type and location of the balcony and its relationship to the façade detail and material.
- C4 A variety of window types to create rhythm or express the building uses are encouraged (e.g. to express the difference between a bathroom window and living room window).
- C5 Facades are to be designed to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation.
- C6 All building elements including shading devices, awnings and louvres are to be integrated with the overall building design.
- C7 Emphasis is to be given to important street corners by giving visual prominence to parts of the façade, for example a change in building articulation, material or colour and/or roof expression.
- C8 Building services such as drainage pipes are to be integrated within the overall façade and balcony design of the building.
- C9 Alterations and additions to multi dwelling housing is to reflect the architectural design and materials and finishes of the existing dwellings within the site.



4B.3.1 Building Entries

Objectives

- O1 To encourage entrances that provide orientation for the visitor;
- O2 To provide safe and secure access for residents; and
- O3 To contribute positively to the streetscape and building façade design.

Controls

- C1 Each building entry is to be clearly defined from the street. Each dwelling shall be designed to have an individual identity from the street (refer to **Figure 14**).
- C2 Entrances to individual dwellings are to be well-lit, provide shelter and a safe space to enter the building for residents and visitors. The front door is to be orientated to the street and have direct access to the street.
- C3 Developments will demonstrate clear lines of transition between the public street, the shared communal open space, circulation space and the private open space of individual dwellings (i.e. landscaping, paving and fencing can used to define different areas within the development).
- C4 Street numbering and mailboxes are to be clearly visible from the primary street.
- C5 A main pedestrian entry is to be provided where three (3) or more dwellings are proposed within a development, and not all dwellings have direct access to the street. The entry is to be separate from car parks or car entries.
- C6 Disabled access through the primary entrance to the building will be provided in accordance with **Part 3C - Access and Mobility**.



Figure 14 - Example of Building Entry Addressing the Street





4B.3.2 Materials & Finishes

Objectives

- O1 To ensure that new development reflects the existing and Desired Future Character;
- O2 To ensure that the choice of external materials, colour schemes and building details on new development reinforces existing development in the locality and enhances the streetscape;
- O3 To encourage the use of energy efficient building materials;
- O4 To ensure that the building and the site can be cleaned and maintained easily; and
- O5 To maximise the life of buildings to reduce energy costs in demolition, reconstruction and recycling.

Controls

General

- C1 New development is to incorporate architectural relief and modulation of facades to avoid a bulky appearance. Architectural elements will provide visual interest to the built form.
- C2 A Schedule of Finishes and a detailed Colour Scheme for the building facade shall accompany all Development Applications involving building works (refer to Council's **Development Application Guide**).
- C1 The Schedule of Finishes shall consist of samples of materials and corresponding manufacturer's details and product codes. Applicants are to use illustrated elevations to document the location and composition of materials.
- C3 Materials, colours, architectural details and finishes are to be consistent with those that are identified in the relevant character precinct (refer to **Part 8 - Character Precincts**). If not identified in the character precinct natural colours and muted tones and finishes are to be used.
- C4 Reflectivity from building materials used on the facades of new buildings shall not exceed an increment level of 20%.
- C5 Roof materials are to be consistent with the character of the area.
- C6 Face brickwork is to be used only where this is common in the immediate vicinity of the proposed development. Bricks shall be of a uniform colour, without mottle or wire cut. The use of white pale, cream or manganese bricks is not acceptable.
- C7 No expansive use of white, light or primary colours which dominate the streetscape are permitted. Primary colours are only to be used for small design features and accents to the building.
- C8 Buildings are to incorporate a higher proportion of masonry to glass.
- C9 Any solar panels are to be integrated into the design of a building.
- C10 Developments are to be constructed using building materials that maximise energy efficiency and comply with **Part 3H - Sustainable Design**.

**Maintenance**

C11 Materials and design detailing will ensure long life and ease of maintenance. In particular:

- (i) Treated timber or metal hinged shutters such as plantation shutters;
- (ii) Glass balustrades;
- (iii) Solar powered venetian blinds;
- (iv) Sliding translucent screens to balconies;
- (v) Adjustable horizontal louvers attached to pergolas;
- (vi) Operability and location of windows to allow ease of cleaning; and
- (vii) Retractable blinds.

C12 Windows are to be designed to enable cleaning from inside the building.

C13 Manually operated systems such as blinds, sun shades, pergolas and curtains are preferable to mechanical systems.

C14 Where mechanical systems are selected care is to be taken to ensure that wherever possible they could be also manually operated.



4B.3.3 Roof Forms and Top Floor Design

Objectives

- O1 To ensure the provision of a characteristic roof through the use of similar pitch and materials; and
- O2 To ensure that the top floor of buildings minimises visual bulk.

Controls

General

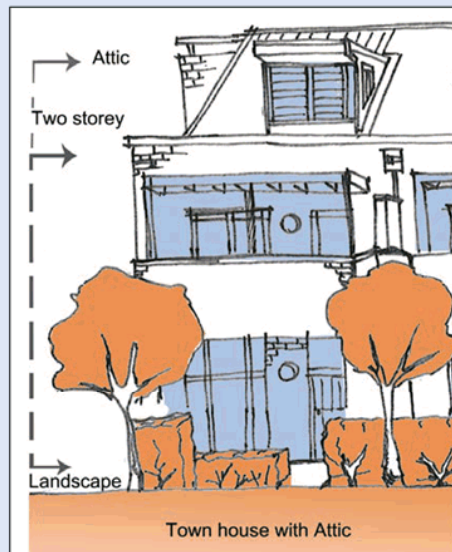
- C1 Buildings should incorporate a pitched roof, except where another roof form is identified in a Character Precinct (refer to **Part 8 - Character Precincts**), or another roof form is more compatible with the existing characteristic roof forms in the street.
- C2 Pitched roofs should be between 22.5 degrees and 40 degrees.
- C3 Eaves are to be a minimum of 450mm.
- C4 Any exposed structures including plant rooms, air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure an integrated overall appearance. If a site adjoins another residential development all site facilities are to be located away from the development façade fronting the adjoining residential property.

Attics/Dormers

- C5 Attics are permitted provided they comply with the definition contained within Botany Bay Local Environmental Plan 2013 (refer to **Figure 15**).
- C6 Any proposed dormer will:
 - (i) not exceed a height of 1.5 metres from the base of the dormer to the ridge;
 - (ii) not comprise more than one third of the width of the roof plane;
 - (iii) not exceed a maximum roof pitch of 30 degrees where the roof meets the external wall;
 - (iv) not comprise more than $\frac{1}{3}$ of the width of the roof plane upon which they are placed; and
 - (v) be designed so that bedrooms or living areas located in the roof cavity have a minimum head height of 2.4 metre over $\frac{2}{3}$ of the floor area; and
- C7 Balconies are not generally permitted off dormers. The only instance where Council may consider a balcony off a dormer is if the balcony is a 'Juliet' balcony and where there are no privacy impacts.
- C8 An attic is to be contained wholly within a roof space above the ceiling line of the storey immediately below, except for minor elements such as dormer windows.



Figure 15 - Townhouses with Attics





4B.3.4 Fences

Objectives

- O1 To define the edges and interface between public and private land;
- O2 To ensure that front fences contribute to a characteristic pattern of fences;
- O3 To enable casual surveillance of the public domain and provide security;
- O4 To provide visual and acoustic privacy where required;
- O5 To contribute positively to the public domain; and
- O6 To allow passive visual surveillance of the public domain by not providing high solid walls.

Controls

General

- C1 Fences are to:
 - (i) Provide privacy and security while not eliminating views, outlook, light and air;
 - (ii) Be visually permeable at the front of developments and will not obscure views of the building and garden areas from the street;
 - (iii) Be designed in proportion to the height and size of the building; and
 - (iv) Use the designs and materials suitable for the Desired Future Character of the area (refer to **Part 8 - Character Precincts**).
- C2 Decorative timber or metal slat/batten/picket and/or masonry walls are permitted on the street frontage. Colourbond fencing is not permitted.
- C3 Retaining walls across street boundaries shall be no more than 1 metre in height and shall be located to allow site responsive tree planting within the setback (i.e. shall not restrict planter bed dimensions).
- C4 Fences will not obstruct the existing overland flow path or stop or redirect surface waters so as to cause a nuisance.
- C5 Where the fence/side returns are to be erected on or adjacent to the common allotment boundary, the written consent of the adjacent property owner(s) is required.
- C6 Provision is to be made for access to public utility installations.

Height

- C7 Front fences and dividing fences located within the front setback shall be a maximum height of 1.2 metres.
- C8 Fences must provide a solid base with a maximum height of 400mm, and the top section is to be 50% transparent through the use of spaced timber or metal pickets (or the like). The length of fence/wall is to be divided into segments not exceeding 5 metres.
- C9 Fences fronting a classified road are permitted to be 1.5m in height.
- C10 Fences along a secondary street frontage and which adjoin the private open space of a dwelling can have a maximum height of 1.8 metres to provide privacy. The height of the fence is to taper down to meet the front fence from the building line.
- C11 The design of fencing over 1 metre in height will take into consideration sightline issues where

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adjoining a vehicular access. The design of the fence can be modified by setbacks or by using splays at least 1 metre x 1 metre in size.

- C12** Screen walls or fences which enclose private open space are to be at least 1.8 metres high to maximise privacy.

Fencing that Addresses the Street

- C13** Fences are to be designed and constructed with materials similar to those identified in the relevant character precinct (refer to **Part 8 - Character Precincts**) or if not specified consistent with scale, material and character of the surrounding fences.
- C14** Any post tops and paling tops visible from the street are to be shaped or tuned in a decorative manner that complements the development.
- C15** On busy roads manually operated gates are to be setback a minimum of 5.5 metres from the kerb line to allow a vehicle to stand fully off the road. These roads include Botany Road, Beauchamp Road, Bunnerong Road, Coward Street, Denison Road, Gardeners Road, O'Riordan Street, Robey Street, Wentworth Avenue; and Stephen Road
- C16** Access gates are to be hung so that the direction of swing is inward.
- C17** All fencing is to be designed to highlight entrances, and be compatible with buildings, letterboxes and garbage storage areas.

Internal Fencing

- C18** Internal fencing is to be designed with landscaping and gardens to reduce the visual impact of dwelling walls and in keeping with streetscape and neighbourhood character.
- C19** Internal fencing is to be of timber, brushwood or masonry construction, and the tops are to be decoratively treated. Walls are to be in segments of no more than 5 metres.
- C20** Walls and fences are to be divided into segments no longer than 5 metres, at which point there will be a change in façade plan, a pilaster feature or an expressed column. Details of wall and fence treatment are to be submitted with the Development Application.
- C21** Open style fencing is required where the property is affected by flooding or by an overland flow.
- C22** The maximum height of side or rear fences is 1.8 metres. Front fences and side fences located between the street frontage and its respective building line are not to exceed 1 metre in height.



4B.4 Site and Building Amenity

4B.4.1 Dwelling Mix, Room Size and Layout

Objectives

- O1** To ensure that dwellings are efficient, have high standards of amenity for residents and satisfy environmental performance criteria, such as ventilation and access to natural light;
- O2** To be flexible to suit the occupant's requirements;
- O3** To ensure residential development contains a mix of residential types (based on the number of bedrooms) to increase the potential for a balanced population;
- O4** To ensure adequate provision, design and location of internal facilities; and
- O5** To provide adequate amenity for building occupants in terms of access to sunlight and natural ventilation.

Controls

- C1** Development is to comply with the following minimum dwelling sizes:
 - Studio: 60m²
 - 1 bedroom: 75m²
 - 2 bedrooms: 100m²
 - 3 bedrooms: 130m²
 - 4 bedrooms: 160m²

Note: Dwelling size refers to the area inside the enclosing walls of a dwelling but excludes wall thickness, vents, ducts, staircases and lift wells.
- C2** Development having ten (10) or more dwellings shall provide a mix of dwelling sizes and layouts.
- C3** The combined total number of one-bedroom and studio dwellings shall not exceed 25% of the total number of dwellings.
- C4** Laundry, food preparation and sanitary facilities are to be provided in a convenient location within a dwelling (or a building containing a number of dwellings) and be built appropriately according to the function and use of the dwelling.
- C5** Bathrooms and bedrooms are to be separated from living and kitchen areas where possible.



4B.4.2 Building Depth

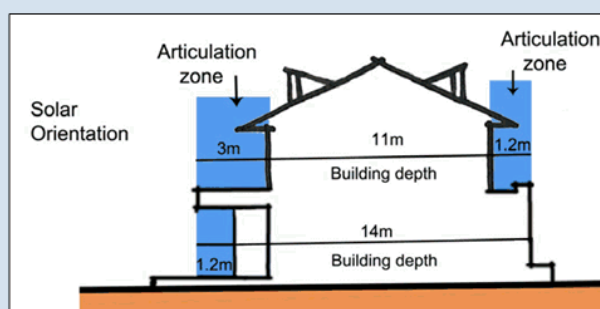
Objective

- O1** To provide adequate amenity for building occupants in terms of solar access and natural ventilation.

Control

- C1** The maximum building depth of any development will comply with **Figure 17**.
Note: The arrangement of these permissible components may vary; for example an 11 metre wide building could have balconies extending into the articulation zone on both sides.
Note: Adequate building depth in combination with other controls in this Part is required to ensure adequate amenity for building occupants. For example a deeper floor plan may be acceptable where higher floor to ceiling heights allow solar access or where apartments have a wider frontage.

Figure 16 - Building Depth and Articulation





4B.4.3 Ceiling Heights

Objectives

- O1 To facilitate natural daylight and ventilation throughout the apartment;
- O2 To increase the sense of space in apartments; and
- O3 To allow the buildings elevations to respond to the street context.

Control

- C1 High ceilings are encouraged to allow high windows, and greater solar access penetration within dwellings.
- C2 High ceilings are encouraged to facilitate natural ventilation through operable high-level windows.
- C3 On lower levels, ceiling heights will not preclude the building from being adapted for a range of uses including retail or commercial uses, subject to the permissibility in the zoning of the site.
- C4 Ceiling heights affect façade articulation. Variation in ceiling heights provides opportunities for better articulation in the façade. This is particularly important where new buildings are to relate to older or heritage buildings within a streetscape.
- C5 High ceilings enable the effectiveness of light shelves in enhancing daylight distribution into interiors.
- C6 High ceilings provide greater opportunities for sloped ceilings to improve daylight penetration into the centre of a dwelling.
- C7 Development is to comply with the minimum ceiling heights identified in **Table 5**.

Table 5 - Minimum Clear Ceiling Heights

Area	Minimum Height
In locations where there is potential for future ground floor shop use	3 metres
Habitable rooms	2.7 metres
Dwelling entries	2.4 metres
Attic space	2.4 metres over 2/3 of the floor area.
Minimum wall heights in attics	1.5 metres



4B.4.4 Solar Access

Objectives

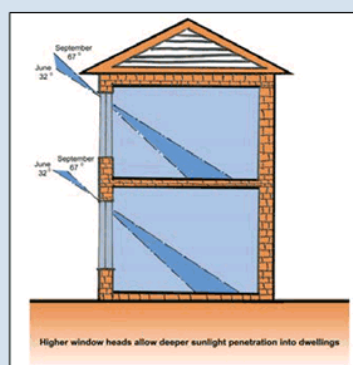
- O1** To ensure that all dwellings enjoy reasonable access to daylight and sunlight to improve amenity and energy efficiency;
- O2** To ensure that the design of development enhances solar access; and
- O3** To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.

Controls

- C1** Development is to be designed and sited to minimise the extent of shadows such that solar access at the winter solstice (21 June) provides a minimum of 3 hours sunlight between the hours of 9.00am and 3.00pm to:
 - (i) Private and communal open space within the development;
 - (ii) Private and communal open space of adjoining dwellings;
 - (iii) Public open space such as parkland;
 - (iv) Solar collectors of adjoining development; and
 - (v) Habitable rooms within the development and in adjoining residential developments.
- C2** Where the level of solar access to adjoining properties is already below the requirement in C1 above, the solar access will not be further reduced.
- C3** Developments are to be designed to enhance solar access by incorporating the following principles:
 - (i) Living areas of dwellings such as kitchens and family rooms are to be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west;
 - (ii) Buildings will be sited to reduce overshadowing on adjoining properties by increasing setbacks, staggering of design, variations in roof form and/or reducing building bulk and height;
 - (iii) Building setbacks may need to be increased to maximise solar access and to minimise overshadowing from adjoining buildings;
 - (iv) Building heights may also need to be stepped to maximise solar access;
 - (v) Landscaping is to provide shade in summer without reducing solar access in winter;
 - (vi) All rooms are to contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided;
 - (vii) Building elements such as operable louvers and screens, pergolas, blinds etc are to be used to modify environmental conditions where required, such as maximizing solar access in winter and provide shading in summer; and
 - (viii) Higher window heads enhance sunlight penetration into dwellings (refer to **Figure 17**).



Figure 17 - Design to Enhance Solar Access



Shadow Diagrams

- C4** Shadow diagrams are to be submitted with Development Applications to illustrate the impact on adjoining properties and/or the public domain. The diagrams should provide information relating to the effect of the proposed development at 9 a.m., 12 p.m. and 3 p.m. on (refer to **Figure 19** and **Figure 20**):

- (i) 21 June (mid-winter);
- (ii) 21 December (mid-summer); and
- (iii) 21 March/September (equinox).

Note: The extent of shadows is to take into account the range of factors that impact on solar access, including the slope of the land, aspect, existing and proposed vegetation and the height and position of existing buildings and structures, including fences.

Note: Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards.

Note: Refer to Land and Environment Court Principles on Sunlight.

- C5** Council may request the applicant to provide Elevational Shadow Diagrams at hourly intervals demonstrating any potential impact on the windows and doors of neighbouring dwellings (refer to **Figure 25**).



Figure 18 - Example Shadow Diagram Required for Proposed Development

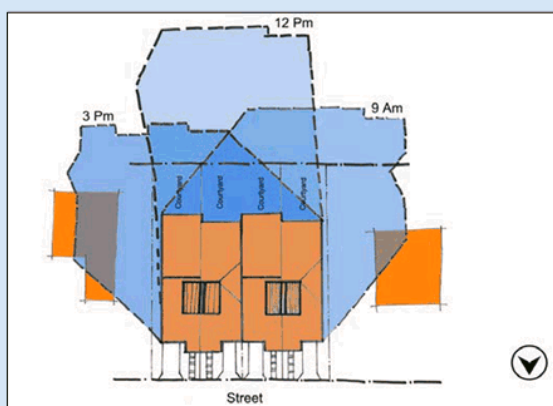


Figure 19 - Example Solar Access to Adjoining Properties and Principal Private Open Space





4B.4.5 Visual Privacy

Objectives

- O1 To ensure that development results in a reasonable level of visual privacy for existing and future residents; and
- O2 To ensure that visual privacy is provided both within a development and between a development and its neighbours.

Control

For windows:

- C1 Windows are to be located so they do not provide direct or close views into the windows of other dwellings, particularly those of living areas.
- ~~C2~~ Attic windows are not to allow overlooking of adjacent dwellings or their private open spaces.
Note: The incorporation of high level windows can minimise overlooking (refer to **Figure 20**).
Note: An outlook to the street is to be provided from attic windows where appropriate.
- ~~C3~~ The number of windows directly overlooking adjacent dwellings is to be kept to a minimum. Where windows unavoidably overlook adjacent properties, they will have high sills (1500mm is suggested), frosted glazing, be screened or use some other method to maximize privacy;
- C4 Facing windows closer than 9 metres require privacy measures such as those suggested in **Figure 21**.

For decks and balconies:

- C5 Balconies and decks will minimise overlooking of living areas and private open spaces of adjoining dwellings;
- C6 Screening devices are to be incorporated on decks and balconies greater than 1 metre above ground level, to mitigate potential loss of privacy;
- C7 ~~Upper~~ floor balconies or roof terraces may not be permitted where overlooking of private open space of adjacent dwellings may occur.

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Comment [AQ1]: These controls : relocated from the heading of "For decks and balconies" as they relate to windows not decks and balconies.

Comment [AQ2]: Relocated to "For windows" above.

Deleted: <#>The number of windows directly overlooking adjacent dwellings is to be kept minimum. Where windows unavoidably overlook adjacent properties, they will have high (1500mm is suggested), frosted glazing, be screened or use some other method to maximize privacy. <#>Facing windows closer than 9 metres require privacy measures such as those suggested in **Figure 21**; and ¶



Figure 20 - Attic Windows Designed to Enhance Privacy

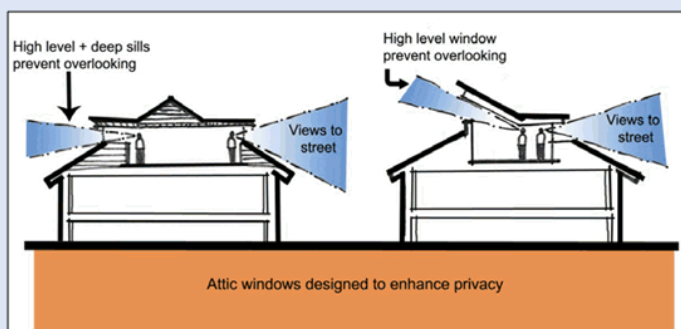
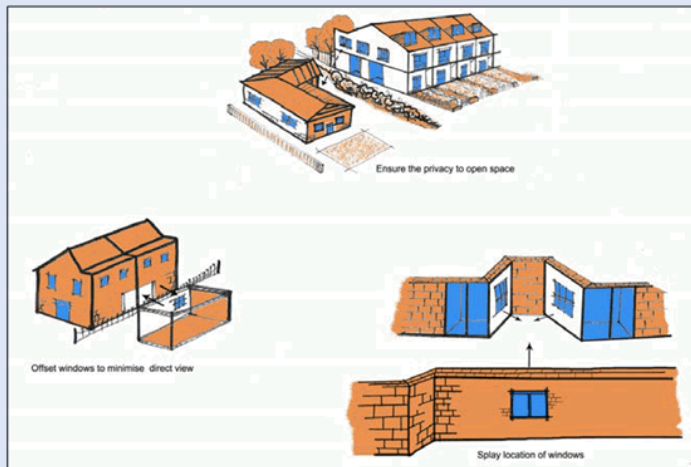


Figure 21 - Examples of Privacy Measures





4B.4.6 Acoustic Privacy

Objective

- O1** To ensure that all residents are provided with a reasonable level of acoustic privacy.

Controls

General

- C1** An acoustic report prepared by a certified acoustic consultant is to be submitted with the Development Application addressing the requirements detailed in Controls C2, C3 and C4.
- C2** New dwellings shall be designed and constructed to comply with the criteria specified in **Table 6** for all noise intrusion from external noise sources (including mechanical services noise from within the development itself).
- C3** Where:
- a. the height of the proposed development is higher than the existing height of the localised building stock; and
 - b. the proposed development has a direct line of sight to the seaport and/or the airport;
- an acoustic assessment by an accredited acoustic consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport
- C4** Where multiple dwellings are provided within the same building, the building shall be designed and constructed to comply with the requirements of the BCA regarding acoustic insulation and noise transmission of walls and floors. In order to meet these requirements, the following design measures are to be incorporated in the development:
- (i) Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings;
 - (ii) Bedrooms are to be designed so that wardrobes act as sound buffers between rooms or dwellings;
 - (iii) Windows and doors will be located away from external noise sources, or buffers used where separation cannot be achieved;
 - (iv) Materials with low noise penetration properties will be used where practical;
 - (v) Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreational facilities (such as swimming pools, tennis courts or play equipment); and
 - (vi) Mechanical equipment, such as pumps, lifts or air conditioners will not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties.



Table 6 - External Noise Intrusion Criteria

Internal area	Time	Repeatable Maximum Laeq (1 Hour) with closed windows and doors	Repeatable Maximum Laeq (1 Hour) with open windows and doors
Living areas	Day or Night	< 40 dBA	<50dBA
Sleeping Areas	Day or Night	< 40 dBA	<50dBA

Aircraft Noise

- C5** New dwellings on land within the Australian Noise Exposure Forecast (ANEF) Contour 20 or higher shall be designed and constructed in accordance with current Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction) and **Part 3J - Development Affecting Operations at Sydney Airport**.
Note: Details to be included in the Development Application submission.
- C6** New or higher density residential development which, in the opinion of Council is considered to be aircraft noise sensitive will be permitted where the property is located within the 30+ ANEF contour.
- C7** The introduction of noise abatement measures to achieve compliance with the current AS 2021 will be designed in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.

Road and Rail Noise

- C8** In accordance with cl.87 (3) and cl.102 (3) of SEPP (Infrastructure) 2007, an acoustic report prepared by a certified acoustic consultant will be submitted at development application stage to demonstrate compliance with this Guideline. Development on land which is on or is within 100 metres of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) will consider the requirements of the Development Near Rail Corridors and Busy Intersections – Interim Guideline (19 December 2008).
- C9** Where dwellings are located on busy/classified roads the following are to be incorporated into the design of the development to reduce traffic noise within the dwelling:
- (i) Cavity brick walls;
 - (ii) Double glazing;
 - (iii) Solid core doors;
 - (iv) Concrete floors; and
 - (v) Recessed balconies.



4B.4.7 Vibration & Excavation

Objective

- O1** To ensure that dwellings are not adversely impacted upon by vibrations from railways and roadways.

Control

- C1** In accordance with Clause 87 of SEPP (Infrastructure) 2007 any proposed excavation exceeding 2 metres in depth on land within or above a rail corridor or within 25 metres from (measured horizontally) of a ground or below ground rail corridor will consider the requirements of the *Development Near Rail Corridors and Busy Intersections – Interim Guideline* (19 December 2008).
- C2** Any excavation adjacent to RMS infrastructure will comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. A copy of this Technical Direction can be downloaded via the following link:
<http://www.rms.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>



4B.4.8 Storage

Objectives

- O1 To provide secure storage for sporting, leisure, fitness and hobby equipment; and
- O2 To provide storage for everyday household items within easy access of the dwellings living areas.

Controls

- C1 At least 50% of the storage provided within the dwelling is to be accessible from either the hall or living area. The remaining 50% of the storage may be located in the basement car park and allocated to the individual dwelling.
- C2 Accessible and adequate storage facilities are to be provided at the following minimum rates:
 - Studios: 6m³
 - 1 bedroom dwelling: 8m³
 - 2 bedroom dwellings: 10m³
 - 3+ bedroom dwellings: 12m³
- C3 The storage area separate from the dwelling is to be secured within the garage car parking area.
- C4 Storage areas are to have a minimum height of 1.5 metres.



4B.4.9 Site Facilities

Objectives

- O1 To ensure that adequate provision is made for site facilities, such as clotheslines and storage areas, in the design of the development;
- O2 To ensure that site facilities are accessible to all residents;
- O3 To ensure that site facilities are thoughtfully integrated into development and are unobtrusive; and
- O4 To maximise opportunities for use of solar energy and natural ventilation for clothes drying.

Controls

General

- C1 Development is not to be carried out on the land until arrangements satisfactory to Sydney Water have been made for the provision to the land of water and sewerage services.
- C2 The name and address of the premises shall be displayed in a position that is clearly visible from the street and / or service lane to assist identification and deliveries.
- C3 Mailboxes shall be provided in accordance with Australia Post's requirements.
- C4 Adequate and appropriate unit numbering is to be provided.
- C5 Garbage storage and collection points are to comply with the provisions of **Part 3M - Waste Minimisation and Management**.
- C6 Satellite dishes where they are situated in rear courtyards, etc. are to be less than 1.8 metres above ground or not visible above any fence surrounding the site.
- C7 One (1) telecommunications/TV antenna will be permitted for each building.
- C8 The existing above ground electricity and telecommunication cables within the road reserve and within the site shall be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines. The applicant shall bear the cost of the new installation and the first 12 months of additional street light charges.
- C9 Any electrical kiosk, fire booster assembly or similar utilities are to comply with the provisions of Part 3L - Landscaping.
- C10 New foot paths shall be appropriately located within the street with consideration for obstruction caused by electrical pillar associated with the undergrounding of mains power.

Air Conditioners

- C11 Air conditioning units will not be installed on the front façade of a building, and are not to be visible from the street.
- C12 Air conditioning units will not be installed within window frames or otherwise obscure a window.
- C13 The noise level from air conditioning systems is not to exceed the LAeq 15 minute by 5dBA, measured at the property boundary.

Comment [AQ3]: Identical control relating to the location and design of electrical kiosk, fire booster assembly similar utilities are located within **Part 3L.2** of the BDDCP. To avoid duplication **Part 3L** is nominated as the only DCI chapter which contains specific provisions relating to the location and design of facilities.

Deleted: will be in a location visible from the main entrance development, unable to be obstructed, and readily access to vehicles and service staff

Deleted: Fire booster assemblies are to be a minimum 10m distance to an electrical kiosk and housed within the external of the building structure or in an enclosure with screen doors. The enclosure is to be integrated with the architectural design of the development and compliant with AS2419. Applicants are encouraged to provide landscaping that will not impede access to, and effective of, the utilities to reduce the visual impact of the utilities on the streetscape and public domain

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Drying Facilities

- C14** Sunlight is required to be available to clothes drying facilities for at least 3 hours on June 21 to a plane 1 metre above finished ground level under the drying lines.
- C15** Open air, secure clothes drying facilities are to be provided in all housing developments.
- C16** Clothes drying areas will be easily accessible by all residents and visually screened from public street and recreation areas.



4B.4.10 Safety and Security

Objectives

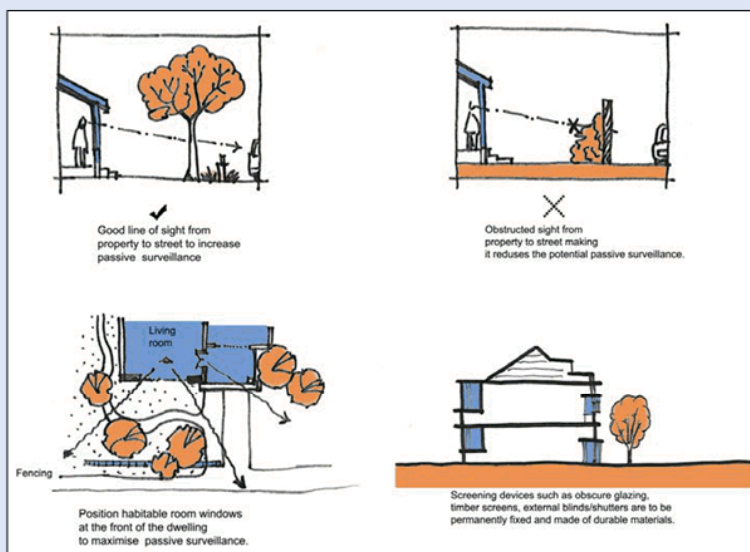
- O1** To reduce opportunities for crime through the use of natural surveillance, building design and siting; and
- O2** To ensure a high level of personal safety for people who use or visit the building.

Controls

- C1** Development will comply with **Part 31 - Crime Presentation, Safety and Security**.
- C2** To enhance safety and security, developments will be designed to:
 - (i) Enable casual surveillance of streets, open space and entrances to buildings and communal areas (refer to **Figure 22**);
 - (ii) Minimise access between roofs, balconies and windows of adjoining developments;
 - (iii) Provide adequate lighting to communal areas, driveways, accessways, car park areas and open space. An internal lighting proposal is required;
 - (iv) Avoid blank walls addressing the street frontage and other public places. Where it is unavoidable, planting for screening purposes or anti-graffiti paint is to be used;
 - (v) Maintain sight lines along pathways (i.e. avoid blind corners or hiding places);
 - (vi) Use materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish between public, communal and private domains;
 - (vii) In public areas, use materials that discourage vandalism (i.e. non-porous surfaces such as glazed ceramics or treated masonry). Robust materials, anti-graffiti finishes and surface treatments are to be used;
 - (viii) Provide locks on doors and windows, and viewers to doors;
 - (ix) Provide lighting to communal areas (laundries, garbage storage, pathways, lobbies, car parking areas and stairwells); and
 - (x) Locate shared facilities in areas that are well lit and will be well located.
- C3** Where security devices are required they shall be of a design that is consistent with the design of the development. They will be of a simple design that does not detract from the design or architectural features of the house.



Figure 22 - Passive Surveillance





4B.4.11 Car & Bicycle Parking and Vehicle Access

Objectives

- O1** To provide for safe vehicle access to and from the site;
- O2** To ensure the provision of adequate on-site car parking and vehicle access for circulation and manoeuvring of vehicles;
- O3** To ensure that on-site car parking does not dominate or detract from the appearance of the development and the local streetscape;
- O4** To ensure that parking areas and access routes are integrated within the landscape design;
- O5** To ensure a high standard of surface finish;
- O6** To minimize the visual impact of expansive driveway surfaces; and
- O7** To ensure that traffic generated by a development does not have adverse impacts to the operation of surrounding road networks.

Controls

General

- C1** Car parking areas are to be located and designed to:
 - (i) Conveniently and safely serve users, including pedestrians, cyclists and vehicles;
 - (ii) Enable the efficient use of car spaces and access ways, including adequate manoeuvrability for vehicles between the site and the street;
 - (iii) Fit in with any street network hierarchy and the objectives of that hierarchy and with any other related local traffic management plans;
 - (iv) Be cost-effective; and
 - (v) Not dominate or detract from the appearance of the development and the local streetscape.
- C2** All developments will comply with the car and bicycle parking rate requirements for residents and visitors within **Part 3A - Car Parking**.
Note: Small car parking bays are not permitted.
- C3** Garages and carports are not to be the dominant feature of the building façade. These structures will be subservient in scale to the development, and integrated and compatible with the overall design in terms of height, form, materials, detailing and colour.
- C4** Gun barrel driveways are to be avoided unless overtaking bays are provided every 30 metres along the driveway.
- C5** Driveways are not to dominate the street. This can be achieved by using a single driveway crossing to serve multiple dwellings within the site.
- C6** Landscaping is to be used to soften and screen car parking areas from adjoining properties and



- the street and to provide shade for parked vehicles.
- C7** Visitor's car parking spaces shall be labelled clearly and resident car parking shall be numbered to the relevant dwelling.
 - C8** For development with 20 or more dwellings, provision is to be made for furniture removalist vehicles to be able to park within the site. The size of furniture removalist vehicles shall be assumed to be a Medium Rigid Vehicle (MRV) as defined in AS2890.2
 - C9** Basement car parking will:
 - (i) not protrude further than 1.2 metres out of the ground when measured from natural ground to the underside of the ground floor slab of the building;
 - (ii) be located under the building footprint of the dwellings;
 - (iii) not extend under dwelling balconies or landscaped areas;
 - (iv) be located under balconies or landscaped areas are to be included in site coverage calculations;
 - (v) be designed to have adequate vertical clearance for the largest vehicle accessing the basement car parking area; and
 provide natural light and ventilation where practical.
 - C10** Stacked car parking is only permitted where the parking bays are allocated to one (1) dwelling.
 - C11** Development Applications which proposed 20 or more dwellings are required to submit a Traffic and Parking Impact Study.
 - C12** Vehicular access driveways and the top part of ramps visible from the street are to form part of the overall landscape design.

Material

- C1** Stencilled concrete and exposed aggregate are unacceptable as they do not stand up well to the traffic movement and frequent turning common in multi-unit housing developments.
- C2** Concrete is acceptable but is required to be broken up or given visual interest by incorporating unit paving and/or different concrete finishes. Large concrete expanses (plain or coloured) are to be limited, particularly in pedestrian areas (refer to **Figure 23**).

Note: If pavers are utilised they are to be laid on a concrete slab.



Figure 23 - Driveway Materials Must Be Attractive





4B.4.12 Access

Access for all residents and visitors will be considered in multi dwelling housing developments.

Objective

- O1 Provide easy access for all, including people with prams and people that use wheelchairs or have walking difficulties or sight, hearing or intellectual impairment.

Controls

- C1 All applications are to include a statement on how the development will comply with the provisions of the Disability Discrimination Act and comply with **Part 3C - Access and Mobility**.
- C2 Multi-unit developments will have night lighting along all driveways and footpaths throughout the site.
- C3 Ramps will have gradients not exceeding 1 in 14, and have an even, non-slip surface.
- C4 Unnecessary barriers to direct access will be avoided.



4B.5 Social Considerations

4B.5.1 Adaptable Housing

Those who design, build, own, manage, lease, operate, regulate and use premises have responsibilities to comply with the *Disability Discrimination Act, 1992 (DDA)*. The DDA seeks to eliminate bias against people with disabilities and protect their rights. The DDA states that failure to provide equal access is unlawful, unless to do so would impose an unjustifiable hardship.

Objectives

- O1** To provide housing for people with disabilities or mobility needs with the community; and
- O2** To ensure the provision of equitable access to meet the housing demands of a cross section of people within the community.

Controls

- C1** Development will comply with **Part 3C - Access and Mobility**.
- C2** A statement from the architect or builder will be submitted with the development application certifying that the adaptable dwelling has been designed in accordance with the provisions of the Australian Standards AS 4299-1995 Adaptable Housing.



4B.6 Multi Dwelling Housing in Association with Neighbourhood Shops in Residential Zones

This Part applies to multi dwelling housing development proposed in association with neighbourhood shops. Shop top housing and mixed use development are to be prepared in accordance with Part 4C, SEPP 65 and the Apartment Design Guide.

Objectives

- O1** To ensure that local shops located within residential development are compatible with and respectful to the character of the residential area in which they are sited;
- O2** To ensure the design of the development distinguishes and separates the residential and non-residential functions of the building; and
- O3** To minimise the conflicts between vehicular access, parking and pedestrian movement.

Controls

- C1** The development is to comply with the provisions of Botany Bay Local Environmental Plan 2013.
- C2** The shop component will be located at ground level.
- C3** Adequate storage space is to be provided for the use of the shop.
- C4** The residential component of the development will be integrated with the shop and not developed as separate enclaves within the site.
- C5** Noise insulation measures are to be incorporated into the development with particular attention to shared ceiling/floors and walls.

Built Form and Appearance

- C6** The building is to be designed to encourage uses that will enhance and promote active street front activities.
- C7** The layout and design of the building ensures privacy for dwellings within the development.

Site Facilities

- C8** Site facilities including storage, mailboxes, and garbage collection points, are to reflect the demands of both the residents and occupants of the dwellings and neighbourhood shops, and are to be conveniently located within the development.

Parking, Servicing and Access

- C9** The design of parking areas and loading facilities takes into account the use of these areas by a range of activities and will minimise any conflicts that may arise as a result of the multiple use of these facilities.
- C10** Visitor parking for the shop component shall be conveniently located, identified as such, and accessible to the general public. Visitor parking is not to be located behind any security grill or gate.



4B.7 Conversion of Existing Non-Residential Buildings to Multi Dwelling Housing

Clause 6.11 of BBLEP 2013 permits with prior Council consent the adaptive reuse of existing buildings and land for multi dwelling housing in Zone R2 Low Density Residential subject to a list of criteria, which includes consistency with the streetscape and in keeping with residential amenity.

Height and FSR are to comply with the provisions of the BBLEP 2013. Provided the impacts on the locality are considered reasonable, Council may permit non-compliances in some circumstances. However, in accordance with **Clause 4.6** of BBLEP 2013 the applicant will submit with a Development Application a written request that seeks to justify the contravention of any development standard by demonstrating:

- (i) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (ii) That there are sufficient environmental planning grounds to justify contravening the development standard.

Objectives

- O1** To provide for the adaptive reuse/conversion of existing buildings and sites to multi dwelling housing; and
- O2** To provide for development that is compatible with the existing streetscape and respects residential amenity.

Matters for Consideration

- C1** Before granting consent for development referred to in **Clause 6.11** of BBLEP 2013, Council is to take into consideration the following matters:
 - (i) The impact of the development on the scale and streetscape of the surrounding locality;
 - (ii) The suitability of the building or site for adaptive reuse;
 - (iii) The degree of modification of the footprint and façade of any existing buildings on the site;
 - (iv) The impact of the proposal on the scale and streetscape of the surrounding locality;
 - (v) The impact on surrounding properties, particularly in respect to overshadowing, loss of privacy, and visual intrusion;
 - (vi) The impact on the future residents of the building, caused by surrounding properties, from dust, odour and noise;
 - (vii) Noise attenuation of the building to comply with the relevant Australian Standards;
 - (viii) Sources of potential contamination;
 - (ix) The proximity and accessibility of the building and/or site to public transport;
 - (x) The impact on employment opportunities in the area;
 - (xi) The size and mix of dwellings; and
 - (xii) The impact on traffic and parking and the nature of the surrounding streets.



C2 Development is to comply with the provisions outlined in this Part. Where the development is unable to comply due to inherent site constraints, the Statement of Environmental Effects is to adequately address the non-compliance, and the application will be assessed upon its merits.

C3 Landscaping is to be provided in form of:

- (i) Roof gardens or planter boxes (not pots) on balconies or landscaped terraces; and
- (ii) At-grade deep soil landscaping within the front setback to the street.

Note: Council's street trees cannot be utilised as the sole source of screening or softening for a development of this type.



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4B.1 Introduction

4B.1.2 Land to which this Part Applies

This Part applies to multi dwelling housing where three (3) or more dwellings are located on a single lot of land. Multi dwelling housing includes development commonly known as townhouses and villas. Botany Bay Local Environmental Plan 2013 defines multi dwelling housing as:

'3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential apartment building.'

Whilst SEPP No. 65 – Design Quality of Apartment Buildings, and the Apartment Design Guide, does not directly apply to multi dwelling housing, it is advised that applicants make themselves familiar with the controls and advice available in the **Apartment Design Guide** to inform best practice development.

4B. 1.2 General Objectives

- O1** To ensure development is compatible and complementary to the streetscape and consistent with the Desired Future Character of the area;
- O2** To provide detailed objectives and controls that encourage innovative design that positively contributes to the character and context of the locality;
- O3** To maintain and encourage compatible architectural styles within residential areas;
- O4** To encourage residential development which creates a high standard of residential amenity, promotes a safe living environment; and makes better use of existing infrastructure;
- O5** To ensure that development employs the principles of ecologically sustainable development (ESD);
- O6** To provide for a range of housing types and forms to accommodate a diverse and changing population; and

Note:

This Part may direct applicants to sections of the Apartment Design Guide for reference, however Multi Dwelling Housing development is to comply with the provisions contained within this Part of the DCP.



4B.2 Site Design

4B.2.1 Design Excellence

Botany Bay Local Environmental Plan 2013 aims "to create a highly liveable urban place, through promotion of design excellence in all elements of the built environment and public domain."

As such, all new development is required to achieve excellence in urban design, as detailed in the objectives and controls in this Part.

Objectives

- O1** To encourage innovative design that positively responds to the character and context of the locality;
- O2** To create a highly liveable urban place, through promotion of design excellence in all elements of the built environment and public domain; and
- O3** To encourage well designed buildings that minimise the bulk and scale of the built form.

Controls

- C1** To achieve excellence in urban design, development will:
 - (i) Take into consideration the characteristics of the site and adjoining development by undertaking a thorough site analysis;
 - (ii) Utilise innovative design which positively responds to the character and context of its locality;
 - (iii) Provide a design which employs a number of ESD principles and best practice;
 - (iv) Enhance the streetscape character of the locality;
 - (v) Ensure development is consistent in height and scale with surrounding development;
 - (vi) Maintain established setbacks;
 - (vii) Design buildings to minimise impacts on neighbours by maintaining appropriate levels of solar access and privacy;
 - (viii) Ensure any development utilises materials and finishes which complement the locality;
 - (ix) Design for acoustic and visual privacy;
 - (x) Ensure dwellings and open space areas achieve good solar access, and are energy efficient;
 - (xi) Ensure building entries address the street and are clearly visible from the street or footpaths;
 - (xii) Design development that provides good quality landscaping;
 - (xiii) Consider the relationship of private open space to the layout of the dwelling; and
 - (xiv) Use design techniques which promote safety and discourage crime.



4B.2.2 Local Character

The City of Botany Bay's residential areas contain a range of housing styles from high density centres around Mascot Railway Station, to low density residential dwelling houses. An important factor in managing the desired future character of the City is understanding that all areas have their unique qualities and these qualities are to be maintained. **Part 8 - Character Precincts** provides a description of each character precinct within the City and identifies and defines the existing and Desired Future Character.

Objective

- O1** To ensure that building design responds to the existing characteristics and constraints of a site; and
- O2** To ensure that Council's Desired Future Character of its Precinct is achieved.

Controls

- C1** Development is to respond to the opportunities and constraints identified in the Site Analysis Plan prepared in accordance with **Part 4B.2.1 - Site Analysis**.
- C2** Development will comply with the relevant Desired Future Character Statements (refer to **Part 8 - Character Precincts**).



4B.2.3 Site Analysis

Objectives

- O1** To ensure that development:
 - a. Is sensitive to its environment;
 - b. Positively contributes to the context;
 - c. Minimises adverse impacts on adjoining properties.
- O2** To facilitate an acceptable siting and scale of development with an acceptable relationship with neighbouring dwellings and the wider street context.
- O3** To ensure applicants can accurately identify the opportunities and constraints of the site;
- O4** To identify the existing site conditions and location of buildings on adjoining site; and
- O5** To identify the existing streetscape and a development response that enhances the streetscape.

Control

- C1** A Site Analysis Plan prepared in accordance with the **Apartment Design Guide** is to be submitted with development for Multi Dwelling Housing.



4B.2.4 Streetscape Presentation

The term streetscape refers to buildings, setbacks, street and landscape design features, and the way in which new developments interact with adjacent buildings, landscaping and fencing, traffic treatments, paths, driveways, street surfaces and utility services. The spatial arrangement of these components and their visual appearance determine the streetscape character of an area.

New development is to be compatible with the characteristic development in a street and be designed to relate to the pattern of buildings in the street.

Objectives

- O1** To ensure that development recognises predominant streetscape qualities (i.e. setbacks and design features);
- O2** To achieve design excellence; and
- O3** To ensure development complements the height, scale and architectural style found in the immediate vicinity, particularly where this has a clearly established character (refer to Desired Future Character statements within **Part 8 - Character Precincts**).

Figure 3 - Streetscape Continuity





Controls

General

- C1** Development is to reflect the relevant Desired Future Character in **Part 8 - Character Precincts**.
- C2** New development will be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape.
Note: This can be achieved through consideration of building setbacks; building height and treatment of the building facades (refer to **Figure 3**).
- C3** The maximum length of any building is 24 metres.
- C4** Façades are to be articulated and use materials and finishes that enhance the character of the streetscape.
- C5** The minimum internal width of dwellings is to comply with **Table 1**.

Table 1 - Internal Width of Dwellings

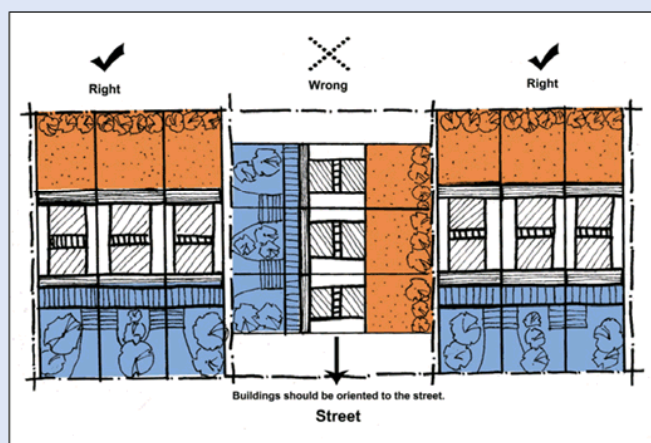
Type of Dwelling	Minimum Internal Unit Width measured face to face
Single level dwelling	6 metres (excluding garage)
Town houses	5 metres (excluding garage)
Townhouses (single rooms in width)	4.7 metres (excluding garage)



Street Presentation

- C6 Buildings are to be sited to address the street and relate to neighbouring buildings.
- C7 Developments on sites with two or more frontages are to address both frontages.
- C8 Street corners are to be addressed appropriately by giving visual prominence to parts of the building façade, such as a change in building articulation, materials, colour, roof form or height.

Figure 4 - Ensure That New Development is Oriented Towards the Street.





4B.2.5 Height

Objectives

- O1** To limit the height and scale of buildings so that they do not dominate the streetscape;
- O2** To ensure that new development complements the scale, massing and design of adjoining development; and
- O3** To limit visual impact, loss of privacy, loss of views or overshadowing within new development or on neighbouring properties.

Controls

- C1** The proposed height of buildings is not to exceed the maximum permissible height of a site.
- C2** Council may require a reduction in permissible height where a building built to the permissible height would have unacceptably adverse impacts in regards to:
 - (i) The overshadowing of a dwelling, private open space or public open space;
 - (ii) An inappropriate transition in built form and land use intensity;
 - (iii) The design excellence of a building;
 - (iv) View loss; or
 - (v) The Obstacle Limitation Surface.
- C3** The maximum number of storeys will not exceed the maximum number of storeys identified in the relevant character precinct as set out in **Part 8 - Character Precincts**. If the maximum number of storeys is not identified in Part 8, development is to be consistent with the characteristic building height set by the immediate context.
- C4** Basements more than 1.2 metres above ground level will be counted as a storey.
Note: The calculation is taken from natural ground level to the underside of the floor construction.
- C5** The building height and bulk of developments is to be distributed on the site to ensure that there is no significant loss of amenity to adjacent sites, open space and public streets.
- C6** Habitable rooms are encouraged within an attic where the applicant can demonstrate that the resulting development will not detrimentally affect the amenity of the area due to:
 - (i) An unacceptable loss of sunlight to adjacent properties and public spaces;
 - (ii) A reduced level of privacy to adjacent properties; and
 - (iii) Unacceptable view loss from adjacent properties and surrounding areas.
- C7** The height of buildings will comply with the requirements of the Civil Aviation Safety Authority (CASA).



4B.2.6 Floor Space Ratio (FSR)

Objectives

- O1** To provide for bulk and scale of development that does not detract from the amenity of the streetscape and minimises impacts on adjoining residential properties; and
- O2** To prevent the over-development of land and ensure that an adequate balance of private open space and landscaping are provided for each dwelling.

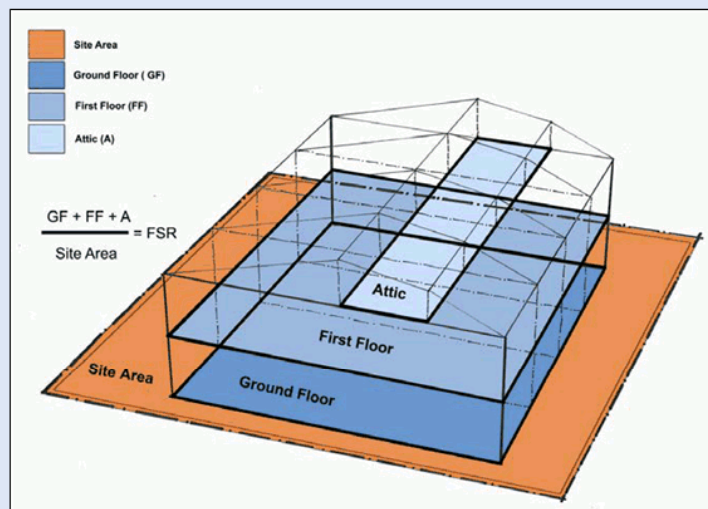
Controls

Achieving FSR

- C1** Not all site developments may be able to achieve the maximum permissible FSR, due to particular site characteristics, such as:
 - (i) The size, shape and topography of the land;
 - (ii) The presence of existing buildings on site, required to be retained;
 - (iii) The need to reduce adverse impacts on neighbouring sites; and
 - (iv) Not being able to satisfy Council's traffic, parking and vehicular access requirements.
- C2** In determining an appropriate FSR, applicants are to demonstrate to Council, in their Development Application, that the bulk and scale of development is acceptable and will not result in adverse impacts on adjoining dwellings or the streetscape in terms of:
 - (i) Loss of Privacy;
 - (ii) Overshadowing/loss of natural light;
 - (iii) Loss of views;
 - (iv) Visual Amenity (Bulk and Scale); and
 - (v) Increased traffic generation.



Figure 5 - Measuring Floor Space Ratio





4B.2.7 Site Coverage

Objectives

- O1** To ensure that new development is consistent with the Desired Future Character of the area;
- O2** To ensure site coverage creates a development that provides a balance between built form, landscaped area and private open space; and
- O3** To control site density.

Controls

- C1** Refer to **Part 3L.1.4 – Definitions.**
- C2** Development will not exceed site coverage of 45%.
- C3** Site coverage of development will be assessed with consideration of the following:
 - (i) Bulk of the proposed/existing development;
 - (ii) Impacts on adjoining land and buildings;
 - (iii) Setbacks;
 - (iv) Overshadowing and privacy;
 - (v) Streetscape considerations (visual bulk and scale);
 - (vi) Parking and landscape requirements;
 - (vii) Existing views & sightlines;
 - (viii) Impact to significant trees on site;
 - (ix) The provision of private open space on site; and
 - (x) Site topography and allotment size.



4B.2.8 Landscaped Area and Deep Soil Planting

Objectives

- O1 To increase tree and landscape coverage within the City of Botany Bay through the retention of existing vegetation and provision of substantial new plantings and landscaping;
- O2 To effectively ameliorate development and its impact within and to the streetscape and adjoining properties through site responsive, appropriate and strategic landscaping;
- O3 To provide well designed, located and functional open space areas through the site;
- O4 To increase natural stormwater filtration and decrease impervious surfaces and runoff; and
- O5 To enhance the public domain at the edges of new development.

Controls

General

- C1 Landscaping will comply with **Part 3L – Landscaping and Tree Management**.
- C2 Existing street trees are to be retained.
Note: Council trees are not to be utilised as the sole means of ameliorating a development. Trees are required in setbacks.
- C3 Development will comply with **Table 2**.
- C4 A plan is to be submitted which clearly identifies how landscaped areas and unbuilt upon areas have been calculated (refer to Council's **Development Application Guide** and definitions above).
- C5 Energy efficient landscaping practices and Ecologically Sustainable Development (ESD) principles are to be incorporated during the design phase of the development (refer to **Part 3H - Sustainable Design and Part 10 - Landscape Technical Guidelines for Development Sites**).
- C6 Siting of buildings, ancillary structures, and hard landscaping is to preserve existing trees, including street trees and trees on adjoining properties (refer to **Part 3L – Landscaping and Tree Management**).
- C7 Development applications are to identify what measures are proposed to protect existing trees during construction (refer to **Part 3L – Landscaping and Tree Management**).
Note: An Arborist report is required.
- C8 The majority of tree plantings are to be evergreen native species, particularly within setbacks. Deciduous trees are to be limited.
- C9 Pervious surface materials are to be used as far as practical and paved areas drained to planter beds.
Note: They will however comply with standards for access for people with a disability.
- C10 Landscaping in the public domain is required and is to reinforce existing streetscape planting themes and patterns.
Note: Council may require street tree planting and paving in the public domain and this is to be included on the landscape plan.
- C11 Stormwater inlet pits or piping is not to be located within the drip line of existing or proposed trees and be consistent with Councils Stormwater Management Technical Guidelines (refer to **Part 10 - Stormwater Management Technical Guidelines**).



- C12** Underground OSD detention tanks or infiltration trenches are not to be located within setbacks or landscaped areas. They are to be located under paved areas, e.g. at grade car parks or driveways or within a basement car park structure.
- C13** Driveways and pathways are to be located at least 1.5 metres from common boundaries to allow for continuous landscaped buffer boundaries and a significant landscaped setting for all paved areas. The landscape strip is to contain tall screen planting that retains foliage to the ground.
- C14** Landscaping over a basement car park will contain an adequate number of small and medium sized trees for screening, softening and shading. Accordingly, planter bed dimensions are to provide adequate soil planting volumes (refer to **Part 10 - Landscape Technical Guidelines** for planted box on podium depths and dimensions).
- C15** Any planter bed shall be a minimum of 1 metre in width, unless otherwise stipulated for setbacks.
- C16** Landscaped areas will be effectively distributed on the site to minimise the dominance of buildings, structures and paving when viewed from the street, public places and surrounding properties.
- C17** Trees are to be selected so that the height and width of the tree is in scale with the size of the building. A list of suitable trees and plants for residential sites can be found in **Part 10 - Landscape Technical Guidelines for Development Sites**.
- C18** Green roofs and walls are encouraged but are in addition to the minimum landscaping requirement for the site. Refer to **Part 3L – Landscaping and Tree Management**.

Setbacks

- C19** The front landscape setback area is to be set aside exclusively for soft landscaping and is required to be deep soil (refer to **Part 3L – Landscaping and Tree Management**).
- C20** Trees in the front setback shall attain a height of at least 10 metres at maturity to ameliorate buildings and contribute to the streetscape.
- C21** Front setbacks shall be fully planted with a layered approach using a variety of decorative and feature trees and shrubs at different heights.
- C22** Planting is to be provided alongside rear and side boundaries and between driveways, patios and side boundaries. Trees are to be provided for each dwelling.
- C23** Not more than one-third of the front landscaped setback shall be paved (including driveways and pathways to individual dwellings).
Note: This is to enable sufficient landscaping to soften and ameliorate the development and reduce its impact upon the streetscape. This may necessitate an alteration of design and/or layout, shared or reduced width driveways and a reduced amount of access pathways.
- C24** The front setback shall be on one level (grade) or an even, slightly battered grade, not terraced or stepped or containing narrow planter boxes, so as to allow adequate lateral root space and volume for medium to large canopy trees.



Deep Soil Planting

C25 A minimum of 35% of a site is to comprise a deep soil planting area (refer to **Table 2** and **Figure 6**), of which:

- (i) A minimum of 50% of this area is to be located at the rear of the site. For sites with dual or rear lane frontages, this area may be relocated to allow buildings to address the secondary frontage or provide for rear lane carparking access;
- (ii) A minimum of 30% of this area is to be located within the front setback;
- (iii) A minimum 1.5 metre wide strip of landscaping is to be located along side and rear boundaries; and
- (iv) Where building height is greater than 7 metres, a minimum 3 metres wide landscape planter bed for the purposes of dense, layered landscape screening is to be located on both the side and rear boundaries.

Note: Deep soil planting may be constrained by the provision of basement carparking.

Constraints are to be demonstrated and justification is required if C19 cannot be met.

C26 Communal open space is to be deep soil (not over a podium or car parks) (refer to **Figure 7**).

C27 Basement car parks, where permitted, will not extend to the site boundaries and excavation for any associated garages, car parking, plant rooms or ancillary storage will not exceed 65% of the site area. Underground parking is to be set back off boundaries and located under the building footprint to allow for deep soil zones along the front landscaped setback, side and rear boundaries and in the communal open space.

Table 2 - Site Coverage

Requirement	Control
Site Coverage	Maximum of 45%
Soft landscaped area (includes deep soil area)	Minimum of 35%
Hard landscaped area	Maximum of 20%



Figure 6 - Calculating Site Coverage, Soft Landscaped Area and Hard Landscaped Area

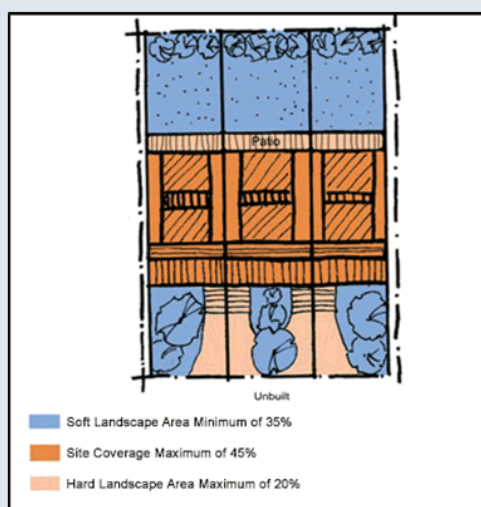
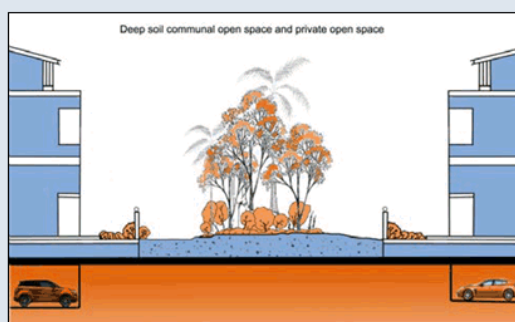


Figure 7 - Example of Deep Soil Planting





4B.2.9 Private and Communal Open Space

Objectives

- O1 To ensure residents are provided with quality usable communal and private outdoor living areas;
- O2 To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas;
- O3 To ensure the adequate provision of accessible communal open space for residents for passive and active recreation opportunities; and
- O4 To ensure the provision of functional, useable and liveable communal open space for residents and to encourage social interaction.

Controls

Private Open Space

- C1 Private open space is to comply with **Table 3**.
Note: Areas defined as 'unbuilt upon area' (refer to **Part 4B.2.7 - Landscape Area and Deep Soil Planting**) such as driveways and car parking areas are not considered private open space.
- C2 Each dwelling is to have an area of private open space attached to it at ground level that contains an unimpeded level space no steeper than 1:10.
Note: Unimpeded means it does not include clotheslines or planter beds or the like.
- C3 Private open space will have minimum dimensions of 6 metres x 4 metres (refer to **Figure 8**).
- C4 Private open space is to be designed as an extension of the main living areas at the rear of each dwelling (i.e. kitchens, living rooms and dining areas).
- C5 Where possible private open space is to be located on the northern portion of the site to maximise privacy and solar access.
- C6 Where private open spaces adjoin other dwellings within the development, landscaping or screening shall be used to provide visual privacy and shade to private open spaces.
- C7 The front of each townhouse is to be landscaped and include a small tree for amenity, privacy and shade.

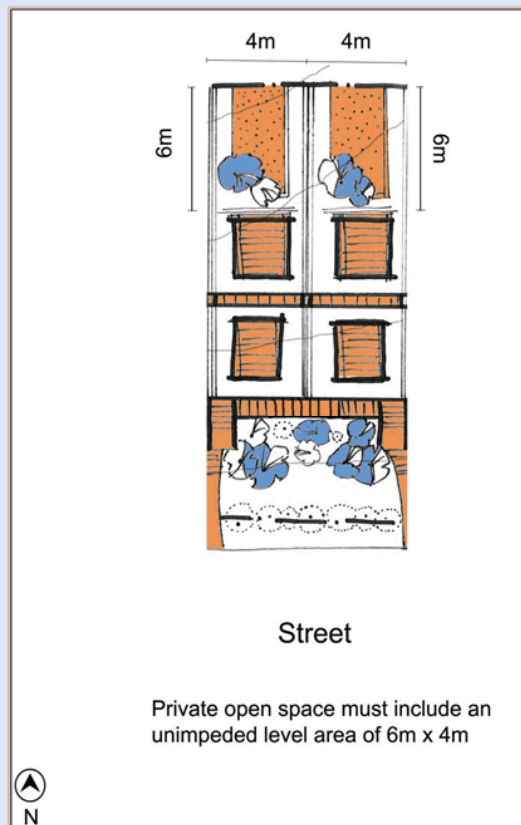


Table 3 - Private Open Space

No of Bedrooms	Private Open Space Required per Dwelling
Studio	24.5 m ²
1 bedroom	24.5 m ²
2 bedrooms	35 m ²
3 bedrooms	45.5 m ²
4 bedrooms	56 m ²



Figure 8 - Private Open Space





Communal Open Space

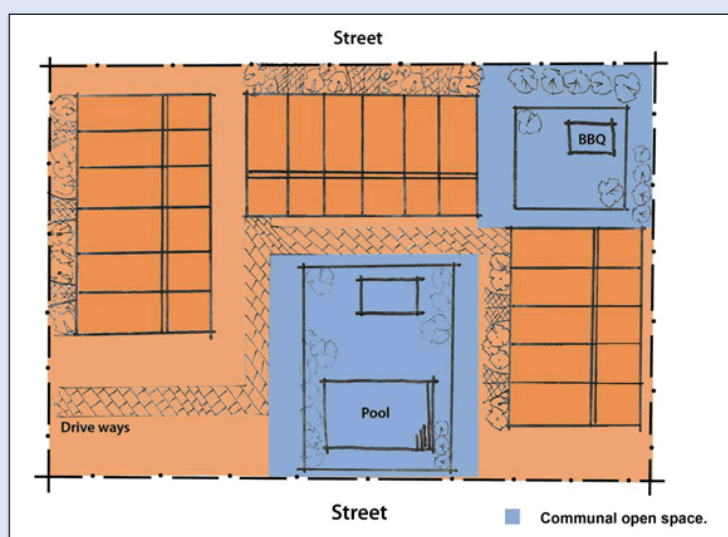
- C8** For sites with 15 dwellings or more, the communal open space shall comply with **Table 4**.
Note: Communal open space is to be considered early on during site planning to provide a visual focus for the development and enable preservation of existing trees and ensure siting for solar access (refer to **Figure 10**).
Note: Utility areas, driveways and areas with a dimension of less than 3 metres (i.e. access and pathways) are not considered communal open space.
- C9** Communal open space shall be designed to :
 (i) Encourage positive outlook, respite and attractive views within the development;
 (ii) Provide building separation and achieve a balance between open space and built form;
 (iii) Provide visual and acoustic privacy and an area of good solar access for recreational purposes;
 (iv) Provide natural stormwater infiltration;
 (v) Encourage use of rooftop gardens in addition to the 35% soft landscaping requirement;
 (vi) Locate linkages to public open spaces where possible;
 (vii) Include medium and large canopy trees; and
 (viii) Provide functional, usable and liveable spaces for a mix of recreational activities.
- C10** Communal open space areas will receive at least 3 hours of direct sunlight between 9:00am and 3:00pm on 21st June.
- C11** Communal open spaces are to be deep soil zones (i.e. not to be located over suspended slabs, sub surface car parks or stormwater detention tanks).
- C12** Communal open spaces shall be appropriately landscaped and may provide active and passive recreational facilities (for example BBQ area, seating, children's play area, vegetable gardens, landscape features or the like).
- C13** All communal open spaces areas are to be shown on the detailed landscape plan to be submitted with the development application.
- C14** Communal open space shall be functional, accessible and designed in conjunction with pedestrian links through the site.
- C15** Communal open space is to be clearly defined and free from encroachment from residential units, car parking, driveways or roadways, carwash bays and access ways.
Note: Separation between buildings can only be considered communal open space if it has sufficient length and width to make the space usable and permits tree planting and adequate solar access.
Note: Communal open spaces are to be easily accessible for all dwellings and not form any part of an individual dwelling's private open space.
- C16** A garden maintenance and storage area which is efficient and convenient to use and is connected to water and drainage is to be provided.



Table 4 - Communal Open Space

Development type	FSR	Minimum Communal Open Space required
Villas and Townhouses	Up to 0.5:1	10% site area
	0.5:1 to 1:1	15% site area
	1:1 and over	20% site area

Figure 9 - Communal Open Space





4B.2.10 Setbacks, Building Frontage and Separation

Objectives

- O1** To reinforce the characteristic pattern of setbacks;
- O2** To improve local character and streetscape qualities by reinforcing existing alignments and setbacks;
- O3** To ensure adequate space for landscaping while establishing an attractive streetscape;
- O4** To provide separation between buildings and ensure adequate space for landscaping; and
- O5** To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.

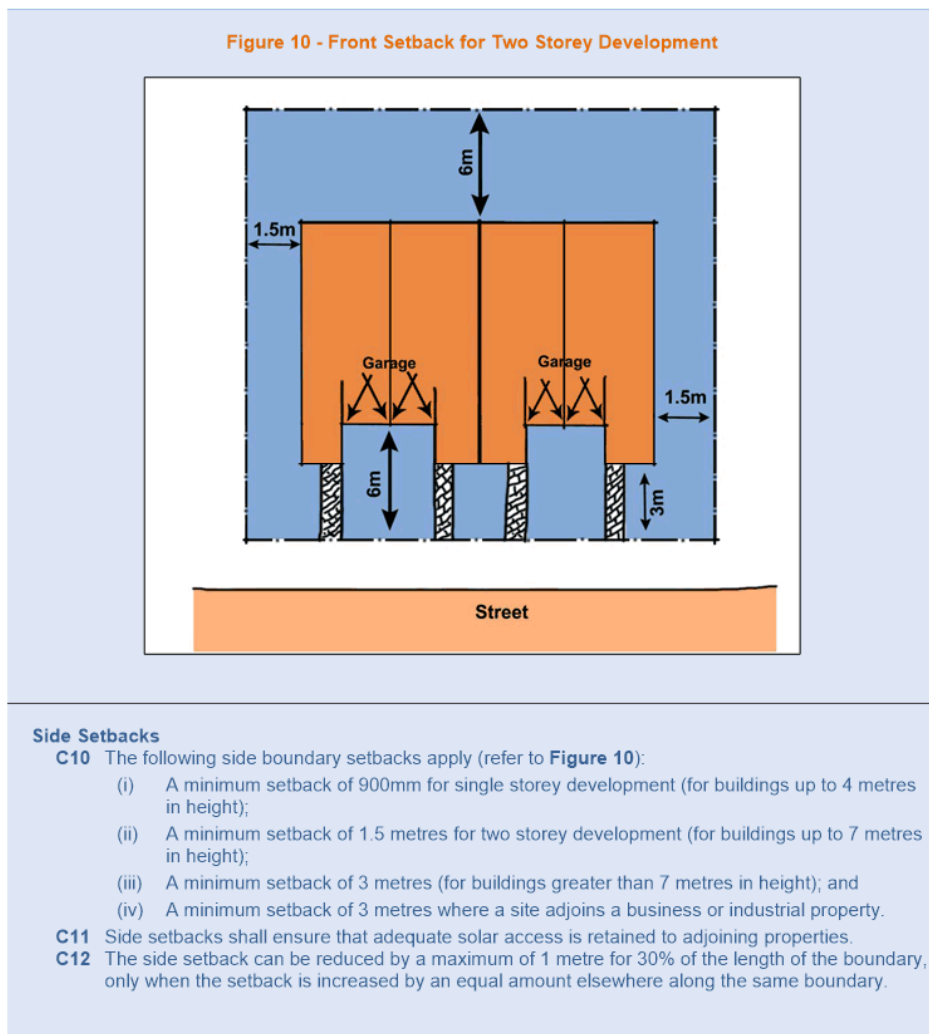
Controls

General

- C1** All setbacks are to allow adequate landscaping and allow sufficient space for the retention of existing trees.
- C2** Development is to be designed to create spatial separation between the buildings to:
 - (i) Minimise bulk and scale of the building;
 - (ii) Ensure adequate exposure to sunlight and ventilation; and
 - (iii) Create a buffer for visual and acoustic privacy.
- C3** No part of a building or structure is to encroach into the front, side or rear setbacks.
- C4** Setbacks are to be deep soil zones (refer to **Part 3L – Landscaping and Tree Management** for Definition).
- C5** Setbacks are to maximise the retention of existing trees and their root systems and may need to be variable to achieve this (includes trees on adjoining properties).
- C6** Awnings, verandas, pergolas and the like;
 - (i) along classified roads are to be set back a minimum of 1.5 metres from the kerb;
 - (ii) along local roads that intersect with classified roads are to be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the intersection with the classified road; and
 at any signalised intersections (on local roads or classified roads), are to be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the signalised intersection.

Front Setbacks

- C7** Building setbacks from the existing front boundary are to match the characteristic setback of adjoining properties, but are to be a minimum of 3 metres (or 4 metres if fronting a classified (SP2 Zoned) road).
- C8** All garages are to be setback a minimum of 6 metres from the front boundary if the garage fronts the street (refer to **Figure 10**).
- C9** Garages fronting a rear laneway are to have a 1 metre minimum setback from the lane.





Rear Setback

- C13** Rear building setbacks are to match the characteristic setback on adjoining properties. Where the adjoining properties are not characteristic a minimum rear boundary setback of 6 metres is required.

Setbacks Following Land Dedication

- C14** Where land dedications are required resulting in a new boundary line all setbacks will be provided from this new boundary line, including basement car parking setbacks.

Variations to Setbacks

- C15** The following elements may encroach into the setback area:
- (i) Eaves;
 - (ii) Sunshading devices; and
 - (iii) Columns.

Building Frontage and Separation

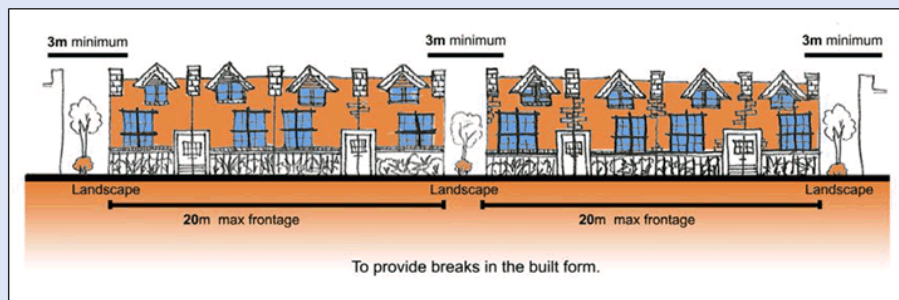
- C16** The maximum length of building frontage along the street is 20 metres (refer to **Figure 11**).
- C17** A minimum separation of 3 metres between developments along the street is required.
Note: Where this space is proposed to be used as part of the outdoor area associated with a dwelling, fencing and landscaping is to be designed to address any privacy needs for that space and also to address the streetscape presentation of the development.
- C18** In addition to the building frontage controls in C18 to 19 above, developments are required to provide adequate separation between habitable rooms, balconies and non-habitable rooms, in order to achieve appropriate sunlight access, natural ventilation and privacy for outdoor spaces (refer to **Part 4B2.8 - Private and Communal Open Space** and **Part 4B.5.5 – Solar Access**).

Corner Allotments:

- C19** New developments on corner lots that present to one primary street and a secondary street are to provide a minimum secondary street setback of 3 metres at the second street frontage.



Figure 11 - Maximum Building Frontage





4B.2.11 Through Site Links and View Corridors

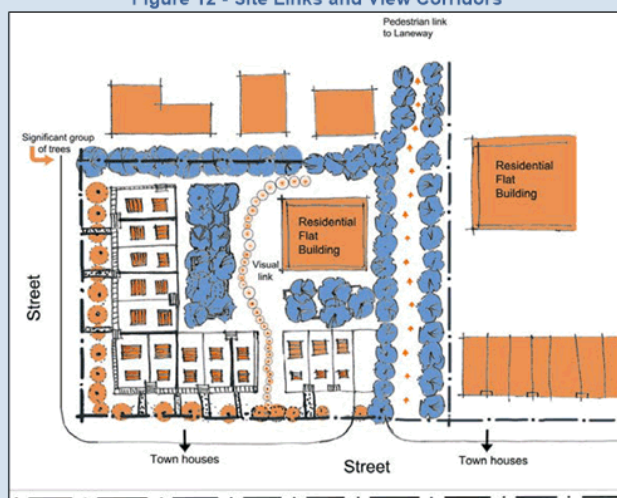
Objectives

- O1 To incorporate pedestrian links through new developments, at points where they are most legibly and safely connected to the existing street and pedestrian network;
- O2 To optimise visual and physical access to open space areas, pocket parks, buildings with public uses and important connecting streets; and
- O3 To support the creation of and enhance existing vegetation and wildlife corridors.

Controls

- C1 Existing significant views are to be retained and integrated into any new development.
- C2 Building footprints are to take into account the requirement for consolidated open space as well as for view corridors.
- C3 If a site has a frontage to two (2) or more streets with a boundary length greater than 25 metres, then one through site link to the other street/s is to be provided (refer to **Figure 12**).

Figure 12 - Site Links and View Corridors





4B.2.11 Heritage

Control

- C1** If a development site is in the vicinity of a Heritage Item or a Heritage Conservation Area, or the subject site contains a Heritage Item, or is located within a Heritage Conservation Area, compliance with **Part 3B - Heritage** is required.
- C2** Demolition of heritage listed properties is not permitted.
Note: Refer to Heritage Map within Botany Bay Local Environmental Plan 2013 to see if the site is identified as a Heritage Item or within a Heritage Conservation Area.



4B.2.12 Consideration of Isolated Sites

Objectives

- O1 To promote the efficient use of land;
- O2 To encourage the amalgamation of land parcels into larger development sites for medium density housing developments;
- O3 To ensure allotment size is sufficient for development and associated provision of landscaping, parking, vehicular and pedestrian access;
- O4 To maintain amenity by having sufficient separation between buildings; and
- O5 To ensure sites are not restricted in their development potential as a direct result of adjoining developments.

Controls

- C1 Applicants are to demonstrate to Council's satisfaction that adjoining parcels not included in their development site will be capable of being economically developed.
Note: This will include establishing appropriate separation distances between adjoining buildings.
- C2 The development will not result in isolated sites which are inconsistent with character of the streetscape and will achieve a satisfactory level of residential amenity for adjoining allotments (refer to **Figure 13**).
- C3 Where it is demonstrated by an applicant (with written documentation) that attempts have been made to address a potentially isolated site (e.g. an offer to acquire the isolated site and reply from the owner of that site) the proposed development will be assessed on its merits.
- C4 Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.
- C5 Developments which will result in potential isolated sites are required to address the Land and Environment Court Principles on isolation of site by redevelopment of adjacent site(s) (refer to http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html).



Figure 13 - Example of a Potential Isolated Site





4B.3 Building Design

Controls

General

- C1 Balcony types that respond to the street context, building orientation and residential amenity are encouraged. Partially recessed completely recessed or Juliet balconies will all create different façade profiles.
- C2 The use of recessed balconies and deep windows is encouraged to create articulation and define shadows thereby adding visual depth to the façade.
- C3 Balustrades are to be detailed to reflect the type and location of the balcony and its relationship to the façade detail and material.
- C4 A variety of window types to create rhythm or express the building uses are encouraged (e.g. to express the difference between a bathroom window and living room window).
- C5 Facades are to be designed to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation.
- C6 All building elements including shading devices, awnings and louvers are to be integrated with the overall building design.
- C7 Emphasis is to be given to important street corners by giving visual prominence to parts of the façade, for example a change in building articulation, material or colour and/or roof expression.
- C8 Building services such as drainage pipes are to be integrated within the overall façade and balcony design of the building.
- C9 Alterations and additions to multi dwelling housing is to reflect the architectural design and materials and finishes of the existing dwellings within the site.



4B.3.1 Building Entries

Objectives

- O1 To encourage entrances that provide orientation for the visitor;
- O2 To provide safe and secure access for residents; and
- O3 To contribute positively to the streetscape and building façade design.

Controls

- C1 Each building entry is to be clearly defined from the street. Each dwelling shall be designed to have an individual identity from the street (refer to **Figure 14**).
- C2 Entrances to individual dwellings are to be well-lit, provide shelter and a safe space to enter the building for residents and visitors. The front door is to be orientated to the street and have direct access to the street.
- C3 Developments will demonstrate clear lines of transition between the public street, the shared communal open space, circulation space and the private open space of individual dwellings (i.e. landscaping, paving and fencing can used to define different areas within the development).
- C4 Street numbering and mailboxes are to be clearly visible from the primary street.
- C5 A main pedestrian entry is to be provided where three (3) or more dwellings are proposed within a development, and not all dwellings have direct access to the street. The entry is to be separate from car parks or car entries.
- C6 Disabled access through the primary entrance to the building will be provided in accordance with **Part 3C - Access and Mobility**.



Figure 14 - Example of Building Entry Addressing the Street





4B.3.2 Materials & Finishes

Objectives

- O1 To ensure that new development reflects the existing and Desired Future Character;
- O2 To ensure that the choice of external materials, colour schemes and building details on new development reinforces existing development in the locality and enhances the streetscape;
- O3 To encourage the use of energy efficient building materials;
- O4 To ensure that the building and the site can be cleaned and maintained easily; and
- O5 To maximise the life of buildings to reduce energy costs in demolition, reconstruction and recycling.

Controls

General

- C1 New development is to incorporate architectural relief and modulation of facades to avoid a bulky appearance. Architectural elements will provide visual interest to the built form.
- C2 A Schedule of Finishes and a detailed Colour Scheme for the building facade shall accompany all Development Applications involving building works (refer to Council's **Development Application Guide**).
- C1 The Schedule of Finishes shall consist of samples of materials and corresponding manufacturer's details and product codes. Applicants are to use illustrated elevations to document the location and composition of materials.
- C3 Materials, colours, architectural details and finishes are to be consistent with those that are identified in the relevant character precinct (refer to **Part 8 - Character Precincts**). If not identified in the character precinct natural colours and muted tones and finishes are to be used.
- C4 Reflectivity from building materials used on the facades of new buildings shall not exceed an increment level of 20%.
- C5 Roof materials are to be consistent with the character of the area.
- C6 Face brickwork is to be used only where this is common in the immediate vicinity of the proposed development. Bricks shall be of a uniform colour, without mottle or wire cut. The use of white pale, cream or manganese bricks is not acceptable.
- C7 No expansive use of white, light or primary colours which dominate the streetscape are permitted. Primary colours are only to be used for small design features and accents to the building.
- C8 Buildings are to incorporate a higher proportion of masonry to glass.
- C9 Any solar panels are to be integrated into the design of a building.
- C10 Developments are to be constructed using building materials that maximise energy efficiency and comply with **Part 3H - Sustainable Design**.

**Maintenance**

C11 Materials and design detailing will ensure long life and ease of maintenance. In particular:

- (i) Treated timber or metal hinged shutters such as plantation shutters;
- (ii) Glass balustrades;
- (iii) Solar powered venetian blinds;
- (iv) Sliding translucent screens to balconies;
- (v) Adjustable horizontal louvers attached to pergolas;
- (vi) Operability and location of windows to allow ease of cleaning; and
- (vii) Retractable blinds.

C12 Windows are to be designed to enable cleaning from inside the building.

C13 Manually operated systems such as blinds, sun shades, pergolas and curtains are preferable to mechanical systems.

C14 Where mechanical systems are selected care is to be taken to ensure that wherever possible they could be also manually operated.



4B.3.3 Roof Forms and Top Floor Design

Objectives

- O1 To ensure the provision of a characteristic roof through the use of similar pitch and materials; and
- O2 To ensure that the top floor of buildings minimises visual bulk.

Controls

General

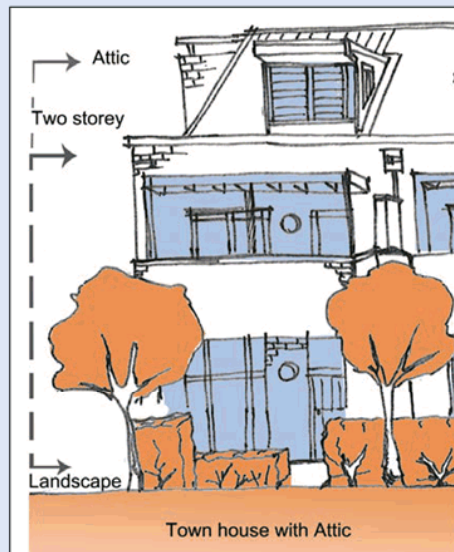
- C1 Buildings should incorporate a pitched roof, except where another roof form is identified in a Character Precinct (refer to **Part 8 - Character Precincts**), or another roof form is more compatible with the existing characteristic roof forms in the street.
- C2 Pitched roofs should be between 22.5 degrees and 40 degrees.
- C3 Eaves are to be a minimum of 450mm.
- C4 Any exposed structures including plant rooms, air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure an integrated overall appearance. If a site adjoins another residential development all site facilities are to be located away from the development façade fronting the adjoining residential property.

Attics/Dormers

- C5 Attics are permitted provided they comply with the definition contained within Botany Bay Local Environmental Plan 2013 (refer to **Figure 15**).
- C6 Any proposed dormer will:
 - (i) not exceed a height of 1.5 metres from the base of the dormer to the ridge;
 - (ii) not comprise more than one third of the width of the roof plane;
 - (iii) not exceed a maximum roof pitch of 30 degrees where the roof meets the external wall;
 - (iv) not comprise more than $\frac{1}{3}$ of the width of the roof plane upon which they are placed; and
 - (v) be designed so that bedrooms or living areas located in the roof cavity have a minimum head height of 2.4 metre over $\frac{2}{3}$ of the floor area; and
- C7 Balconies are not generally permitted off dormers. The only instance where Council may consider a balcony off a dormer is if the balcony is a 'Juliet' balcony and where there are no privacy impacts.
- C8 An attic is to be contained wholly within a roof space above the ceiling line of the storey immediately below, except for minor elements such as dormer windows.



Figure 15 - Townhouses with Attics





4B.3.4 Fences

Objectives

- O1 To define the edges and interface between public and private land;
- O2 To ensure that front fences contribute to a characteristic pattern of fences;
- O3 To enable casual surveillance of the public domain and provide security;
- O4 To provide visual and acoustic privacy where required;
- O5 To contribute positively to the public domain; and
- O6 To allow passive visual surveillance of the public domain by not providing high solid walls.

Controls

General

- C1 Fences are to:
 - (i) Provide privacy and security while not eliminating views, outlook, light and air;
 - (ii) Be visually permeable at the front of developments and will not obscure views of the building and garden areas from the street;
 - (iii) Be designed in proportion to the height and size of the building; and
 - (iv) Use the designs and materials suitable for the Desired Future Character of the area (refer to **Part 8 - Character Precincts**).
- C2 Decorative timber or metal slat/batten/picket and/or masonry walls are permitted on the street frontage. Colourbond fencing is not permitted.
- C3 Retaining walls across street boundaries shall be no more than 1 metre in height and shall be located to allow site responsive tree planting within the setback (i.e. shall not restrict planter bed dimensions).
- C4 Fences will not obstruct the existing overland flow path or stop or redirect surface waters so as to cause a nuisance.
- C5 Where the fence/side returns are to be erected on or adjacent to the common allotment boundary, the written consent of the adjacent property owner(s) is required.
- C6 Provision is to be made for access to public utility installations.

Height

- C7 Front fences and dividing fences located within the front setback shall be a maximum height of 1.2 metres.
- C8 Fences must provide a solid base with a maximum height of 400mm, and the top section is to be 50% transparent through the use of spaced timber or metal pickets (or the like). The length of fence/wall is to be divided into segments not exceeding 5 metres.
- C9 Fences fronting a classified road are permitted to be 1.5m in height.
- C10 Fences along a secondary street frontage and which adjoin the private open space of a dwelling can have a maximum height of 1.8 metres to provide privacy. The height of the fence is to taper down to meet the front fence from the building line.
- C11 The design of fencing over 1 metre in height will take into consideration sightline issues where

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adjoining a vehicular access. The design of the fence can be modified by setbacks or by using splays at least 1 metre x 1 metre in size.

- C12** Screen walls or fences which enclose private open space are to be at least 1.8 metres high to maximise privacy.

Fencing that Addresses the Street

- C13** Fences are to be designed and constructed with materials similar to those identified in the relevant character precinct (refer to **Part 8 - Character Precincts**) or if not specified consistent with scale, material and character of the surrounding fences.
- C14** Any post tops and paling tops visible from the street are to be shaped or tuned in a decorative manner that complements the development.
- C15** On busy roads manually operated gates are to be setback a minimum of 5.5 metres from the kerb line to allow a vehicle to stand fully off the road. These roads include Botany Road, Beauchamp Road, Bunnerong Road, Coward Street, Denison Road, Gardeners Road, O'Riordan Street, Robey Street, Wentworth Avenue; and Stephen Road
- C16** Access gates are to be hung so that the direction of swing is inward.
- C17** All fencing is to be designed to highlight entrances, and be compatible with buildings, letterboxes and garbage storage areas.

Internal Fencing

- C18** Internal fencing is to be designed with landscaping and gardens to reduce the visual impact of dwelling walls and in keeping with streetscape and neighbourhood character.
- C19** Internal fencing is to be of timber, brushwood or masonry construction, and the tops are to be decoratively treated. Walls are to be in segments of no more than 5 metres.
- C20** Walls and fences are to be divided into segments no longer than 5 metres, at which point there will be a change in façade plan, a pilaster feature or an expressed column. Details of wall and fence treatment are to be submitted with the Development Application.
- C21** Open style fencing is required where the property is affected by flooding or by an overland flow.
- C22** The maximum height of side or rear fences is 1.8 metres. Front fences and side fences located between the street frontage and its respective building line are not to exceed 1 metre in height.



4B.4 Site and Building Amenity

4B.4.1 Dwelling Mix, Room Size and Layout

Objectives

- O1** To ensure that dwellings are efficient, have high standards of amenity for residents and satisfy environmental performance criteria, such as ventilation and access to natural light;
- O2** To be flexible to suit the occupant's requirements;
- O3** To ensure residential development contains a mix of residential types (based on the number of bedrooms) to increase the potential for a balanced population;
- O4** To ensure adequate provision, design and location of internal facilities; and
- O5** To provide adequate amenity for building occupants in terms of access to sunlight and natural ventilation.

Controls

- C1** Development is to comply with the following minimum dwelling sizes:
 - Studio: 60m²
 - 1 bedroom: 75m²
 - 2 bedrooms: 100m²
 - 3 bedrooms: 130m²
 - 4 bedrooms: 160m²

Note: Dwelling size refers to the area inside the enclosing walls of a dwelling but excludes wall thickness, vents, ducts, staircases and lift wells.
- C2** Development having ten (10) or more dwellings shall provide a mix of dwelling sizes and layouts.
- C3** The combined total number of one-bedroom and studio dwellings shall not exceed 25% of the total number of dwellings.
- C4** Laundry, food preparation and sanitary facilities are to be provided in a convenient location within a dwelling (or a building containing a number of dwellings) and be built appropriately according to the function and use of the dwelling.
- C5** Bathrooms and bedrooms are to be separated from living and kitchen areas where possible.



4B.4.2 Building Depth

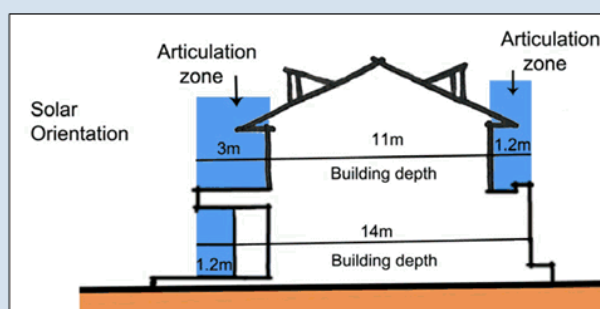
Objective

- O1** To provide adequate amenity for building occupants in terms of solar access and natural ventilation.

Control

- C1** The maximum building depth of any development will comply with **Figure 17**.
Note: The arrangement of these permissible components may vary; for example an 11 metre wide building could have balconies extending into the articulation zone on both sides.
Note: Adequate building depth in combination with other controls in this Part is required to ensure adequate amenity for building occupants. For example a deeper floor plan may be acceptable where higher floor to ceiling heights allow solar access or where apartments have a wider frontage.

Figure 16 - Building Depth and Articulation





4B.4.3 Ceiling Heights

Objectives

- O1** To facilitate natural daylight and ventilation throughout the apartment;
- O2** To increase the sense of space in apartments; and
- O3** To allow the buildings elevations to respond to the street context.

Control

- C1** High ceilings are encouraged to allow high windows, and greater solar access penetration within dwellings.
- C2** High ceilings are encouraged to facilitate natural ventilation through operable high-level windows.
- C3** On lower levels, ceiling heights will not preclude the building from being adapted for a range of uses including retail or commercial uses, subject to the permissibility in the zoning of the site.
- C4** Ceiling heights affect façade articulation. Variation in ceiling heights provides opportunities for better articulation in the façade. This is particularly important where new buildings are to relate to older or heritage buildings within a streetscape.
- C5** High ceilings enable the effectiveness of light shelves in enhancing daylight distribution into interiors.
- C6** High ceilings provide greater opportunities for sloped ceilings to improve daylight penetration into the centre of a dwelling.
- C7** Development is to comply with the minimum ceiling heights identified in **Table 5**.

Table 5 - Minimum Clear Ceiling Heights

Area	Minimum Height
In locations where there is potential for future ground floor shop use	3 metres
Habitable rooms	2.7 metres
Dwelling entries	2.4 metres
Attic space	2.4 metres over 2/3 of the floor area.
Minimum wall heights in attics	1.5 metres



4B.4.4 Solar Access

Objectives

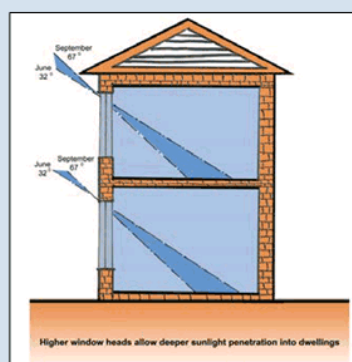
- O1** To ensure that all dwellings enjoy reasonable access to daylight and sunlight to improve amenity and energy efficiency;
- O2** To ensure that the design of development enhances solar access; and
- O3** To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.

Controls

- C1** Development is to be designed and sited to minimise the extent of shadows such that solar access at the winter solstice (21 June) provides a minimum of 3 hours sunlight between the hours of 9.00am and 3.00pm to:
 - (i) Private and communal open space within the development;
 - (ii) Private and communal open space of adjoining dwellings;
 - (iii) Public open space such as parkland;
 - (iv) Solar collectors of adjoining development; and
 - (v) Habitable rooms within the development and in adjoining residential developments.
- C2** Where the level of solar access to adjoining properties is already below the requirement in C1 above, the solar access will not be further reduced.
- C3** Developments are to be designed to enhance solar access by incorporating the following principles:
 - (i) Living areas of dwellings such as kitchens and family rooms are to be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west;
 - (ii) Buildings will be sited to reduce overshadowing on adjoining properties by increasing setbacks, staggering of design, variations in roof form and/or reducing building bulk and height;
 - (iii) Building setbacks may need to be increased to maximise solar access and to minimise overshadowing from adjoining buildings;
 - (iv) Building heights may also need to be stepped to maximise solar access;
 - (v) Landscaping is to provide shade in summer without reducing solar access in winter;
 - (vi) All rooms are to contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practicably and mechanical ventilation can be provided;
 - (vii) Building elements such as operable louvers and screens, pergolas, blinds etc are to be used to modify environmental conditions where required, such as maximizing solar access in winter and provide shading in summer; and
 - (viii) Higher window heads enhance sunlight penetration into dwellings (refer to **Figure 17**).



Figure 17 - Design to Enhance Solar Access



Shadow Diagrams

- C4** Shadow diagrams are to be submitted with Development Applications to illustrate the impact on adjoining properties and/or the public domain. The diagrams should provide information relating to the effect of the proposed development at 9 a.m., 12 p.m. and 3 p.m. on (refer to **Figure 19** and **Figure 20**):

- (i) 21 June (mid-winter);
- (ii) 21 December (mid-summer); and
- (iii) 21 March/September (equinox).

Note: The extent of shadows is to take into account the range of factors that impact on solar access, including the slope of the land, aspect, existing and proposed vegetation and the height and position of existing buildings and structures, including fences.

Note: Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards.

Note: Refer to Land and Environment Court Principles on Sunlight.

- C5** Council may request the applicant to provide Elevational Shadow Diagrams at hourly intervals demonstrating any potential impact on the windows and doors of neighbouring dwellings (refer to **Figure 25**).



Figure 18 - Example Shadow Diagram Required for Proposed Development

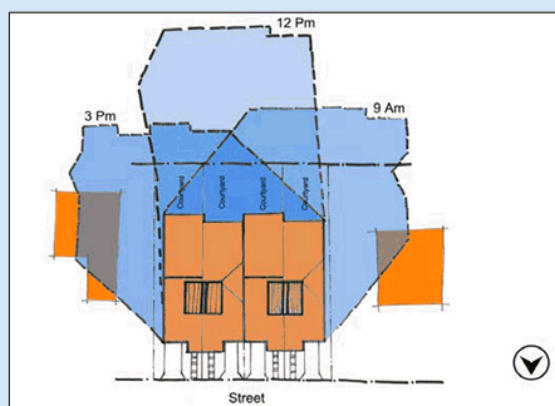


Figure 19 - Example Solar Access to Adjoining Properties and Principal Private Open Space





4B.4.5 Visual Privacy

Objectives

- O1 To ensure that development results in a reasonable level of visual privacy for existing and future residents; and
- O2 To ensure that visual privacy is provided both within a development and between a development and its neighbours.

Control

For windows:

- C1 Windows are to be located so they do not provide direct or close views into the windows of other dwellings, particularly those of living areas.
- C2** Attic windows are not to allow overlooking of adjacent dwellings or their private open spaces.
Note: The incorporation of high level windows can minimise overlooking (refer to **Figure 20**).
Note: An outlook to the street is to be provided from attic windows where appropriate.
- C3** The number of windows directly overlooking adjacent dwellings is to be kept to a minimum. Where windows unavoidably overlook adjacent properties, they will have high sills (1500mm is suggested), frosted glazing, be screened or use some other method to maximize privacy;
- C4** Facing windows closer than 9 metres require privacy measures such as those suggested in Figure 21.

For decks and balconies:

- C5 Balconies and decks will minimise overlooking of living areas and private open spaces of adjoining dwellings;
- C6 Screening devices are to be incorporated on decks and balconies greater than 1 metre above ground level, to mitigate potential loss of privacy;
- C7 Upper floor balconies or roof terraces may not be permitted where overlooking of private open space of adjacent dwellings may occur.

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Comment [AQ1]: These controls : relocated from the heading of "For decks and balconies" as they relate to windows not decks and balconies.

Comment [AQ2]: Relocated to "For windows" above.

Deleted: <#>The number of windows directly overlooking adjacent dwellings is to be kept minimum. Where windows unavoidably overlook adjacent properties, they will have high (1500mm is suggested), frosted glazing, be screened or use some other method to maximize privacy. <#>Facing windows closer than 9 metres require privacy measures such as those suggested in Figure 21; and ¶



Figure 20 - Attic Windows Designed to Enhance Privacy

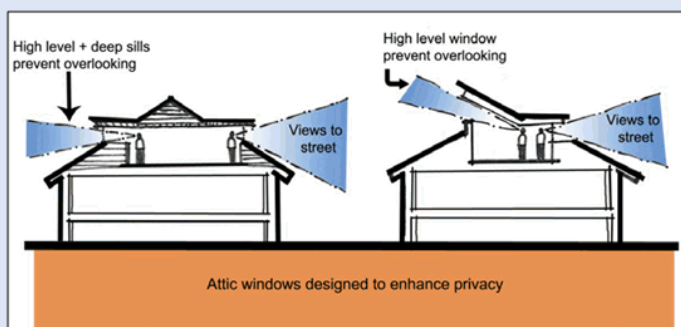
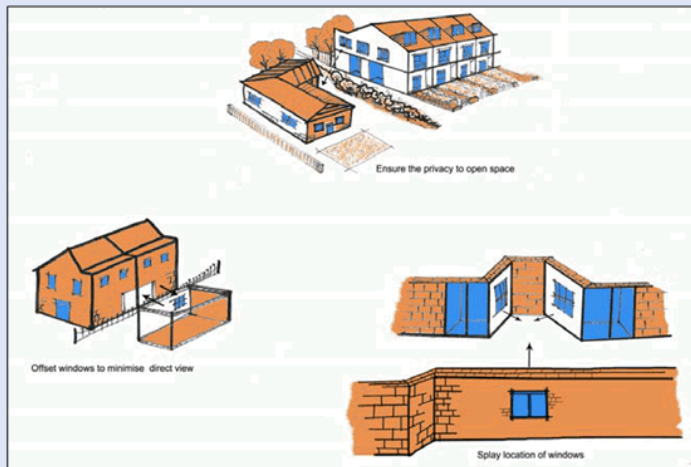


Figure 21 - Examples of Privacy Measures





4B.4.6 Acoustic Privacy

Objective

- O1** To ensure that all residents are provided with a reasonable level of acoustic privacy.

Controls

General

- C1** An acoustic report prepared by a certified acoustic consultant is to be submitted with the Development Application addressing the requirements detailed in Controls C2, C3 and C4.
- C2** New dwellings shall be designed and constructed to comply with the criteria specified in **Table 6** for all noise intrusion from external noise sources (including mechanical services noise from within the development itself).
- C3** Where:
- a. the height of the proposed development is higher than the existing height of the localised building stock; and
 - b. the proposed development has a direct line of sight to the seaport and/or the airport;
- an acoustic assessment by an accredited acoustic consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport
- C4** Where multiple dwellings are provided within the same building, the building shall be designed and constructed to comply with the requirements of the BCA regarding acoustic insulation and noise transmission of walls and floors. In order to meet these requirements, the following design measures are to be incorporated in the development:
- (i) Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings;
 - (ii) Bedrooms are to be designed so that wardrobes act as sound buffers between rooms or dwellings;
 - (iii) Windows and doors will be located away from external noise sources, or buffers used where separation cannot be achieved;
 - (iv) Materials with low noise penetration properties will be used where practical;
 - (v) Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreational facilities (such as swimming pools, tennis courts or play equipment); and
 - (vi) Mechanical equipment, such as pumps, lifts or air conditioners will not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties.



Table 6 - External Noise Intrusion Criteria

Internal area	Time	Repeatable Maximum Laeq (1 Hour) with closed windows and doors	Repeatable Maximum Laeq (1 Hour) with open windows and doors
Living areas	Day or Night	< 40 dBA	<50dBA
Sleeping Areas	Day or Night	< 40 dBA	<50dBA

Aircraft Noise

- C5** New dwellings on land within the Australian Noise Exposure Forecast (ANEF) Contour 20 or higher shall be designed and constructed in accordance with current Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction) and **Part 3J - Development Affecting Operations at Sydney Airport**.
Note: Details to be included in the Development Application submission.
- C6** New or higher density residential development which, in the opinion of Council is considered to be aircraft noise sensitive will be permitted where the property is located within the 30+ ANEF contour.
- C7** The introduction of noise abatement measures to achieve compliance with the current AS 2021 will be designed in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.

Road and Rail Noise

- C8** In accordance with cl.87 (3) and cl.102 (3) of SEPP (Infrastructure) 2007, an acoustic report prepared by a certified acoustic consultant will be submitted at development application stage to demonstrate compliance with this Guideline. Development on land which is on or is within 100 metres of a railway corridor, a road corridor for a freeway, a tollway, a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) will consider the requirements of the Development Near Rail Corridors and Busy Intersections – Interim Guideline (19 December 2008).
- C9** Where dwellings are located on busy/classified roads the following are to be incorporated into the design of the development to reduce traffic noise within the dwelling:
- (i) Cavity brick walls;
 - (ii) Double glazing;
 - (iii) Solid core doors;
 - (iv) Concrete floors; and
 - (v) Recessed balconies.



4B.4.7 Vibration & Excavation

Objective

- O1** To ensure that dwellings are not adversely impacted upon by vibrations from railways and roadways.

Control

- C1** In accordance with Clause 87 of SEPP (Infrastructure) 2007 any proposed excavation exceeding 2 metres in depth on land within or above a rail corridor or within 25 metres from (measured horizontally) of a ground or below ground rail corridor will consider the requirements of the *Development Near Rail Corridors and Busy Intersections – Interim Guideline* (19 December 2008).
- C2** Any excavation adjacent to RMS infrastructure will comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. A copy of this Technical Direction can be downloaded via the following link:
<http://www.rms.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>



4B.4.8 Storage

Objectives

- O1 To provide secure storage for sporting, leisure, fitness and hobby equipment; and
- O2 To provide storage for everyday household items within easy access of the dwellings living areas.

Controls

- C1 At least 50% of the storage provided within the dwelling is to be accessible from either the hall or living area. The remaining 50% of the storage may be located in the basement car park and allocated to the individual dwelling.
- C2 Accessible and adequate storage facilities are to be provided at the following minimum rates:
 - Studios: 6m³
 - 1 bedroom dwelling: 8m³
 - 2 bedroom dwellings: 10m³
 - 3+ bedroom dwellings: 12m³
- C3 The storage area separate from the dwelling is to be secured within the garage car parking area.
- C4 Storage areas are to have a minimum height of 1.5 metres.



4B.4.9 Site Facilities

Objectives

- O1 To ensure that adequate provision is made for site facilities, such as clotheslines and storage areas, in the design of the development;
- O2 To ensure that site facilities are accessible to all residents;
- O3 To ensure that site facilities are thoughtfully integrated into development and are unobtrusive; and
- O4 To maximise opportunities for use of solar energy and natural ventilation for clothes drying.

Controls

General

- C1 Development is not to be carried out on the land until arrangements satisfactory to Sydney Water have been made for the provision to the land of water and sewerage services.
- C2 The name and address of the premises shall be displayed in a position that is clearly visible from the street and / or service lane to assist identification and deliveries.
- C3 Mailboxes shall be provided in accordance with Australia Post's requirements.
- C4 Adequate and appropriate unit numbering is to be provided.
- C5 Garbage storage and collection points are to comply with the provisions of **Part 3M - Waste Minimisation and Management**.
- C6 Satellite dishes where they are situated in rear courtyards, etc. are to be less than 1.8 metres above ground or not visible above any fence surrounding the site.
- C7 One (1) telecommunications/TV antenna will be permitted for each building.
- C8 The existing above ground electricity and telecommunication cables within the road reserve and within the site shall be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines. The applicant shall bear the cost of the new installation and the first 12 months of additional street light charges.
- C9 Any electrical kiosk, fire booster assembly or similar utilities are to comply with the provisions of Part 3L - Landscaping.
- C10 New foot paths shall be appropriately located within the street with consideration for obstruction caused by electrical pillar associated with the undergrounding of mains power.

Air Conditioners

- C11 Air conditioning units will not be installed on the front façade of a building, and are not to be visible from the street.
- C12 Air conditioning units will not be installed within window frames or otherwise obscure a window.
- C13 The noise level from air conditioning systems is not to exceed the LAeq 15 minute by 5dBA, measured at the property boundary.

Comment [AQ3]: Identical control relating to the location and design of electrical kiosk, fire booster assembly similar utilities are located within **Part 3L.2** of the BDDCP. To avoid duplication **Part 3L** is nominated as the only DCI chapter which contains specific provisions relating to the location and design of facilities.

Deleted: will be in a location visible from the main entrance development, unable to be obstructed, and readily access to vehicles and service staff

Deleted: Fire booster assemblies are to be a minimum 10m distance to an electrical kiosk and housed within the external of the building structure or in an enclosure with screen doors. The enclosure is to be integrated with the architectural design of the development and compliant with AS2419. Applicants are encouraged to provide landscaping that will not impede access to, and effective of, the utilities to reduce the visual impact of the utilities on the streetscape and public domain

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**Drying Facilities**

- C14** Sunlight is required to be available to clothes drying facilities for at least 3 hours on June 21 to a plane 1 metre above finished ground level under the drying lines.
- C15** Open air, secure clothes drying facilities are to be provided in all housing developments.
- C16** Clothes drying areas will be easily accessible by all residents and visually screened from public street and recreation areas.



4B.4.10 Safety and Security

Objectives

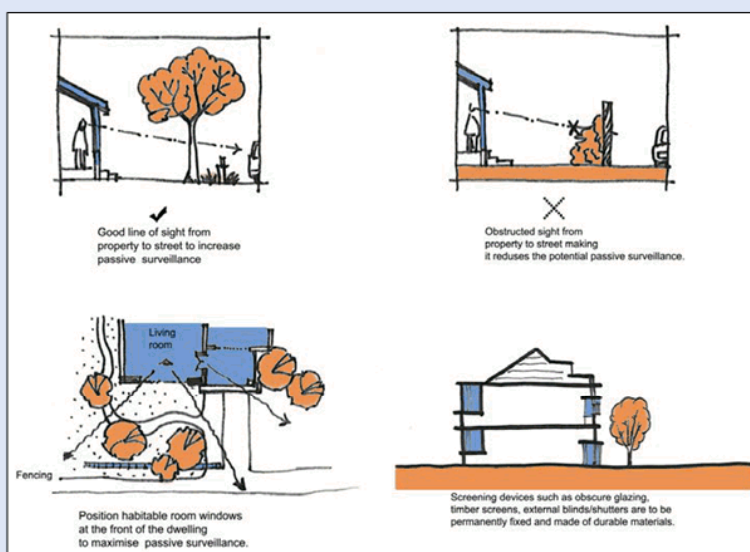
- O1** To reduce opportunities for crime through the use of natural surveillance, building design and siting; and
- O2** To ensure a high level of personal safety for people who use or visit the building.

Controls

- C1** Development will comply with **Part 31 - Crime Presentation, Safety and Security**.
- C2** To enhance safety and security, developments will be designed to:
 - (i) Enable casual surveillance of streets, open space and entrances to buildings and communal areas (refer to **Figure 22**);
 - (ii) Minimise access between roofs, balconies and windows of adjoining developments;
 - (iii) Provide adequate lighting to communal areas, driveways, accessways, car park areas and open space. An internal lighting proposal is required;
 - (iv) Avoid blank walls addressing the street frontage and other public places. Where it is unavoidable, planting for screening purposes or anti-graffiti paint is to be used;
 - (v) Maintain sight lines along pathways (i.e. avoid blind corners or hiding places);
 - (vi) Use materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish between public, communal and private domains;
 - (vii) In public areas, use materials that discourage vandalism (i.e. non-porous surfaces such as glazed ceramics or treated masonry). Robust materials, anti-graffiti finishes and surface treatments are to be used;
 - (viii) Provide locks on doors and windows, and viewports to doors;
 - (ix) Provide lighting to communal areas (laundries, garbage storage, pathways, lobbies, car parking areas and stairwells); and
 - (x) Locate shared facilities in areas that are well lit and will be well located.
- C3** Where security devices are required they shall be of a design that is consistent with the design of the development. They will be of a simple design that does not detract from the design or architectural features of the house.



Figure 22 - Passive Surveillance





4B.4.11 Car & Bicycle Parking and Vehicle Access

Objectives

- O1** To provide for safe vehicle access to and from the site;
- O2** To ensure the provision of adequate on-site car parking and vehicle access for circulation and manoeuvring of vehicles;
- O3** To ensure that on-site car parking does not dominate or detract from the appearance of the development and the local streetscape;
- O4** To ensure that parking areas and access routes are integrated within the landscape design;
- O5** To ensure a high standard of surface finish;
- O6** To minimize the visual impact of expansive driveway surfaces; and
- O7** To ensure that traffic generated by a development does not have adverse impacts to the operation of surrounding road networks.

Controls

General

- C1** Car parking areas are to be located and designed to:
 - (i) Conveniently and safely serve users, including pedestrians, cyclists and vehicles;
 - (ii) Enable the efficient use of car spaces and access ways, including adequate manoeuvrability for vehicles between the site and the street;
 - (iii) Fit in with any street network hierarchy and the objectives of that hierarchy and with any other related local traffic management plans;
 - (iv) Be cost-effective; and
 - (v) Not dominate or detract from the appearance of the development and the local streetscape.
- C2** All developments will comply with the car and bicycle parking rate requirements for residents and visitors within **Part 3A - Car Parking**.
Note: Small car parking bays are not permitted.
- C3** Garages and carports are not to be the dominant feature of the building façade. These structures will be subservient in scale to the development, and integrated and compatible with the overall design in terms of height, form, materials, detailing and colour.
- C4** Gun barrel driveways are to be avoided unless overtaking bays are provided every 30 metres along the driveway.
- C5** Driveways are not to dominate the street. This can be achieved by using a single driveway crossing to serve multiple dwellings within the site.
- C6** Landscaping is to be used to soften and screen car parking areas from adjoining properties and



- the street and to provide shade for parked vehicles.
- C7** Visitor's car parking spaces shall be labelled clearly and resident car parking shall be numbered to the relevant dwelling.
 - C8** For development with 20 or more dwellings, provision is to be made for furniture removalist vehicles to be able to park within the site. The size of furniture removalist vehicles shall be assumed to be a Medium Rigid Vehicle (MRV) as defined in AS2890.2
 - C9** Basement car parking will:
 - (i) not protrude further than 1.2 metres out of the ground when measured from natural ground to the underside of the ground floor slab of the building;
 - (ii) be located under the building footprint of the dwellings;
 - (iii) not extend under dwelling balconies or landscaped areas;
 - (iv) be located under balconies or landscaped areas are to be included in site coverage calculations;
 - (v) be designed to have adequate vertical clearance for the largest vehicle accessing the basement car parking area; and
 provide natural light and ventilation where practical.
 - C10** Stacked car parking is only permitted where the parking bays are allocated to one (1) dwelling.
 - C11** Development Applications which proposed 20 or more dwellings are required to submit a Traffic and Parking Impact Study.
 - C12** Vehicular access driveways and the top part of ramps visible from the street are to form part of the overall landscape design.

Material

- C1** Stencilled concrete and exposed aggregate are unacceptable as they do not stand up well to the traffic movement and frequent turning common in multi-unit housing developments.
- C2** Concrete is acceptable but is required to be broken up or given visual interest by incorporating unit paving and/or different concrete finishes. Large concrete expanses (plain or coloured) are to be limited, particularly in pedestrian areas (refer to **Figure 23**).

Note: If pavers are utilised they are to be laid on a concrete slab.



Figure 23 - Driveway Materials Must Be Attractive





4B.4.12 Access

Access for all residents and visitors will be considered in multi dwelling housing developments.

Objective

- O1 Provide easy access for all, including people with prams and people that use wheelchairs or have walking difficulties or sight, hearing or intellectual impairment.

Controls

- C1 All applications are to include a statement on how the development will comply with the provisions of the Disability Discrimination Act and comply with **Part 3C - Access and Mobility**.
- C2 Multi-unit developments will have night lighting along all driveways and footpaths throughout the site.
- C3 Ramps will have gradients not exceeding 1 in 14, and have an even, non-slip surface.
- C4 Unnecessary barriers to direct access will be avoided.



4B.5 Social Considerations

4B.5.1 Adaptable Housing

Those who design, build, own, manage, lease, operate, regulate and use premises have responsibilities to comply with the *Disability Discrimination Act, 1992 (DDA)*. The DDA seeks to eliminate bias against people with disabilities and protect their rights. The DDA states that failure to provide equal access is unlawful, unless to do so would impose an unjustifiable hardship.

Objectives

- O1 To provide housing for people with disabilities or mobility needs with the community; and
- O2 To ensure the provision of equitable access to meet the housing demands of a cross section of people within the community.

Controls

- C1 Development will comply with **Part 3C - Access and Mobility**.
- C2 A statement from the architect or builder will be submitted with the development application certifying that the adaptable dwelling has been designed in accordance with the provisions of the Australian Standards AS 4299-1995 Adaptable Housing.



4B.6 Multi Dwelling Housing in Association with Neighbourhood Shops in Residential Zones

This Part applies to multi dwelling housing development proposed in association with neighbourhood shops. Shop top housing and mixed use development are to be prepared in accordance with Part 4C, SEPP 65 and the Apartment Design Guide.

Objectives

- O1** To ensure that local shops located within residential development are compatible with and respectful to the character of the residential area in which they are sited;
- O2** To ensure the design of the development distinguishes and separates the residential and non-residential functions of the building; and
- O3** To minimise the conflicts between vehicular access, parking and pedestrian movement.

Controls

- C1** The development is to comply with the provisions of Botany Bay Local Environmental Plan 2013.
- C2** The shop component will be located at ground level.
- C3** Adequate storage space is to be provided for the use of the shop.
- C4** The residential component of the development will be integrated with the shop and not developed as separate enclaves within the site.
- C5** Noise insulation measures are to be incorporated into the development with particular attention to shared ceiling/floors and walls.

Built Form and Appearance

- C6** The building is to be designed to encourage uses that will enhance and promote active street front activities.
- C7** The layout and design of the building ensures privacy for dwellings within the development.

Site Facilities

- C8** Site facilities including storage, mailboxes, and garbage collection points, are to reflect the demands of both the residents and occupants of the dwellings and neighbourhood shops, and are to be conveniently located within the development.

Parking, Servicing and Access

- C9** The design of parking areas and loading facilities takes into account the use of these areas by a range of activities and will minimise any conflicts that may arise as a result of the multiple use of these facilities.
- C10** Visitor parking for the shop component shall be conveniently located, identified as such, and accessible to the general public. Visitor parking is not to be located behind any security grill or gate.



4B.7 Conversion of Existing Non-Residential Buildings to Multi Dwelling Housing

Clause 6.11 of BBLEP 2013 permits with prior Council consent the adaptive reuse of existing buildings and land for multi dwelling housing in Zone R2 Low Density Residential subject to a list of criteria, which includes consistency with the streetscape and in keeping with residential amenity.

Height and FSR are to comply with the provisions of the BBLEP 2013. Provided the impacts on the locality are considered reasonable, Council may permit non-compliances in some circumstances. However, in accordance with **Clause 4.6** of BBLEP 2013 the applicant will submit with a Development Application a written request that seeks to justify the contravention of any development standard by demonstrating:

- (i) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (ii) That there are sufficient environmental planning grounds to justify contravening the development standard.

Objectives

- O1** To provide for the adaptive reuse/conversion of existing buildings and sites to multi dwelling housing; and
- O2** To provide for development that is compatible with the existing streetscape and respects residential amenity.

Matters for Consideration

- C1** Before granting consent for development referred to in **Clause 6.11** of BBLEP 2013, Council is to take into consideration the following matters:
 - (i) The impact of the development on the scale and streetscape of the surrounding locality;
 - (ii) The suitability of the building or site for adaptive reuse;
 - (iii) The degree of modification of the footprint and façade of any existing buildings on the site;
 - (iv) The impact of the proposal on the scale and streetscape of the surrounding locality;
 - (v) The impact on surrounding properties, particularly in respect to overshadowing, loss of privacy, and visual intrusion;
 - (vi) The impact on the future residents of the building, caused by surrounding properties, from dust, odour and noise;
 - (vii) Noise attenuation of the building to comply with the relevant Australian Standards;
 - (viii) Sources of potential contamination;
 - (ix) The proximity and accessibility of the building and/or site to public transport;
 - (x) The impact on employment opportunities in the area;
 - (xi) The size and mix of dwellings; and
 - (xii) The impact on traffic and parking and the nature of the surrounding streets.



C2 Development is to comply with the provisions outlined in this Part. Where the development is unable to comply due to inherent site constraints, the Statement of Environmental Effects is to adequately address the non-compliance, and the application will be assessed upon its merits.

C3 Landscaping is to be provided in form of:

- (i) Roof gardens or planter boxes (not pots) on balconies or landscaped terraces; and
- (ii) At-grade deep soil landscaping within the front setback to the street.

Note: Council's street trees cannot be utilised as the sole source of screening or softening for a development of this type.



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4C.1 Introduction

4C 1.1 Land to which this Part Applies

In 2015 the Department of Planning & Environment amended the *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

The SEPP is now titled *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, and applies to development that includes:

- Residential Flat Buildings;
- ~~Shop Top Housing~~ and
- Any residential component of a Mixed Use Development.

Comment [AQ1]: "Shop top hous
the standard LEP instrument term.

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The term 'Apartment' has replaced the term 'Residential Flat' in the SEPP. For the purposes of the BBDCP and BBLEP, the terms have the same meaning.

This Part applies to residential flat buildings which are a type of residential accommodation under Botany Bay Local Environmental Plan 2013, defined as:

"a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing."

Apartment buildings are permitted in the R2 Low Density Residential Zone in certain circumstances where they provide for the adaptive re-use of existing non-residential buildings and sites for residential accommodation.

For controls relating to mixed use development (where commercial and residential uses are proposed within the one building) in the business ~~zones~~, refer also to **Part 5 - Business Centres**.

Comment [AQ2]: Mixed use developments are permitted in other business zones and are not limited to B2 and B4 zones. The current wording is misinterpreted to only apply to B2 and B4 zones.

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This Part aims to create a high standard of residential amenity and encourage good urban design within the City of Botany Bay. Apartment buildings are also required to comply with the principles and provisions of **State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Apartment Development** and the **Apartment Design Guide (ADG)**.



4C.1.2 General Objectives and Controls

Objectives

- O1** To ensure residential flat development is compatible with and complementary to the streetscape and consistent with the relevant Character Precinct;
- O2** To provide detailed design objectives and controls that encourage innovative design, which positively responds to the character and context of the locality;
- O3** To maintain and encourage compatible architectural styles within residential areas;
- O4** To encourage development which creates a high standard of amenity, promotes a safe living environment; and makes better use of existing infrastructure;
- O5** To ensure that new development considers the principles of ecologically sustainable development (ESD);
- O6** To provide for a range of housing types and forms to accommodate a diverse and changing population; and
- O7** To ensure apartment buildings comply with the principles and provisions of State Environmental Planning Policy No. 65 and the Apartment Design Guide.

Controls

- C1** Development will comply with the principles and provisions of **SEPP No. 65** and the provisions of the **ADG**. The provisions of this DCP are in addition to the provisions contained within the **ADG**.
- C2** In a Development Application, applicants must demonstrate how a development achieves the objectives outlined in Parts 3 and 4 of the **ADG**, in addition to controls found within the Botany Bay DCP.



4C.2 Site Design

4C.2.1 Design Excellence

Objectives

- O1 To provide detailed design objectives and controls that encourage innovative design that positively responds to the character and context of the locality;
- O2 To create a highly liveable urban place, through promotion of design excellence in all elements of the built environment and public domain; and
- O3 To encourage well designed buildings that minimise the bulk and scale of the built form.

Controls

Design Excellence

- C1 Create high quality architecture which integrates environmental and social sustainability design principles early in the design process, to ensure equitable access to all.
- C2 Design development to promote good health and social wellbeing.
- C3 Respond positively to the existing and desired future neighbourhood character and urban context.
- C4 Identify sites that require special design consideration.
- C5 Create dynamic and inclusive public domains that contribute to a sense of place.



4C.2.2 Streetscape Presentation

Objectives

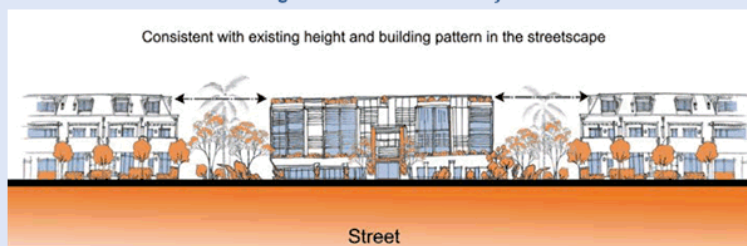
- O1** To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);
- O2** To encourage innovative design that responds to the character of the area and the streetscape context;
- O3** To ensure that garages, carports and driveways do not dominate the streetscape; and
- O4** To maintain the characteristic building orientation and siting.

Controls

General

- C1** New development must be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape. It must respond to building setbacks, building height and treatment of the building facades (refer to **Figure 2**).
- C2** Development must comply with the following:
 - (i) The maximum length of any building is 24 metres; and
 - (ii) Façades must be articulated and employ materials and finishes to enhance and complement the character of the streetscape.
- C3** Buildings must be sited to address the street and relate to neighbouring buildings. Developments on sites with two or more frontages are to address both frontages. Buildings that are oriented contrary to the established development pattern are intrusive and are not permitted (refer to **Figure 3**).
- C4** Street corners must be addressed by giving visual prominence to parts of the building façade, such as a change in building articulation, materials, colour, roof form or height.

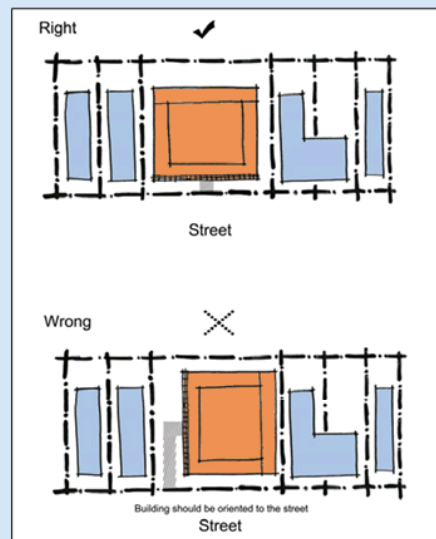
Figure 2 - Street Continuity



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Figure 3 - Street Orientation





4C.2.3 Height

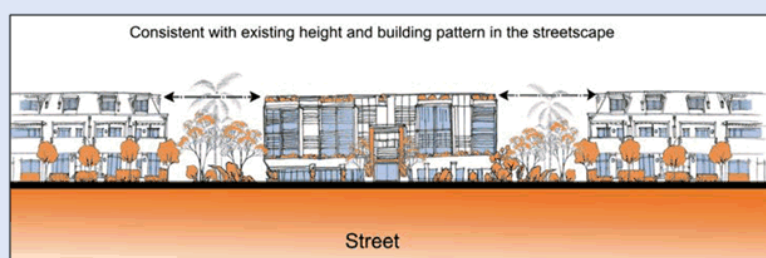
Objectives

- O1** To ensure that the height and scale of development is consistent with the streetscape and complements the scale, massing and design of adjoining development; and
- O2** To ensure that any visual impact, loss of privacy, loss of views or overshadowing on neighbouring properties, are within acceptable limits.

Controls

- C1** New buildings are to consider the topography and shape of the site and respond to the predominant and characteristic height of buildings within the neighbourhood.
- C2** The maximum number of storeys must not exceed that identified in the relevant character statement for each precinct as set out in **Part 8 - Character Precincts**. If the maximum number of storeys is not identified in Part 8, the maximum number of storeys must be consistent with the existing characteristic building height set by the immediately surrounding apartment buildings.
- C3** The building height and bulk of developments must be distributed on the site to ensure that there is no significant loss of amenity to adjacent sites and open space. Council may require a reduction in permissible height where a building would have unacceptably adverse impacts in regards to:
 - (i) The overshadowing of a dwelling, private open space or public open space;
 - (ii) An inappropriate transition in built form and landuse intensity;
 - (iii) The design excellence of a building;
 - (iv) View loss; or
 - (v) The Obstacle Limitation Surface.
- C4** Development will comply with the Civil Aviation Safety Authority (CASA) requirements.

Figure 4 - Characteristic Building Height



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4C.2.4 Landscaped Area and Deep Soil Planting

Objectives

- O1** To increase tree and landscape coverage within the City of Botany Bay through the retention of existing vegetation and providing substantial new plantings and landscaping;
- O2** To effectively and substantially ameliorate the development through site responsive, appropriate and strategic landscaping;
- O3** To enhance the usability, liveability and functionality of open spaces on the site;
- O4** To improve microclimate and solar performance around buildings through landscaping and in the design and position of open spaces;
- O5** To enhance the public domain at the edge of new development and
- O6** To increase natural stormwater filtration and decrease impervious surfaces and runoff.

Controls

General

- C1** A residential flat development must have a minimum landscaped area of 35% and a maximum hard landscaped area of 20%.
- C2** Development Applications must include a plan clearly identifying how hard and landscaped areas have been calculated (refer to the **Part 3L - Landscaping and Tree Management** and Council's **Development Application Guide** and above definitions)
- C3** Landscaped areas must be effectively distributed on the site to minimise the dominance of buildings, structures and paving when viewed from the street, public places and surrounding properties.
- C4** Green roofs and walls are not counted in the landscaped area calculations for the site. Refer to **Part 3L – Landscaping and Tree Management**.

Trees

- C5** Street trees are to be accurately indicated on the landscape plan and are to be maintained.
- C6** Existing mature trees in good health and condition, are to be retained through the appropriate siting of buildings, car parks, basements, pools, ancillary buildings, driveways and hard stand areas.
Note: Development Applications must identify what measures are proposed to protect existing trees during construction (refer to **Part 3L - Landscaping and Tree Management**). These trees are to be incorporated into the landscape setback or communal open space. It must be ensured that the setbacks dimensions are adequate to all the survival of existing trees.

Planter Beds

- C7** Planter beds will be a minimum of 1 metre in width and support appropriate soil depth and plant selection.
- C8** Long narrow linear planting areas are to be avoided.



Paving and Driveways

- C9** No more than one-third ($\frac{1}{3}$) of the front landscaped setback will be paved.
- C10** Impervious pavements are to be limited. Pavements are to incorporate WSUD, permeable pavements and drainage of pavements to garden beds.
- C11** Driveways and pathways will be located at least 1.5 metres from common boundaries to allow for a continuous landscaped buffer strip to the side boundary. The landscape strip must contain tall screen planting that retains foliage to the ground.
- C12** Driveways are not to dominate the street setback zone so as to maximise deep soil landscaping areas and green road verges. They must be sited to retain existing trees and street trees.

Public Domain

- C13** Landscaping in the public domain is to reinforce existing streetscape planting themes and patterns. Council may require street tree planting, landscaping and paving of the public footway, this must be included in the Landscape Plan.
- C14** Awnings are to be sized to adequately accommodate street trees. In addition, ground floor street frontages must be recessed into the building to provide an ample undercover passage without impacting street tree planting.



4C.2.5 Open Space

Objectives

- O1** To ensure residents are provided with high quality outdoor amenity;
- O2** To ensure that private open space is designed to provide residents with quality usable private outdoor living areas;
- O3** To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas;
- O4** To ensure the provision of high quality recreational facilities that are appropriate to the needs of the residents;
- O5** To ensure the adequate provision of accessible communal for residents for passive and active recreation opportunities;
- O6** To ensure the provision of functional, usable and liveable communal open space for residents and to encourage social interaction; and
- O7** To ensure that communal open space receives solar access for a minimum of 3 hours in winter.

Controls

Open Space

- C1** Development will be designed to respond to the opportunities and constraints identified in the Site Analysis Plan.
- C2** Open space should be considered early on during site planning to provide a visual focus for the development, ideal siting for solar access, and to enable preservation of existing trees.
- C3** Open space will be designed to:
 - (i) Encourage positive outlook, respite and attractive internal views;
 - (ii) Provide building separation and achieve a balance between open space and built form;
 - (iii) Provide visual and acoustic privacy and an area of good solar access for recreational purposes; and
 - (iv) Through location, arrangement and design provide functional, usable and liveable spaces for a mix of recreational pursuits.
- C4** Utility areas, driveways and areas with a dimension of less than 3 metres (ie. access and pathways) are not considered open space.



4C.2.6 Setbacks

Objectives

- O1** To improve the local character and streetscape qualities by reinforcing existing alignments and setbacks;
- O2** To provide separation between buildings and ensure adequate space for landscaping;
- O3** To reduce the impact of development on adjoining dwellings in terms of visual and acoustic privacy, solar access and ventilation; and
- O4** To create cohesive streetscapes with consistent building alignments particularly at ground level and that accommodate canopy street tree planting.

Controls

General

- C1** No part of a building or structure (including basement car park, driveways and OSD/infiltration systems) is to encroach into the front, side and rear building setback zone.
- C2** All front, side and rear setbacks are to provide deep soil zones to allow unencumbered planting areas.
- C3** Development is to be designed to create spatial separation between the buildings to:
 - (i) Minimise bulk and scale of the building;
 - (ii) Allow contiguous deep soil planting and landscaping;
 - (iii) Ensure adequate exposure to sunlight and ventilation; and
 - (iv) Create a buffer for visual and acoustic privacy.
- C4** Setbacks are to maximise the retention of existing trees and their root systems and may need to be variable to achieve this (includes trees on adjoining properties).
- C5** Awnings and balconies are to be
 - (i) set back a minimum of 1.5 metres from the kerb on a classified road;
 - (ii) set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from an intersection of a local road with a classified road; and
 - (iii) set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from any signalised intersection.

Front Setbacks

- C1** Building setbacks from the existing front boundary must match the setback of adjoining properties, but must be a minimum of 3 metres or 4 metres if fronting a classified road.
Note: A classified road is a road within the SP2 Zone.
- C2** Where land dedications are required resulting in a new boundary line all setbacks must be provided from this new boundary line, including basement car parking setbacks.



4C.2.7 Through Site Links

Objectives

- O1** To incorporate pedestrian links through new developments, at points where they are most legibly and safely connected to the existing street and pedestrian network;
- O2** To optimise visual and physical access to open space areas, pocket parks, buildings with public uses and important connecting streets; and
- O3** To support the creation of and enhance existing vegetation.

Controls

- C1** Building footprints are to take into account the requirement for consolidated open space as well as for view corridors.
- C2** If a site has a frontage to two (2) or more streets with a boundary length greater than 25 metres, then one through site link to the other street/s must be provided (refer to **Figure 9**).

Figure 9 - Site Links and View Corridors





4C.2.8 Consideration of Isolated Sites

Objectives

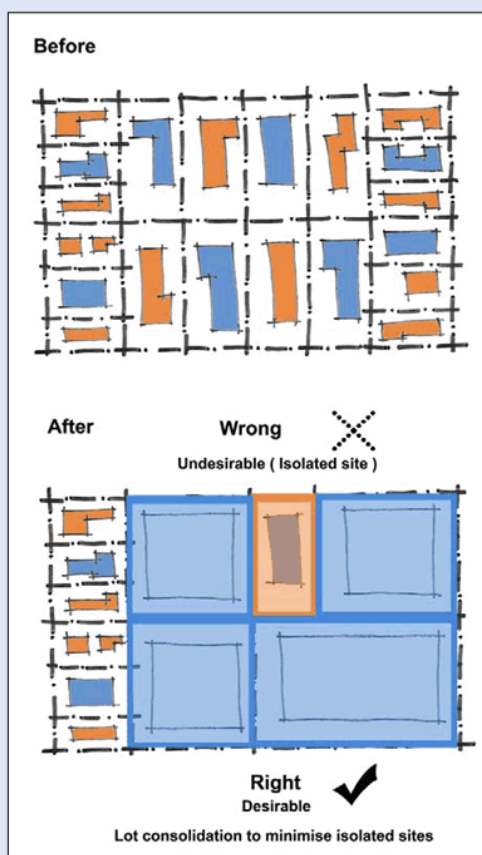
- O1** To promote the efficient use of land;
- O2** To encourage the amalgamation of land parcels into larger development sites for medium density developments;
- O3** To ensure allotment size is sufficient for development and associated provision of landscaping, parking, vehicular and pedestrian access;
- O4** To maintain amenity by having sufficient separation between buildings; and
- O5** To ensure sites are not restricted in their development potential as a direct result of adjoining developments.

Controls

- C1** Applicants must demonstrate that adjoining parcels not included in their development site will be capable of being economically developed as required by Council as part of the development assessment process for their site. This will include establishing appropriate separation distances between adjoining buildings.
- C2** The development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of residential amenity for its occupants (refer to **Figure 10**).
- C3** Where it is demonstrated by an applicant (with written documentation) that attempts have been made to address a potentially isolated site (i.e. an offer to acquire the isolated site and reply from the owner of that site) the proposed development will be assessed on its merits.
- C4** Where adjacent sites are developing concurrently, site planning options for development as an amalgamated site are to be explored.
- C5** Developments which will result in potential isolated sites are required to address the Land and Environment Court Principles on isolation of site by redevelopment of adjacent site(s) (refer to http://www.lec.lawlink.nsw.gov.au/lec/principles/planning_principles.html).



Figure 10 - Example of a Potential Isolated Site





4C.3 Building Design

4C.3.1 Building Entries

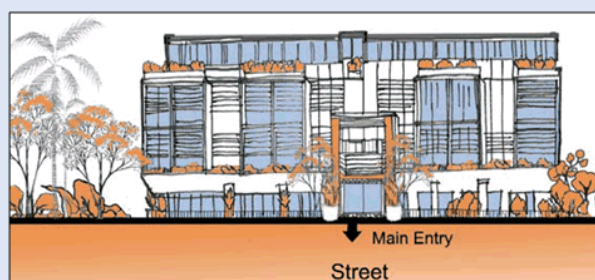
Objectives

- O1 To encourage entrances that provide identification and orientation for the visitor;
- O2 To provide safe and secure access for residents; and
- O3 To contribute positively to the streetscape and building façade design.

Controls

- C1 Entrances must provide shelter and be well-lit and safe spaces to enter the building, meet and collect mail (refer to **Figure 12**). The front door must be visible from, and have direct access to, the street.
- C2 A main pedestrian entry is to be provided within a development. The entry is to be separate from car parks or car entries. Disabled access through the primary entrance to the building must be provided.
- C3 Street numbering and mailboxes must be clearly visible from the primary street.
- C4 Devices such as open fencing may be necessary along the front boundary to ensure visibility and security of the entry.
Note: Entrances to dwellings are to provide shelter, and well-lit safe spaces to enter the building for residents and visitors.
- C5 Mailboxes are to be designed and provided so that they are convenient for residents and do not clutter the appearance of the development from the street.

Figure 12 - Example of Building Entry Addressing the Street





4C.3.2 Fences

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Objectives

- O1 To appropriately define the edges and interface between public and private land;
- O2 To ensure that front fences contribute to a characteristic pattern of fences;
- O3 To enable casual surveillance of the public domain and provide security;
- O4 To provide visual and acoustic privacy where required;
- O5 To contribute positively to the public domain; and
- O6 To allow passive visual surveillance of the public domain.

Controls

- C1** Fences are to:
- (i) Provide privacy and security while not eliminating views, outlook, light and air;
 - (ii) Be visually permeable at the front of developments; Be designed in proportion to the height and size of the building; and
 - (iii) Use the designs and materials suitable for the Desired Future Character of the area (refer to **Part 8 - Character Precincts**).

Note: A landscape plan is to be submitted in accordance with **Part 3L – Landscaping and Tree Management**. This plan must include details of all fencing to be used in a proposal –privacy, boundary, frontage, pool, dividing and so on. The details must include style (manufacturer, product code, name), height, materials, colour/s and installation method.

- C2** Masonry/brick fences over 600mm, and timber, steel picket, palisade or plain picket fences over one (1) metre high require Council approval along residential frontages.
- C3** Only decorative timber or metal slat/batten/picket and/or masonry walls will be permitted on the street frontage. Colorbond fencing is not permitted.
- C4** Fences to a maximum height of 1.2 metres are only permitted if no less than 50% is permeable using spaced timber or metal pickets (or the like) and a solid base with a maximum height of 600mm.
- C5** The design of fencing over 1 metre in height must take into consideration sightline issues if adjoining a vehicular access. The design of the fence can be modified by setbacks or by using splays at least 1 metre x 1 metre in size.
- C6** Dividing fences within the front setback will be no more than 1.2 metres in height.
- C7** Retaining walls across street boundaries will be no more than 1.2 metre in height and will be located to allow effective and site responsive tree planting within the setback (i.e. will not restrict planter bed dimensions).
- C8** The maximum height of side or rear fences is 1.8 metres. Side fences located between the street frontage and its respective building line are not to exceed 1 metre in height.
- C9** Fences along a secondary street frontage that adjoin the private open space of a dwelling can have a maximum height of 1.8 metre to provide privacy, but only where landscaping is incorporated into the fence design to soften and screen the fence when viewed from the street



frontage. The height of the fence must also taper down from the building line to meet the front fence.

- C10** On classified roads manually operated gates are to be setback to allow a vehicle to stand fully off the road. Access gates will be hung so that the direction of swinging gate is into the site.
- C11** Where the fence/side returns are to be erected on or adjacent to the common allotment boundary, the written consent of the adjacent property owner(s) is required.
- C12** Adequate provision will be made for access to public utility installations.
- C13** Fences will not obstruct the existing overland flow path or stop or redirect surface waters so as to cause a nuisance.
- C14** Fences in a flood affected locality will be permeable.



4C.3.3 Materials and Finishes

Objectives

- O1** To ensure that new development reflects the existing and Desired Future Character;
- O2** To ensure that the choice of external materials, colour schemes and building details on new development reinforces existing development in the locality and enhances the streetscape;
- O3** To encourage the use of energy efficient building materials;
- O4** To ensure that the building and the site can be cleaned and maintained easily; and
- O5** To maximise the life of buildings to reduce energy costs in demolition, reconstruction and recycling.

Controls

General

- C1** A Schedule of Finishes and a detailed Colour Scheme for the building facade will accompany all Development Applications involving building works (refer to Council's **Development Application Guide**).
The Schedule of Finishes will consist of :
 - (i) Samples of materials with manufacturer's details and product code; and
 - (ii) A detailed colour scheme to be shown in the form of illustrated building elevations which is cross-referenced with a colour sample chart showing manufacturer's details and product code.
- C2** A 1:20 or 1:50 detailed construction section is to be provided detailing at a minimum the materials and finishes to be used, as well as shading screens or noise attenuation measures.
- C3** Any solar panels must be integrated into the design of a building.
- C4** Developments must be constructed using building materials that maximise energy efficiency and comply with **Part 3H - Sustainable Design**.

Maintenance

- C5** Materials and elements on the exterior of the building should be selected to be durable and require minimal maintenance, and are graffiti resistant.
- C6** Windows are to be designed to enable cleaning from inside the building.
- C7** Manually operated systems such as blinds, sun shades, pergolas and curtains are preferable to mechanical systems.
- C8** Where mechanical systems are selected care is to be taken to ensure that wherever possible they could be also manually operated.



4C.4 Building Configuration

4C.4.1 Dwelling Mix and Layout

Objectives

- O1** To ensure that dwellings are efficient, have high standards of amenity for residents and satisfy environmental performance criteria, such as ventilation and access to natural light;
- O2** To ensure that apartments are flexible to suit the occupant's requirements;
- O3** To ensure residential development contains a mix of residential types (based on the number of bedrooms) to increase the potential to accommodate all the varied family sizes in future years;
- O4** To ensure adequate provision, design and location of internal facilities;
- O5** To provide adequate amenity for building occupants in terms of access to sunlight and natural ventilation; and
- O6** To provide natural light to common entries, all lift lobbies and preferably both ends of common corridors.

Controls

Apartment Size and Mix

- C1** Developments of ten or more apartments are to provide a range of apartment sizes, including studio, 1, 2, and 3+ apartments so as to meet the needs of residents and accommodate a range of household types.
- C2** For development with ten or more apartments, the following unit mix control will apply:
 - (i) A maximum of 25% of apartments are to be Studio and 1 Bedroom;
 - (ii) All 2 Bedroom apartments are to satisfy the amenity controls for Family Apartments; and
 - (iii) All 3+ Bedroom apartments are to satisfy the amenity controls for Family Apartments.
 See Part 4C.5.2 - Family Friendly Apartment Buildings.

Apartment Layout

- C1** Dwellings with 3 or more bedrooms are to have two (2) separate and appropriately sized living spaces. A study alcove may be located within the second living space. Should a freestanding study alcove be provided the height of the walls enclosing the study are to be a maximum of 1500mm.
- C2** To avoid a secondary living space, study, or the like being used as a bedroom, it will only be regarded as such if it has no door or enclosure.
- C3** Any enclosable secondary living space, study, or the like with a window (i.e. a habitable room), which is 9sqm or greater will be regarded as a bedroom for the purpose of consideration of the unit size, unit mix, car parking and for the calculation of Section 94 Contributions.
- C4** Designs which utilise light corridors and saddle back bedroom designs are not acceptable.
- C5** Kitchens are to be naturally ventilated.



4C.4.2 Family Friendly Apartment Buildings

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Objectives

- O1 To provide for a range of apartment types that can accommodate the needs of families with children;
- O2 To ensure that apartments are designed with appropriate amenity and space so that apartments can support the separation of conflicting activities within the living spaces; and
- O3 To encourage applicants to consider the varying needs of families and to design apartments accordingly.

Controls

- C1 Family apartments are apartments with two or more bedrooms designed so as to accommodate the living needs of families with children.
- C2 Family apartments are to include a study to meet the needs of couple families with dependents households. The design of the study should allow for a parent to easily work from home whilst supervising a child.
- C3 Other than the master bedroom, each bedroom is to be large enough to accommodate a single bed, a desk or table, and floor space for playing, to be illustrated on a standard apartment layout plan.
- C4 The floor surface of the entry, dining room and kitchen floor and internal storage area are to be water-resistant and easy to be cleaned and maintained, not carpet.
- C5 Two bathrooms are required. One bathroom is to be a shared bathroom which is accessible off a common corridor. This shared bathroom is to have a bathtub, and is to be large enough to allow for parental supervision.
- C6 The private outdoor space is to be clearly visible from the kitchen.
- C7 The entry areas and main corridors within apartments are to be generous in proportion to permit room for toys and sporting equipment, and for drying of wet shoes, boots and clothing.
- C8 The Apartment Design Guide sets out storage space requirements. The storage room is to be located near the entry, and be of adequate proportions to accommodate large household items including strollers, wheeled toys, suitcases, and sporting equipment.



4C.4.3 Internal Circulation

Objectives

- O1** To create safe and pleasant spaces for the circulation of people and their personal possessions; and
- O2** To contribute positively to the form and articulation of the building façade and its relationship to the urban environment.

Controls

- C1** Development will provide multiple cores within the building to:
 - (i) Increase the number of entries along a street;
 - (ii) Increase the number of vertical circulation points;
 - (iii) Give more articulation to the façade; and
 - (iv) Limit the number of units off a circulation core on a single level.
- C2** In buildings of more than four storeys served by elevators, ensure that alternative access to another elevator is available in the event that any elevator is out-of-service due to breakdown or routine servicing.
- C3** Minimise maintenance and maintain durability by using robust materials in common circulation areas.



4C.4.4 Views

Objectives

- O1** To preserve and enhance district and local views which reinforce and contribute to an area's urban form;
- O2** To enhance legibility and encourage view sharing through complementary siting of buildings, responsive design and well-positioned landscaping; and
- O3** To ensure highly visible sites are designed in scale with the precinct's setting and encourage visual integration and connectivity between places.

Controls

- C1** Development is to preserve views of significant topographical features such as the urban skyline, landmark buildings and areas of high visibility.
 - C2** Building design, location and landscaping is to encourage view sharing between properties.
 - C3** Existing significant view corridors as viewed to and from public places must be protected.
 - C4** The opportunity to create new view line corridors will be taken wherever possible and appropriate
- Note:** For principles on view sharing refer to Tenacity Consulting v Warringah (2004) NSWLEC 140 of the Land and Environment Court NSW.



4C.4.5 Acoustic Privacy

Objective

- O1** To ensure that all residents are provided with a reasonable level of acoustic privacy.

Controls

General

- C1** An acoustic report prepared by a certified acoustic consultant will be submitted with the development application addressing the requirements detailed in Controls C2, C3 and C4 below.
- C2** New dwellings will be designed and constructed to comply with the criteria specified in **Table 7** for all noise intrusion from external noise sources (including mechanical services noise from within the development itself).
- C3** Where the height of the proposed development is higher than the existing height of the localised building stock (and the proposed development has a direct line of sight to the seaport and/or the airport) an acoustic assessment by an accredited acoustic consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport.
- C4** Where multiple dwellings are provided within the same building, the building will be designed and constructed to comply with the requirements of the BCA regarding acoustic insulation and noise transmission of walls and floors.
To meet these requirements, the following design measures may be incorporated: Buildings are designed and rooms positioned to reduce noise transmission within and between dwellings;
 - (i) Bedrooms are designed so that wardrobes act as sound buffers between rooms or dwellings;
 - (ii) Windows and doors are located away from external noise sources, or buffers used where separation can not be achieved;
 - (iii) Materials with low noise penetration properties are used where practical;
 - (iv) Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas; and
 - (v) Locate mechanical equipment, such as pumps, lifts or air conditioners away from bedrooms or living rooms of dwellings on adjoining properties.



Table 7 - External Noise Intrusion Criteria

Internal area	Time	Repeatable Maximum Laeq (1 Hour) with closed windows and doors	Repeatable Maximum Laeq (1 Hour) with open windows and doors
Living Areas	Day or Night	< 40 dBA	<50dBA
Sleeping Areas	Day or Night	< 40 dBA	<50dBA

Aircraft Noise

- C5** New dwellings on land within the Australian Noise Exposure Forecast (ANEF) Contour 20 or higher will be designed and constructed in accordance with current Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction) and **Part 3J - Development Affecting Operations at Sydney Airport**. Applicants are to address the compliance in the Development Application.
- C6** New or higher density residential development which, in the opinion of Council is considered to be aircraft noise sensitive will be not supported where the property is located within the 30+ ANEF contour.
- C7** The introduction of noise abatement measures to achieve compliance with the current AS 2021 must be integrated into the design of the building.

Road and Rail Noise

- C8** Development on land which is on or is within 100 metres of a railway corridor, a classified road or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RMS) must consider the requirements of the Development Near Rail Corridors and Busy Roads - Interim Guideline (19 December 2008) in accordance with cl.87(3) and cl.102(3) of SEPP (Infrastructure) 2007. An acoustic report prepared by a certified acoustic consultant must be submitted at development application stage to demonstrate compliance with this Guideline.



4C.4.6 Vibration & Excavation

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Objective

- O1** To ensure that dwellings are not adversely impacted upon by vibrations from railways and roadways.

Control

- C1** In accordance with Clause 87 of SEPP (Infrastructure) 2007 any proposed excavation exceeding 2 metres in depth on land:
- (i) within or above a rail corridor; or
 - (ii) within 25 metres (measured horizontally) of a ground or below ground rail corridor must consider the requirements of the Development Near Rail Corridors and Busy Intersections - Interim Guideline (19 December 2008).
- C2** Any excavation adjacent to RMS infrastructure must comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. A copy of this Technical Direction can be downloaded via the following link:
<http://www.rms.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>



4C.4.7 Site Facilities

Objectives

- O1 To ensure that adequate provision is made for site facilities, such as clotheslines and storage areas, in the design of the development;
- O2 To ensure that site facilities are thoughtfully integrated into development and are unobtrusive.

Controls

- C1 Development must not be carried out on the land until arrangements satisfactory to Sydney Water have been made for the provision to the land of water and sewerage services.
- C2 Mailboxes will be located indoors in accordance with Australia Post's requirements.
- C3 Adequate and appropriate unit numbering is to be provided.
- C4 The name and address of the premises will be displayed in a position that is clearly visible from the street and / or service lane to assist identification and deliveries.
- C5 Garbage storage and collection points comply with the provisions of **Part 3N - Waste Minimisation and Management**.
- C6 Satellite dishes where they are situated in rear courtyards, etc are to be less than 1.8 metres above ground or not visible above any fence surrounding the site.
- C7 Only one (1) telecommunications/TV antenna will be permitted for each building.
- C8 The existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines. The applicant will bear the cost of the new installation and the first 12 months of additional street light charges.
- C9 Roller type security shutters on windows and doors are not suitable.
- C10 Where security devices are required they will be integrated into the overall design.
- C11 Any electrical kiosk, fire booster assembly or similar utilities are to comply with the provisions of Part 3L – Landscaping.

Comment [AQ3]: Consistent control relating to the location and design of electrical kiosk, fire booster assembly similar utilities must be provided for multi dwelling housing and residential building developments. The same reference to Part 3L as Part 4C is introduced to avoid duplications in the DCP.

Air Conditioners

- C12 Air conditioning units:
 - (i) Will be sited so that they are not visible from the street;
 - (ii) Will not be installed on the front façade of a building or within window frames; and
 - (iii) Will not obscure architectural details visible from the street.
- C13 The noise level from air conditioning systems is not to exceed the LAeq 15 minute by 5dBA, measured at the property boundary.



4C.4.8 Safety and Security

Objectives

- O1** To reduce opportunities for crime through the use of natural surveillance, building design and siting; and
- O2** To ensure a high level of personal safety for people who use or visit the building.

Controls

- C1** Applications must comply with **Part 31 - Crime Prevention, Safety and Security**.
Note: Applications will be referred to the NSW Police Service for comment.
- C2** In order to enhance safety and security, developments must be designed to:
 - (i) Enable casual surveillance of streets, open space and entrances to buildings and communal areas;
 - (ii) Minimise access between roofs, balconies and windows of adjoining developments;
 - (iii) Ensure adequate lighting to access routes, car park areas and open space;
 - (iv) avoid blank walls addressing the street frontage and other public places. Where it is unavoidable, planting for screening purposes or anti-graffiti paint should be used;
 - (v) Maintain sight lines along pathways (i.e. avoid blind corners or hiding places);
 - (vi) Use materials and features (such as street furniture, pavers, fencing and landscaping) to clearly distinguish between public, communal and private domains;
 - (vii) In public areas, use materials that discourage vandalism (i.e. non-porous surfaces such as glazed ceramics or treated masonry);
 - (viii) Install locks on doors and windows, and viewers to doors;
 - (ix) Provide lighting to communal areas (laundries, garbage storage, pathways, lobbies, car parking areas and stairwells);
 - (x) Locate shared facilities in areas that are well lit and will be well utilised; and
 - (xi) Provide an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents.



4C.4.9 Car and Bicycle Parking and Vehicle Access

Objectives

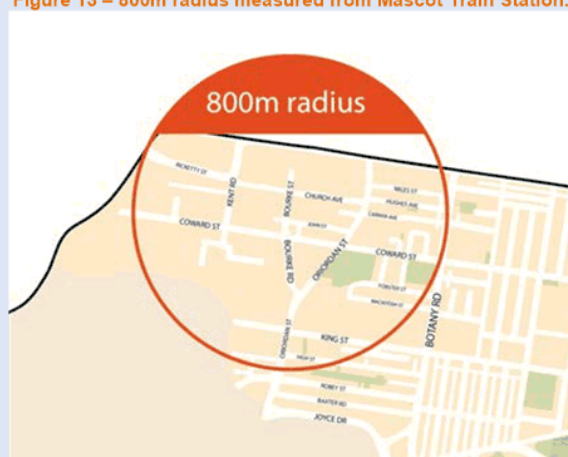
- O1** To provide for safe vehicle and pedestrian access to and from the site;
- O2** To ensure the provision of adequate on-site car parking and vehicle and pedestrian access;
- O3** To ensure that on-site car parking does not dominate or detract from the appearance of the development and the local streetscape;
- O4** To ensure that parking areas and access routes are integrated within the landscape design;
- O5** To ensure a high standard of surface finish;
- O6** To minimize the visual impact of expansive driveway surfaces; and
- O7** To ensure that traffic generated by a development does not have adverse impacts on the operation of surrounding street networks.

Controls

General

- C1** Development that is not located within 800m of Mascot Train Station (refer to **Figure 13**) must comply with the car parking and bicycle rates and design requirements within **Part 3A - Car Parking**.
Development that is located within this area must comply with the provisions of the ADG.

Figure 13 – 800m radius measured from Mascot Train Station.





- C2** All internal circulation roadways, aisles, ramps driveways and car parking areas and loading area must be designed to comply with the requirements in **Part 3A - Car Parking** and the relevant Australian Standards.
- C3** Small car parking bays are not permitted for apartment buildings.
- C4** Visitor's car parking spaces will be labelled clearly and resident car parking will be numbered to the relevant dwelling.
- C5** Provision is to be made for furniture removalist vehicles to be able to park wholly within the site for any development with more than 20 units/dwellings. The size of the furniture removalist vehicles will be assumed to be a Medium Rigid Vehicle (MRV) as defined in AS2890.2.
- C6** Vehicular access driveways and the top part of ramps visible from the street must be part of the overall landscape design.

Basement Car Parking

- C7** Basement car parking:
 - (i) Must not protrude further than 1.2 metres out of the ground when measured from natural ground to the underside of the slab at ground floor level of the building;
 - (ii) Must be located under the building footprint of the development;
 - (iii) Must not extend under dwelling balconies or setback areas;
 - (iv) Must be designed to have adequate vertical clearance for the largest vehicle accessing the basement car parking area;
 - (v) Must have a suitable intercom system link to all units within the development at the vehicle entrance to the car parking area to ensure visitors to the site can gain access to visitor parking;
 - (vi) For mixed use developments the loading/unloading facilities are to be separate from the vehicle car parking area;
 - (vii) For mixed use developments a security roller gate or door is to be provided for separation between residential and non-residential car parking areas; and
 - (viii) Natural top lighting and ventilation must be integrated into the building and/or landscape design.

Material

- C8** Stencilled concrete and exposed aggregate are unacceptable materials.
 - C9** Concrete is acceptable but is required to be broken up or given visual interest by incorporating unit paving. Large concrete expanses (plain or coloured) are to be limited, particularly in pedestrian areas.
- Note:** If pavers are utilised they must be laid on a concrete slab.

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**Bicycle Parking**

- C10** A communal bicycle rack/storage space will be designed and provided in accordance with Part 3A - Car Parking. Multiple bicycle racks may be required.
- C11** Communal bicycle racks will be well lit at all times and be located in an area where passive surveillance is achieved.



4C.5 Social Requirements

4C.5.1 Adaptable Housing

Those who design, build, own, manage, lease, operate, regulate and use premises have responsibilities to comply with the *Disability Discrimination Act, 1992 (DDA)*. The DDA seeks to eliminate bias against people with disabilities and protect their rights. The DDA states that failure to provide equal access is unlawful, unless to do so would impose an unjustifiable hardship.

Objectives

- O1 To provide housing for people with disabilities or mobility needs with the community; and
- O2 To ensure the provision of equitable access to meet the housing demands of a cross section of people within the community.

Controls

- C1 A statement from the architect or builder must be submitted with the development application certifying that the adaptable dwelling has been designed in accordance with the provisions of the Australian Standards AS 4299-1995 Adaptable Housing.
- C2 Adaptable and accessible housing are to be provided in accordance with Part 3C – Access and Mobility.

Comment [AQ4]: No cross reference. Part 3C is provided within the Adaptable Housing section of Part 4C.



4C.5.2 Access

Objective

- O1 To provide easy access for all, including people with prams and people that use wheelchairs or have walking difficulties or sight, hearing or intellectual impairment; and
- O2 To ensure that access for all residents and visitors will be considered in residential apartment developments.

Controls

- C1 All applications are to include a statement on how the development will comply with the provisions of the Disability Discrimination Act and comply with **Part 3C - Access and Mobility**.
- C2 Developments will have night lighting along all driveways and footpaths throughout the site.
- C3 Ramps should have gradients not exceeding 1 in 14, and have an even, non-slip surface.
- C4 Unnecessary barriers to direct access will be avoided.



4C.6 Large Development Sites (in excess of 2000m²)

Botany Bay Local Environmental Plan 2013 contains bonus provisions in relation to height and FSR for larger sites (in excess of 2000 m²) in the Zone R3 Medium Density Residential and Zone R4 High Density Residential. The aim of these provisions is to encourage the development of additional housing to meet the residential targets for the City of Botany Bay on certain sites with good access to public transport and existing infrastructure.

4C.6.1 General Objectives

- O1** To permit increased floor space ratios and building heights for new development of large sites;
- O2** To encourage the development of additional housing to meet residential targets for the City of Botany Bay; and
- O3** To ensure that the design of development on these larger sites is of an appropriate scale and form and is compatible with the surrounding locality.

Important Note:

Council at its Meeting held 11 December 2013 resolved to prepare a Planning Proposal in accordance with the Environmental Planning & Assessment Act 1979 and its Regulation to amend the Botany Bay Local Environmental Plan 2013 as follows:

- Delete Sub-clause (2A) in Clause 4.3 – Height of Buildings relating to a 22 metre height for sites zoned R3 and R4; and
- Delete Clause 4.4B as it relates to exceptions to FSR in Zone R3 and R4.

The resolution came about as a result of the impacts resulting from multi unit residential developments in the R3 and R4 Zones where the bonus provisions have applied.

Council at its Meeting held 5 November 2014 resolved to prepare a revised planning proposal in accordance with Section 56(7) of the Environmental Planning and Assessment Act 1979 to include a proposed new clause on building form and scale for development to which Clause 4.3(2A) and Clause 4.4(8) apply to; to impose a 6 storey height limit to Clause 4.3 Height of Buildings; and to restrict the application of Clause 4.6 Exceptions to development standards to development which clause 4.3(2A) and 4.4B would apply.



4C.6.2 Design and Siting

Objectives

- O1 To ensure that new development is consistent with the Desired Future Character of the area; and
- O2 To ensure the design and siting of development minimises impacts on neighbouring properties and the streetscape.

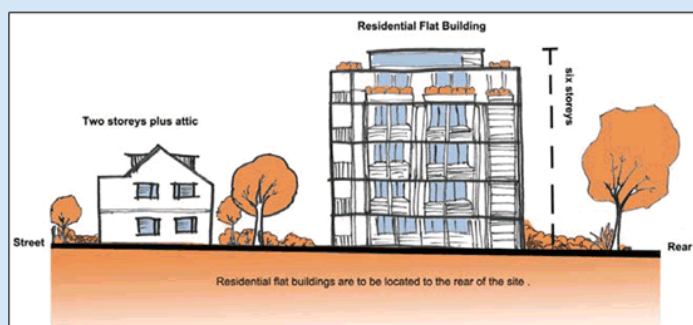
Controls

- C1 The design and layout of development on sites in excess of 2000 m² must be appropriate to the bulk and scale of surrounding developments.
- C2 In addition to the controls identified in this Part, the apartment building component of the development must comply with **Part 4C - Apartment Buildings**; and the multi dwelling housing component must comply with **Part 4B - Multi dwelling housing**. Where any of the controls in Part 4C and Part 4B conflict with this Section of the DCP, the provisions of this Section prevail.

Comment [AQ5]: The building typology of having multi dwelling for the street frontage and RFBs to the rear not applicable to all sites that are over 2,000m². To appropriately respond to surrounding developments, some sites require the RFB form to be situated at front of the site and low-scale dwellings in the rear, or other appropriate site plan arrangements.

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<#>Development along the street frontage must consist of multi dwelling housing (with a maximum height of two storeys plus attics (refer to Part 4C.3.4 - Roofs Attics/Dormers).¶
<#>Any proposed apartment building must be situated to the rear of the site, behind the multi dwelling housing, to minimise the bulk and scale of the development and its visual impact on the streetscape.

Figure 14 - Design and Siting





4C.6.3 Height

Controls

- C1** If an area of land in Zone R3 Medium Density residential or Zone R4 High Density Residential exceeds 2000 square metres, the height of a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map and utilise Clause 4.3(2A) of the Botany Bay LEP 2013 provided that any height that is non-compliant is a:
- a. Minimum of 30 metres in distance measured from the front property; and
 - b. Minimum of 35 metres in distance measured from any other property boundary of the development site where the development site adjoins a R2 Low Density Residential Zone.



4C.7 Mixed Use

Objectives

- O1 To ensure that local shops and amenities located with residential development are compatible and respect the character of the residential area in which they are sited;
- O2 To ensure the design of the development distinguishes and separates the residential and non-residential functions of the building; and
- O3 To minimise the conflicts between vehicular access, parking and pedestrian movement.

Controls

- C1 Any retail or commercial component must be located at ground level.
- C2 Adequate storage space is to be provided for the use of the commercial or retail premises.
- C3 Noise insulation measures are to be incorporated into the development with particular attention to shared ceiling/floors and walls.
- C4 The building is to be designed to encourage uses that will enhance and promote active street front activities.
- C5 The layout and design of the building is to ensure privacy for dwellings within the development.
- C6 The design of parking areas and loading facilities is to take into account the use of these areas by a range of activities and will minimise any conflicts that may arise as a result of the multiple use of these facilities.
- C7 Visitor parking for the shop component is to be conveniently located, identified as such, and accessible to the general public. Visitor parking is not to be located behind any security grill or gate.
- C8 Site facilities, storage, mailboxes, and garbage collection points must be designed to adequately service the needs of the occupants of the building and are to be conveniently located within the development.



4C.8 Adaptive Reuse

Clause 6.11 of BBLEP 2013 permits with prior Council consent the adaptive reuse of existing buildings and land for apartment buildings in Zone R2 Low Density Residential subject to a list of criteria, which includes consistency with the streetscape and in keeping with residential amenity.

Height and FSR are to comply with the provisions of the BBLEP 2013. Provided the impacts on the locality are considered reasonable, Council may permit non-compliances in some circumstances. However, in accordance with **Clause 4.6** of BBLEP 2013 the applicant will submit with a Development Application a written request that seeks to justify the contravention of any development standard by demonstrating:

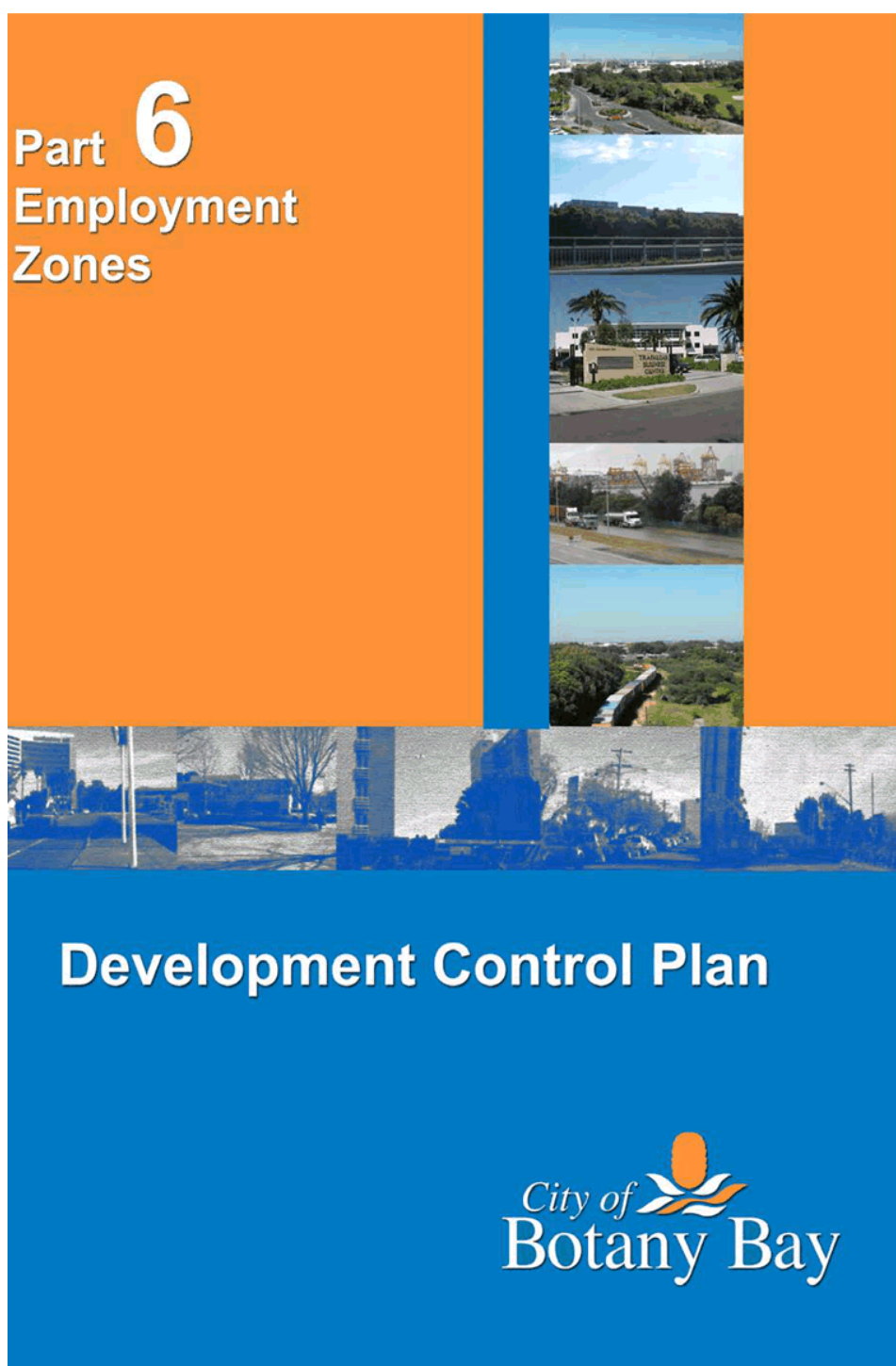
- (i) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (ii) That there are sufficient environmental planning grounds to justify contravening the development standard.

Objectives

- O1** To provide for the adaptive reuse/conversion of existing buildings and sites to Apartment buildings; and
- O2** To provide for development that is compatible with the existing streetscape and respects residential amenity.

Controls

- C1** Before granting consent for development referred to in **Clause 6.11** of BBLEP 2013, Council is to take into consideration the following matters:
 - (i) The impact of the development on the scale and streetscape of the surrounding locality;
 - (ii) The suitability of the building or site for adaptive reuse;
 - (iii) The degree of modification of the footprint and façade of any existing buildings on the site;
 - (iv) The impact of the proposal on the scale and streetscape of the surrounding locality;
 - (v) The impact on surrounding properties, particularly in respect to overshadowing, loss of privacy, and visual intrusion;
 - (vi) The impact on the future residents of the building, caused by surrounding properties, from dust, odour and noise;
 - (vii) Noise attenuation of the building to comply with the relevant Australian Standards;
 - (viii) Sources of potential contamination;
 - (ix) The proximity and accessibility of the building and/or site to public transport;
 - (x) The impact on employment opportunities in the area;
 - (xi) The size and mix of dwellings; and
 - (xii) The impact on traffic and parking and the nature of the surrounding streets.





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6.1 Introduction

This Part of the DCP provides a framework to guide future development in the IN1 and IN2 industrial zones and the B5 and B7 business zones in the City. These zones generate a significant amount of employment opportunities and play an important role in the economy of the State. The purpose of this part is to provide more detailed objectives and controls for these employment zones, to support the provisions within the Botany Bay Local Environmental Plan 2013.

6.1.1 Land to which this Part Applies

This Part of the DCP applies to land zoned IN1 General Industrial, IN2 Light Industrial, B5 Business Development & B7 Business Park (**refer to Figure 1**), including the BATA Site at Lot 1 DP.1187426, at the corner of Heffron Road and Bunnerong Road, Eastgardens; but excludes land within the Botany South Industrial Precinct, which is detailed in **Part 9 - Key Sites**.

Industrial, business development and business park development within the Botany Bay LGA is located in the following Precincts (refer to **Figure 1**):

- Mascot West Business Park Precinct
- Mascot West Industrial Precinct
- Mascot Business Development Precinct
- Mascot Industrial Precinct
- Lord Street Business Park Precinct
- Botany (West) Industrial Precinct
- Banksmeadow Industrial Precinct

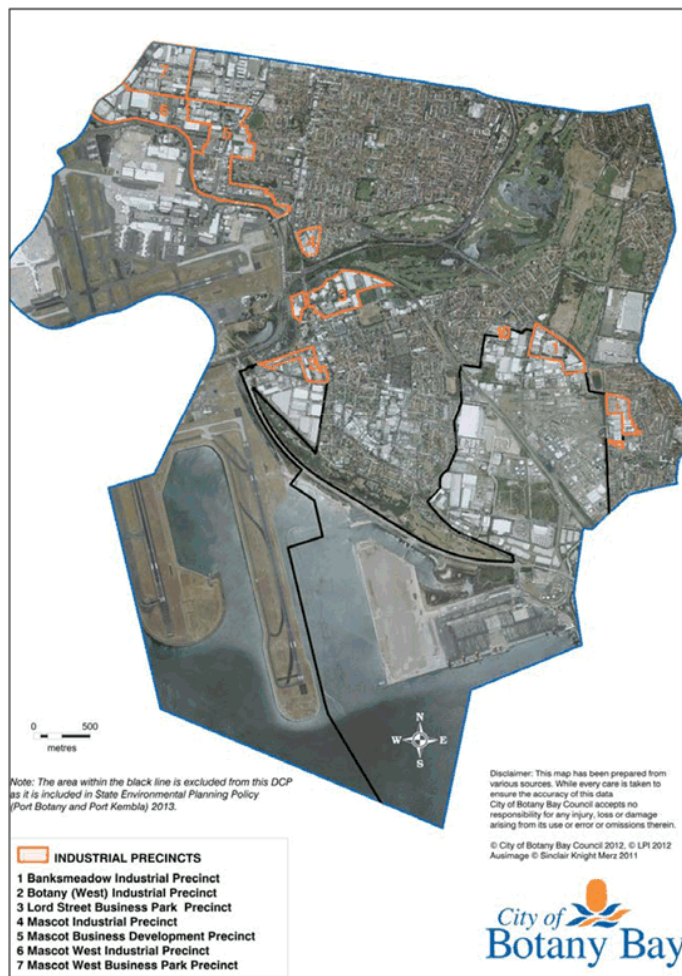
This Part of the DCP needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Advertising and Notification
- Part 3 - General Controls
- Part 4 - Residential Development
- Part 5 - Business Centres
- Part 7 - Other Development and Land Uses
- Part 8 - Character Precincts
- Part 9 - Key Sites
- Part 10 - Technical Guidelines

Existing dwelling houses in the B7 zone and alterations and additions to such dwellings are to comply with the provisions of **Clause 6.12** of BBLEP 2013 and the provisions of **Part 4A - Dwelling Houses** of this DCP where relevant.



Figure 1 - Industrial and Business Park Precincts within the Botany Bay LGA





6.1.2 General Objectives

This Part aims to improve the quality of industrial and business park development within the City of Botany Bay. The general objectives of this Part are:

- O1** To implement the aims of Botany Bay LEP 2013;
- O2** To guide the nature, scale and quality of development in the industrial and business park areas;
- O3** To improve the environmental and aesthetic amenity of industrial and business park areas for those who visit and/or work in the areas;
- O4** To encourage the development of cleaner, well-landscaped industrial and business park zoned areas with well maintained industrial/commercial buildings and sites;
- O5** To ensure industrial and business park development has minimal impacts on adjacent sensitive land uses;
- O6** To ensure that development incorporates safe, effective and convenient provision for servicing, parking, pedestrian and vehicular access and movements;
- O7** To ensure that the effects of development upon drainage, water quality and stormwater management are considered; and
- O8** To encourage ecologically sustainable development.

6.1.3 Contamination

Due to the industrial history of the City of Botany Bay, the management of contaminated land remains an important issue for Council and strict controls are required to maintain and protect the health of residents and the environment.

Part 3K - Contamination creates the framework to ensure that while carrying out its planning functions, Council considers the possibility that a previous or adjacent land use caused contamination of the site, and that there may be a potential risk to health and the environment from that contamination.

In preparing your Development Application you are required to address the provisions of **Part 3K - Contamination**.

Any enquiries regarding the content of the Contamination Part should be directed to Council's Customer Service Centre on (02) 9366 - 3666.



6.1.4 Design Quality Principles

Botany Bay LEP 2013 aims "to create a highly liveable urban place, through promotion of design excellence in all elements of the built environment and public domain." In recognition of this aim, Council has adopted design quality principles for industrial and business park development within the City of Botany Bay. Good design is linked to its site and locality, responding to the landscape, existing built form, culture and attitudes.

Good design also serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges. The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

Developments covered by this Part are required to consider the following Design Quality Principles:

Design Quality Principles

P1 The contribution of industrial and business land use activity at the Local, Regional and State levels

- Development contributes to the economic viability of the State, and Region through the provision of services/infrastructure connected with the airport, seaport and service industry;
- Development contributes to the employment levels within the Region/Local area;
- Development promotes and strengthens the gateway role of the City;
- Development is located to promote the use of the passenger rail line, goods railway line and State / Regional road networks/links; and
- Development promotes a range of industrial and business activities.

P2 The improvement to the built form/urban form and public domain of the industrial and business areas of the City

- Development is of a building height, scale, design and layout that complements the adjoining / surrounding urban form;
- Building form is to provide interest – through an articulated façade and a variation in texture / finishes / materials;
- Built form / urban forms where strategically located, are of a high architectural standard to promote the Gateway function of the City;
- Buildings allow for a variation of uses over their life time; and
- Development activities through site layout and building design are to protect the visual and environmental amenity of adjoining non-industrial uses.



P4 The efficient design, operation and function of industrial / business land uses.

- All site operations and equipment associated with a development are to be contained wholly within the site;
- Building design and site layout shall allow for the efficient and safe system for manoeuvring, loading and unloading, and parking of vehicles;
- Development shall provide an adequate level of off street parking to address the parking demands generated by the subject use; and
- Developments are to be designed and managed to minimise the impacts on other industrial or business uses and to protect the amenity of surrounding residential areas.

P5 The need for a compatible and workable relationship between industrial/business and non-industrial/business uses.

- Developments are to have a buffer zone where the site adjoins a residential land use in order to protect residential amenity;
- Noise generation and air quality levels generated from the functions and operations of a development including associated vehicles are not to adversely impact on the amenity of non-industrial/business uses and residential areas;
- Local road networks within the City are not to be adversely affected as a result of the operations of an industrial or business use; and
- Developments are to protect the visual and environmental amenity of adjoining residential land uses.

P6 The promotion of developments that are sustainable and encourage the protection of the environment.

- Developments are to demonstrate the principles of environmental sustainability throughout all phases of development, including stormwater design, waste disposal, energy efficiency and water conservation;
- Developments are to minimise risks to human health and the off-site environment;
- Development's design, construction and operations are energy efficient and assist in the reduction of green house gas emissions and in the conservation of non renewable resources; and
- Developments are to be a safe and comfortable environment for workers and residents of the City.



6.2 Precinct Controls

The character of the industrial & business park areas within the City varies greatly between the commercial and airport related uses located in Mascot; and the heavy industrial/port related uses situated in Banksmeadow in the vicinity of Port Botany.

The best way to describe the character of the industrial and business park related development is to divide the City into 7 Precincts. These Precincts are identified in **Figure 1**.

Each Precinct has a distinct character resulting from the physical characteristics, built form elements, land use activities, road network and allotment sizes. When considering these 7 Precincts, a broad strategy for industrial land use activity within the City of Botany Bay has emerged. This evolving strategy is briefly described as follows:

- Airport related commercial & warehousing uses are located in the Mascot West Business Park Precinct;
- Freight forwarding and related airport industrial activities are located in the Mascot West Industrial Precinct;
- Airport related commercial development as well as motels and serviced apartments are located in the Mascot Business Development Precinct;
- Light industrial uses in the Mascot Industrial Precinct;
- Light industrial & business park activities, and commercial uses that are relatively compatible with residential land uses in the Lord Street Business Park Precincts; and
- Heavy industry as well as warehousing and distribution related to Port Botany is concentrated in the Banksmeadow and Botany (west) Industrial Precincts.

6.2.1 Development Application Requirements

Developments within the identified Precincts are required to be consistent with the character statement, and the objectives and controls of the particular Precinct in which the site is located. These requirements should be addressed in:

- The design and layout of a proposed development; and
- The Statement of Environmental Effects submitted with any Development Application.



6.2.2 Mascot (West) Business Park Precinct

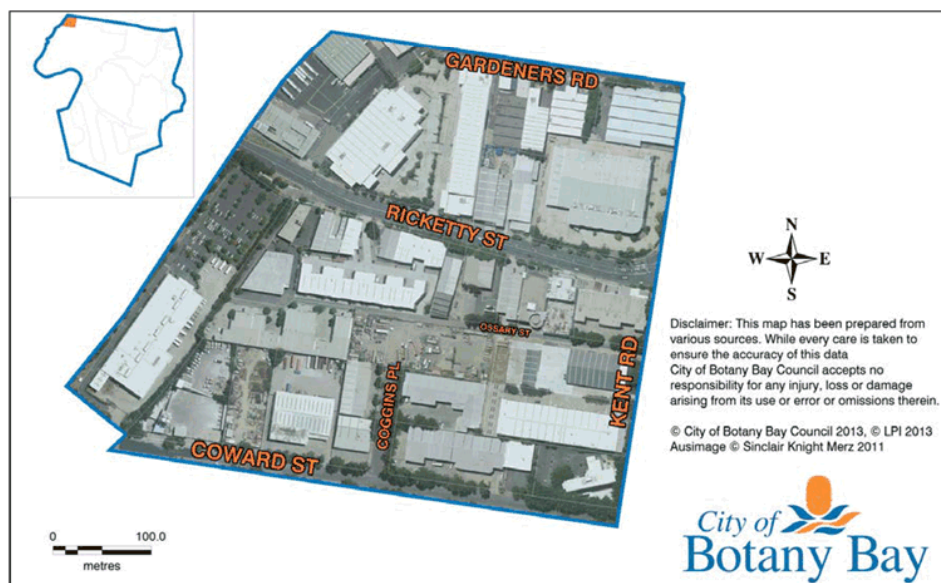
Existing Character

Mascot (West) Business Park Precinct is bounded by Coward Street, Alexandra Canal to the west and the airport to the south. **Figure 2** indicates the boundaries of the Precinct.

The Precinct is comprised of warehouse and distribution developments (related to freight transportation); and industrial developments including smash repair stations and welding businesses. Newer buildings include commercial and office premises with active street frontages comprising coffee shops and retail outlets. Company headquarters occupy the commercial buildings in close proximity to their warehouse operations. One heavy industrial use remains in the Precinct on a time-limited consent being the concrete batching plant at No.294-296 Coward Street, Mascot.

The Precinct is affected by 20 to 25 and 25 to 30 ANEF Contours and significant road traffic noise.

Figure 2 - Mascot (West) Business Park Precinct





Desired Future Character

Objectives

- O1** To encourage and provide for business park development that has an affinity or locational need to be near to Sydney (Kingsford Smith) Airport;
- O2** To ensure that the scale, design, material of construction and nature of the development, in the opinion of the Council, contributes positively to the visual amenity and the gateway function of the area;
- O3** To allow for the provision and development of an open space and pedestrian corridor along the foreshore of Alexandra Canal;
- O4** To ensure that development adjacent to Alexandra Canal assists in achieving improved access visual amenity and quality of landscape in the area;
- O5** To ensure that development adjacent to Alexandra Canal minimises the quantity of stormwater runoff, its impact on the aquatic environment and the potential disturbance of contaminated sediments;
- O6** To ensure to that development supports an efficient and sustainable transport system with a high level of access to public transport; and
- O7** To ensure to that development can withstand the stresses of flooding and sea level rise and does not adversely impact flooding.

Controls

- C1** Development is to encourage a higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and car pooling strategies. In this respect a Workplace Travel Plan is to be lodged with the development application. The Workplace Travel Plan is to establish measurable targets to achieve the mode share targets stated in the Mascot Town Centre Precinct TMAP – maximum car mode share: 65% by 2021 and 57% by 2031.
- C2** Developments, including alterations and additions must:
 - (i) Improve the appearance of buildings, particularly along the roads which serve a gateway function to Sydney Airport and the Sydney CBD; and
 - (ii) Comply with Sydney Airport's regulations in regard to safety, lighting and height of buildings.
- C3** Developments within the precinct shall submit a detailed Flood Study/Assessment for 1 in 100 year average recurrence interval (ARI) design storm events and probable maximum flood (PMF). The Flood Study/Assessment is to be prepared by a suitably qualified and experienced civil engineer. The Flood Study/Assessment is required to:



- (i) Be in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Floodplain Development Manual; and
- (ii) Consider the impacts from Climate Change and Sea Level Rise.

C4 Development shall:

- (i) Have finished floor levels of a minimum 500mm above the 1 in 100 year flood level habitable areas and 300mm for industrial areas and garages; and
- (ii) Not impede the passage of floodwater to cause a rise (afflux) in the flood level upstream and/or increase the downstream velocities of flow.

C5 Development within the precinct shall require submission of a Risk Management Plan to address potential risks related to coastal sea levels (projected to increase above Australian Height Datum by 40cm by 2050 and by 90cm by 2100). The Risk Management Plan shall be prepared by a qualified consultant and in accordance with the following policies and documents:

- (i) Any current policy of Council relating to projected future sea level rises and related inundation mapping;
- (ii) NSW Coastal Planning Guidelines: Adapting to Sea Level Rise;
- (iii) Flood Risk Management Guide: Incorporation Sea Level Rise Benchmarks in Flood Risk Assessment; and
- (iv) NSW Flood Plain Development Manual.

In addition, the Risk Management Plan shall minimise the exposure of development to coastal risk and provide management responses and adaptation strategies to identify and manage risk and coastal hazards associated with the following:

- (i) The safety of future workers and occupants on-site;
- (ii) The safety of the public off-site;
- (iii) The safety of adjoining properties;
- (iv) The safe evacuation route during storm and flood events; and
- (v) The freeboard above the flood planning levels.

C6 Development along Alexandra Canal must comply with the following:

- (i) No buildings, structures, car parking, storage or vehicle manoeuvring areas are permitted within a minimum 10 metre wide area adjoining the Canal and 6 metres along the tributaries;
- (ii) The maximum wall height at the edge of a building fronting the Canal at the line of the 10 metre setback is 9 metres. If the building is higher than 9 metres the additional height must be setback by 3 metres from the line of the 9 metres height;
- (iii) The setback is to be landscaped and planted with appropriate species, as detailed in the Alexandra Canal Masterplan, such landscaping not to include plants with invasive root systems and that have the potential to damage the canal wall or its surrounding infrastructure;



- (iv) The façade of buildings facing the setback should be enlivened by windows, staff amenities and provide passive surveillance of the setback area;
- (v) A right of carriageway shall be created along the Canal and at the end of Coward Street to provide public pedestrian access to Alexandra Canal foreshore for the purpose of permanent pedestrian or cycle access, stormwater easement requirements and/or access for essential maintenance; and
- (vi) Two access points are to be provided to Alexandra Canal - at Ricketty Street and at Coward Street.

Note: Sydney Water owns Alexandra Canal, which is located on Council's north western boundary. Ownership of this 19th Century canal was transferred to Sydney Water by the New South Wales Government in 1993. The Environment Protection Authority (EPA) has determined that the sediments in the canal are contaminated to the extent that they constitute a 'significant risk of harm' under the *Contaminated Land Management Act 1997*. Since re-mobilisation of the sediments could increase the extent of the contamination, the EPA has indicated that the sediments should not be disturbed.

Accordingly any future development should refrain from carrying out or causing to be carried out any works in the Canal that would result in the disturbance, or further disturbance, of bed sediment at the site except in accordance with a plan directed at minimising the disturbance of the sediments, being a plan approved in writing by Sydney Water and the EPA. Sydney Water has requested that Council forward any development proposals, which could directly impact on the Canal or its sediments to Sydney Water for review.

- C7** Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).

Note: Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to **Part 3J - Development Affecting Operations at Sydney Airport**.

- C8** The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.
- C9** All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008'.



6.2.3 Mascot (West) Industrial Precinct

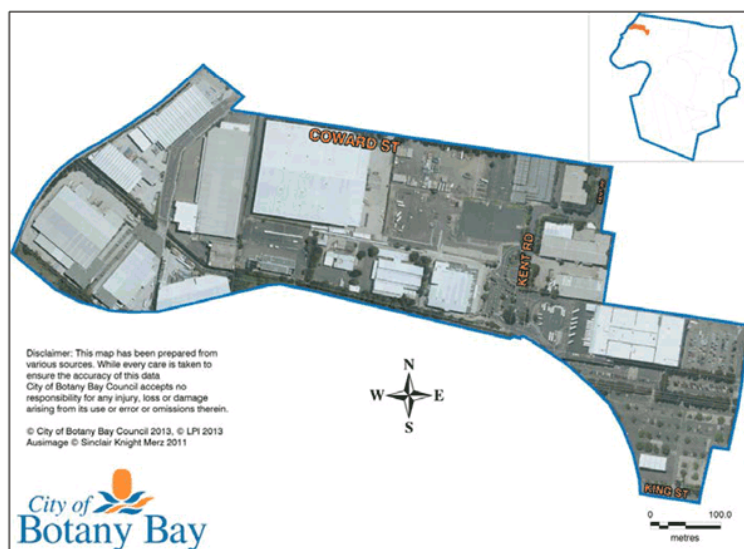
Existing Character

This precinct is bounded by Coward Street, Alexandra Canal to the west and the airport to the south. **Figure 3** indicates the boundaries of the Precinct.

This Precinct contains a large consolidated industrial area immediately north of Sydney Airport and provides the main area for airfreight companies; warehousing and distribution uses; and other uses related to Sydney Airport. The area is characterised by warehouse and distribution centres, industrial uses, office premises, car parks for Qantas staff and ground floor cafes to provide convenience products to workers in the area.

The Precinct is affected by the 25 to 30 ANEF Contour and road and rail noise.

Figure 3 - Mascot (West) Industrial Precinct





Desired Future Character

Objectives

- O1** To encourage and provide for industrial development that has an affinity or locational need to be near to Sydney (Kingsford Smith) Airport;
- O2** To allow for the provision and development of an open space and pedestrian corridor along the foreshore of Alexandra Canal;
- O3** To ensure that development adjacent to Alexandra Canal assists in achieving improved access visual amenity and quality of landscape in the area;
- O4** To ensure that development adjacent to Alexandra Canal minimises the quantity of stormwater runoff, its impact on the aquatic environment and the potential disturbance of contaminated sediments;
- O5** To ensure to that development can withstand the stresses of flooding and sea level rise and does not adversely impact flooding in the area; and
- O6** To ensure the protection of the Sydenham-Botany Goods railway line.

Controls

- C1** Development shall encourage a higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and car pooling strategies. In this respect a Workplace Travel Plan is to be lodged with the development application. The Workplace Travel Plan shall establish measurable targets to achieve the mode share targets stated in the Mascot Town Centre Precinct TMAP - maximum car mode share: 65% by 2021 and 57% by 2031.
- C2** Development is to have a relationship with Sydney (Kingsford Smith) Airport.
- C3** Development shall not adversely affect the operation of duplication of the Sydenham-Botany Goods railway line.
- C4** Development within the precinct shall submit a detailed Flood Study/Assessment for 1 in 100 year average recurrence interval (ARI) design storm events and probable maximum flood (PMF). The Flood Study/Assessment shall be prepared by a suitably qualified and experienced civil engineer. The Flood Study/Assessment is required to:
 - (i) Be in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Floodplain Development Manual; and
 - (ii) Consider the impacts from Climate Change and Sea Level Rise.



C5 Development shall:

- (i) Have finished floor levels of a minimum 500mm above the 1 in 100 year flood level for habitable areas shall be and 300mm for industrial areas and garages; and
- (ii) Not impede the passage of floodwater to cause a rise (afflux) in the flood level upstream and/or increase the downstream velocities of flow.

C6 Development within the precinct shall require submission of a Risk Management Plan to address potential risks related to coastal sea levels (projected to increase above Australian Height Datum by 40cm by 2050 and by 90cm by 2100). The Risk Management Plan shall be prepared by a qualified consultant and in accordance with the following policies and documents:

- (i) Any current policy of Council relating to projected future sea level rises and related inundation mapping;
- (ii) NSW Coastal Planning Guidelines: Adapting to Sea Level Rise;
- (iii) Flood Risk Management Guide: Incorporation Sea Level Rise Benchmarks in Flood Risk Assessment; and
- (iv) NSW Flood Plain Development Manual.

In addition, the Risk Management Plan shall minimise the exposure of development to coastal risk and provide management responses and adaptation strategies to identify and manage risk and coastal hazards associated with the following:

- (i) The safety of future workers and occupants on-site;
- (ii) The safety of the public off-site;
- (iii) The safety of adjoining properties;
- (iv) The safe evacuation route during storm and flood events; and
- (v) The freeboard above the flood planning levels.

C7 Development along Alexandra Canal must comply with the following:

- (i) No buildings, structures, car parking, storage or vehicle manoeuvring areas are permitted within a minimum 10 metre wide area adjoining the Canal and 6 metres along the tributaries;
- (ii) The maximum wall height at the edge of a building fronting the Canal at the line of the 10 metre setback is 9 metres. If the building is higher than 9 metres the additional height must be setback by 3 metres from the line of the 9 metres height;
- (iii) The setback is to be landscaped and planted with appropriate species, as detailed in the Alexandra Canal Masterplan, such landscaping not to include plants with invasive root systems and that have the potential to damage the canal wall or its surrounding infrastructure;
- (iv) The façade of buildings facing the setback should be enlivened by windows, staff amenities and provide passive surveillance of the setback area; and
- (v) A right of carriageway shall be created along the Canal and at the end of Coward Street to provide public pedestrian access to Alexandra Canal foreshore for the purpose of permanent pedestrian or cycle access, stormwater easement requirements and/or access for essential maintenance.



Note: Sydney Water owns Alexandra Canal, which is located on Council's north-western boundary. Ownership of this 19th Century canal was transferred to Sydney Water by the New South Wales Government in 1993. The Environment Protection Authority (EPA) has determined that the sediments in the Canal are contaminated to the extent that they constitute a 'significant risk of harm' under the Contaminated Land Management Act 1997. Since re-mobilisation of the sediments could increase the extent of the contamination, the EPA has indicated that the sediments should not be disturbed.

Accordingly any future development should refrain from carrying out or causing to be carried out any works in the Canal that would result in the disturbance, or further disturbance, of bed sediment at the site except in accordance with a plan directed at minimising the disturbance of the sediments being a plan approved in writing by Sydney Water and the EPA. Sydney Water has requested that Council forward any development proposals, which could directly impact on the Canal or its sediments to Sydney Water for review.

- C8** Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).

Note: Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to **Part 3J - Development Affecting Operations at Sydney Airport**.

- C9** The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.
- C10** All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008'.



6.2.4 Mascot Business Development Precinct

Existing Character

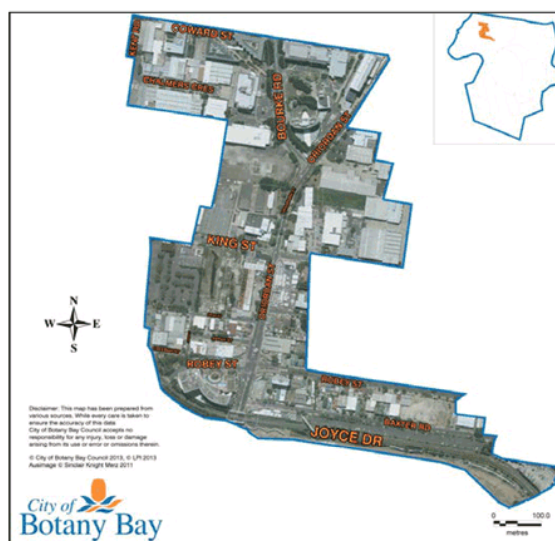
This Precinct is bounded by Coward Street, Alexandra Canal to the west and the airport to the south. **Figure 4** indicates the boundaries of the Precinct. The Precinct is comprised of warehouse and distribution developments (related to freight transportation); and industrial developments including smash repair stations and welding businesses. Newer buildings include commercial and office premises with active street frontages comprising coffee shops and retail outlets. Company headquarters occupy the commercial buildings in close proximity to their warehouse operations.

The Precinct is affected by a number of Classified Road Widenings which are identified on the Botany Bay Local Environmental Plan 2013 - Land Reservation Acquisition Map. The Precinct is affected by 20 to 25 and 25 to 30 ANEF Contours and significant road and rail noise.

Part of the suburb is within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. Development Applications, planning proposals and rezoning of land received by Council for land within the Zone of Influence will be referred to the APA Group for consideration and comment.



Figure 4 - Mascot Business Development Precinct



Desired Future Character

Objectives

- O1** To encourage and provide for business development that has an affinity or locational need to be near to Sydney (Kingsford Smith) Airport;
- O2** To ensure that the scale, design, material of construction and nature of the development, in the opinion of the Council, contributes positively to the visual amenity and the gateway function of the area;
- O3** To ensure to that development supports an efficient and sustainable transport system with a high level of access to public transport;
- O4** To ensure the protection of the Sydenham-Botany Goods Railway Line; and
- O5** To ensure the protection of the Airport Line Tunnel which is generally located under Bourke Road and O'Riordan Street.



Controls

- C1** Development is to encourage a higher public transport (including walking and cycling) use and include strategies to encourage and promote car sharing and car pooling strategies. In this respect a Workplace Travel Plan is to be lodged with the development application. The Workplace Travel Plan shall establish measurable targets to achieve the mode share targets stated in the Mascot Town Centre Precinct TMAP - maximum car mode share: 65% by 2021 and 57% by 2031.
- C2** Developments, including alterations and additions shall:
- (i) Improve the appearance of buildings, particularly along the roads which serve a gateway function to Sydney Airport and the Sydney CBD; and
 - (ii) Comply with Sydney Airport's regulations in regard to safety, lighting and height of buildings.
- C3** Development which seeks the maximum building height under the Botany Bay Local Environmental Plan 2013 and is within land bounded by Coward Street, O'Riordan Street and Bourke Road; development along eastern side of O'Riordan Street; and development within land bounded by Baxter Road, O'Riordan Street, Joyce Drive and Botany Road, will penetrate the Obstacle Limitation Surface (OLS) and would need to be assessed by CASA, Airservices Australia & the Airlines before an application could be submitted to the Department of Infrastructure & Transport for their determination.
- C4** Redevelopment of property must take into account any road widening affectation.
- C5** Development must not adversely affect the operation of duplication of the Sydenham-Botany Good Railway Line.
- C6** Development within 25 metres of either side of the centre line of the Airport Line Tunnel is to be referred to RailCorp.
- C7** Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).
- Note:** Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to **Part 3J - Development Affecting Operations at Sydney Airport**.
- C8** The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.
- C9** All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008'.
- C10** Development of 4 storeys or more in height, adjacent to a school, are to consider the following:
- (i) Mitigation of overshadowing impacts on the school and its grounds through setbacks and



controlled bulking and scaling of buildings;

- (ii) Orientating internal spaces so that low occupancy rooms face school property; and
- (iii) Windows and balconies are to be designed to reduce opportunities for overlooking school grounds.

C11 Any new development proposals (regardless of scale) which are located along O'Riordan Street or Robey Street (within the area defined within **Figure 4 – Mascot Business Development Precinct**) must be referred to Roads and Maritime for consultation at the Pre-DA stage.



6.2.5 Mascot Industrial Precinct

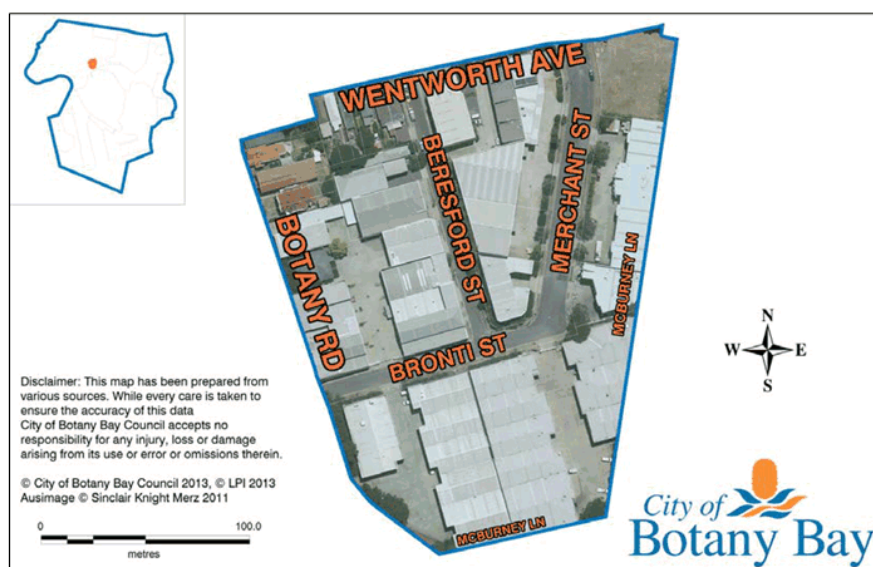
Existing Character

The Precinct is bounded by Botany Road to the west, Wentworth Ave to the north and McBurney Lane to the east and south. **Figure 5** indicates the borders of the Precinct. The Precinct is generally characterised by light industrial uses, warehousing and distribution and office premises. There are also a number of one storey dwellings and cottages and a church present within the Precinct. The dwellings have been acoustically treated for aircraft noise under the Sydney Aircraft Noise Insulation Project (SANIP) scheme as they are located within the 30-35 ANEF contour. The area is subject to heavy traffic along Botany Road and Wentworth Ave.

There is a small open space reserve located at the corner of Botany Road and Wentworth Ave which is owned by the RMS and under care, control & management of the Council. This Precinct is affect by 25 to 30 and 30 to 35 ANEF Contours and significant road and rail noise.

Part of the suburb is within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. Development Applications, planning proposals and rezoning of land received by Council for land within the Zone of Influence will be referred to the APA Group for consideration and comment.

Figure 5 - Mascot Industrial Precinct





Desired Future Character

Objectives

- O1** To ensure that any development does not adversely affect the heritage significance of Heritage Items within the Precinct;
- O2** To ensure that the industrial uses are compatible with the adjoining established residential area; and
- O3** To ensure to the protection of the Sydenham-Botany Goods Railway Line.

Controls

- C1** Development must not adversely affect the operation or duplication of the Sydenham-Botany Goods railway line.
- C2** Development is not to impact adversely on the surrounding residential areas.
- C3** Development which seeks the maximum building height under the Botany Bay Local Environmental Plan 2013 will penetrate the Obstacle Limitation Surface (OLS) and would need to be assessed by CASA, Airservices Australia & the Airlines before an application could be submitted to the Department of Infrastructure & Transport for their determination.
- C4** Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).

Note: Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to **Part 3J - Development Affecting Operations at Sydney Airport**.
- C5** The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.
- C6** All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008'.



6.2.6 Lord Street Business Park Precinct (including 1024 Botany Road, Botany)

Existing Character

The Lord Street Business Park Precinct is identified in **Figure 6**. It has a "Business Park / High Technology" appearance. A main feature of the Lord Street development is the Mill Ponds, which forms a visual gateway to Botany. The Mills Ponds are part of the State listed Heritage Item – Botany Water Reserves, which stretch from the northern part of The Lord Street Business Park, east of the goods railway line and up to Gardeners Road. Botany Water Reserves contain two threatened ecological communities. The wetlands are also identified as being of National significance within the Directory of Important Wetlands of Australia. The Lord Street Park Precinct is adjacent to the Botany Township Heritage Conservation Area and the St Matthew's Anglican Church at 1331 Botany Road, Botany which is a heritage item in the Botany Bay Local Environmental Plan 2013. The Church is also listed in the Register of the National Estate. The eastern side of the Lord Street Park Precinct which fronts Lord Street is zoned B7 Business Park. The western component of the Lord Street Park Precinct includes the site at No. 1024 Botany Road which consists of the following parcels:

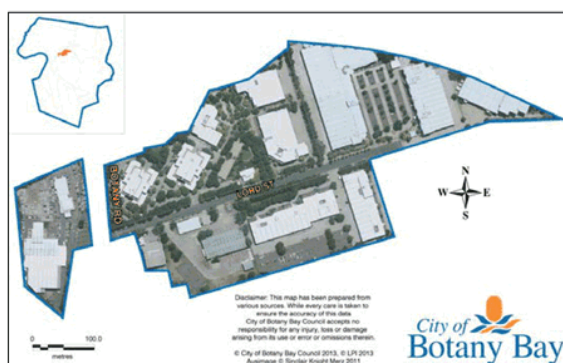
- Lot 1 DP.826172
- Lots 1 and 2 DP.7826
- Lot 1 DP.590790
- Lots 6, 7, 8, 9, and 10 DP.7826

This site is zoned B5 Business Development under the BBLEP 2013. The Precinct is affected by the 20 to 25, 25 to 30 and 30 to 35 ANEF Contours and significant road and rail noise. Applicants are also to refer to **Part 3M - Natural Resources** as the Precinct is adjacent to the Botany Wetlands.

Part of the suburb is within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. Development Applications, planning proposals and rezoning of land received by Council for land within the Zone of Influence will be referred to the APA Group for consideration and comment.



Figure 6 - Lord Street Business Park Precinct



Desired Future Character

Objectives

- O1** To ensure that any new development enhances the environmental and visual amenity of the locality, especially the Mill Ponds (east and west of Botany Road);
- O2** To ensure that any development does not adversely affect the heritage significance of Heritage Items within the Precinct and the adjacent Botany Township Heritage Conservation Area;
- O3** To ensure that the business park and business development uses are compatible with the adjoining established residential area; and
- O4** To ensure that development can withstand the stresses of flooding and sea level rise and does not adversely impact flooding.

Controls

- C1** Development, including alterations and additions, shall be of a high standard and shall maintain the Business Park/High technology appearance of the Precinct.
- C2** Any development fronting the Mill Ponds shall include a buffer zone or setback area between the waterbody and any buildings, structures or pavements to minimise environmental and visual impact on the wetlands and its environs and maintain existing environmental amenity. The extent of the buffer shall be assessed on the merit of each case and may be required to be embellished with landscaping using appropriate species.



- C3** Developments are to ensure a high level of on-site stormwater management, with stormwater retention and treatment to maximise the passage of fauna around the wetlands and to minimise impact of runoff on the riparian system.
- C4** Development is not to impact adversely on the surrounding residential areas, in terms of height, scale and building bulk and heritage significance.
- C5** Development, including alterations and additions, is to comply with Sydney Airport's regulations in regard to safety, lighting and height of buildings.
- C6** Development north of Lord Street and west of Botany Road shall submit a detailed Flood Study/Assessment for 1 in 100 year average recurrence interval (ARI) design storm events and probable maximum flood (PMF). The Flood Study/Assessment is to be prepared by a suitably qualified and experienced civil engineer. The Flood Study/Assessment is required to:
- (i) Be in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Floodplain Development Manual; and
 - (ii) Consider the impacts from Climate Change and Sea Level Rise.
- C7** Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).
- Note:** Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to **Part 3J - Development Affecting Operations at Sydney Airport**.
- C8** The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.
- C9** All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning '**Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008**'.
- C10** Development of 4 storeys or more in height, adjacent to a school, are to consider the following:
- (i) Mitigation of overshadowing impacts on the school and its grounds through setbacks and controlled bulking and scaling of buildings;
 - (ii) Orientating internal spaces so that low occupancy rooms face school property; and
 - (iii) Windows and balconies are to be designed to reduce opportunities for overlooking school grounds.



6.2.7 Botany (West) Industrial Precinct

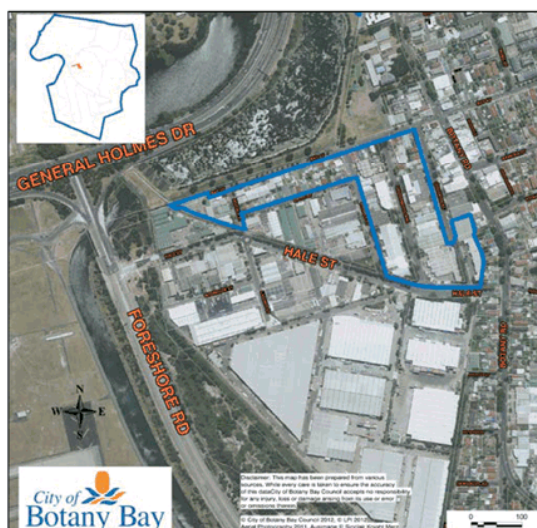
Existing Character

Figure 7 indicates the boundaries of the Precinct.

The remainder of the industrial area is zoned under the SEPP (Three Ports) 2013. Applicants are to note that Council is currently preparing a separate DCP for the land zoned under the SEPP (Three Ports) 2013.

The Precinct is affected by the 25 to 30 and 30 to 35 ANEF Contours and road noise.

Figure 7 - Botany (West) Industrial Precinct



This area is characterised by industrial uses on single and relatively small (residential size) allotments, interspersed with residential uses. The area generally to the north of Erith Street is zoned IN1 Industrial and B7 Business Park under the Botany Bay LEP 2013.

To the south of Erith Street it is zoned IN1-General Industrial under State Environmental Planning Policy (Three Ports) 2013.



The B7 zone allows light industry to continue thereby not reducing the floor space potential in the zone. The B7 zone however does allow other industries such as high technology industries and may accommodate more creative industries including film studios, art galleries and architect's offices.

Due to the allotment sizes in this area large scale industrial uses would not be economically viable hence the need to promote other employment generating uses which do not require large warehouse units. The small land sizes reflect the heritage items along Bay Street that represent the last known fishing village cottages in the area. This heritage listing means the sites could not be amalgamated for larger scale industrial units. Therefore small-scale start up business would be better located within these heritage items.

Furthermore Bay Street and Erith Street are narrow streets which limits the size of trucks able to access the area and manoeuvre within the street network. This access issue will also limit the type of industrial uses that would be able to function in this area.

Council is not seeking to reduce or remove the employment generating opportunities within this area but rather promote businesses which best fit within the constraints of the area. The location of this B7 Business Park zoning adjoining the Hale Street Industrial Precinct will allow service and support industries to be located in close proximity to the industrial area and the Botany Town Centre.

Residential uses are located mainly along Bay and Erith Streets. Industrial uses include manufacturing and warehousing in industrial complexes. The streets are also generally narrow in width.

There are a number of Heritage Items in this area of the Precinct. These include:

- 45-57 Bay Street (house group);
- 19 Bay Street (house);
- 18-20 Erith Street (house group);
- 23 Byrnes Street (Canary Island Date Palms);
- Electricity Substation in Byrnes Street; and
- The Sewage Pumping Station SP0060 at the corner of McFall and Erith Streets.

The streetscape of Bay Street in this Precinct is also listed as being of Heritage Significance. The Precinct is adjacent to the Botany Township Heritage Conservation Area.



Desired Future Character

Objectives

- O1** To protect the heritage integrity of the Heritage Items within the precinct and the integrity of the Botany Township Heritage Conservation Area;
- O2** To protect the northern precinct's amenity by limiting the size of delivery vehicles;
- O3** To ensure that business park and industrial uses within the precinct are compatible with adjoining residential areas;
- O4** To ensure that development does not have an adverse impact on the drainage within the Precinct;
- O5** To ensure that industrial uses concentrate in the southern part of the Precinct with access to Foreshore Drive through the Hale Street extension; and
- O6** To ensure that development can withstand the stresses of flooding and sea level rise and does not adversely impact flooding.

Controls

- C1** The design and function of development shall assist in protecting the heritage significance of the precinct and the integrity and significance of heritage items within the Precinct and of the adjacent Botany Township Heritage Conservation Area (refer to **Part 3B - Heritage**).
- C2** Development is not to adversely impact on the surrounding residential areas.
- C3** Developments are to be designed so that they do not have an adverse impact on any existing or proposed drainage facilities.
- C4** The maximum size of any vehicle accessing sites in the Precinct shall not exceed a Medium Rigid Vehicle (MRV) as defined by AS2890.2
- C5** Developments within the precinct shall submit a detailed Flood Study/Assessment for 1 in 100 year average recurrence interval (ARI) design storm events and probable maximum flood (PMF).

The Flood Study/Assessment is to be prepared by a suitably qualified and experienced civil engineer. The Flood Study/Assessment is required to:

- (i) Be in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Floodplain Development Manual; and
- (ii) Consider the impacts from Climate Change and Sea Level Rise.



C6 Development shall:

- (i) Have finished floor levels of a minimum 500mm above the 1 in 100 year flood level for habitable areas and 300mm for industrial areas and garages; and
- (ii) Not impede the passage of floodwater to cause a rise (afflux) in the flood level upstream and/or increase the downstream velocities of flow.

C7 Development within the precinct shall require submission of a Risk Management Plan to address potential risks related to coastal sea levels (projected to increase above Australian Height Datum by 40cm by 2050 and by 90cm by 2100). The Risk Management Plan shall be prepared by a qualified consultant and in accordance with the following policies and documents:

- (i) Any current policy of Council relating to projected future sea level rises and related inundation mapping;
- (ii) NSW Coastal Planning Guidelines: Adapting to Sea Level Rise;
- (iii) Flood Risk Management Guide: Incorporation Sea Level Rise Benchmarks in Flood Risk Assessment and; and
- (iv) NSW Flood Plain Development Manual.

In addition, the Risk Management Plan shall minimise the exposure of development to coastal risk and provide management responses and adaptation strategies to identify and manage risk and coastal hazards associated with the following:

- (i) The safety of future workers and occupants on-site;
- (ii) The safety of the public off-site;
- (iii) The safety of adjoining properties;
- (iv) The safe evacuation route during storm and flood events; and
- (v) The freeboard above the flood planning levels.

C8 Development shall be designed and constructed in accordance with Australian Standard AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).

Note: Details to be included in the Development Application. For further details in relation to Aircraft Noise refer to **Part 3J - Development Affecting Operations at Sydney Airport**.

C9 The introduction of noise abatement measure to achieve compliance with current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.

C10 All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008'.



C11 Development of 4 storeys or more in height, adjacent to a school, are to consider the following:

- (i) Mitigation of overshadowing impacts on the school and its grounds through setbacks and controlled bulking and scaling of buildings;
- (ii) Orientating internal spaces so that low occupancy rooms face school property; and
- (iii) Windows and balconies are to be designed to reduce opportunities for overlooking school grounds.



6.2.8 Banksmeadow Industrial Precinct

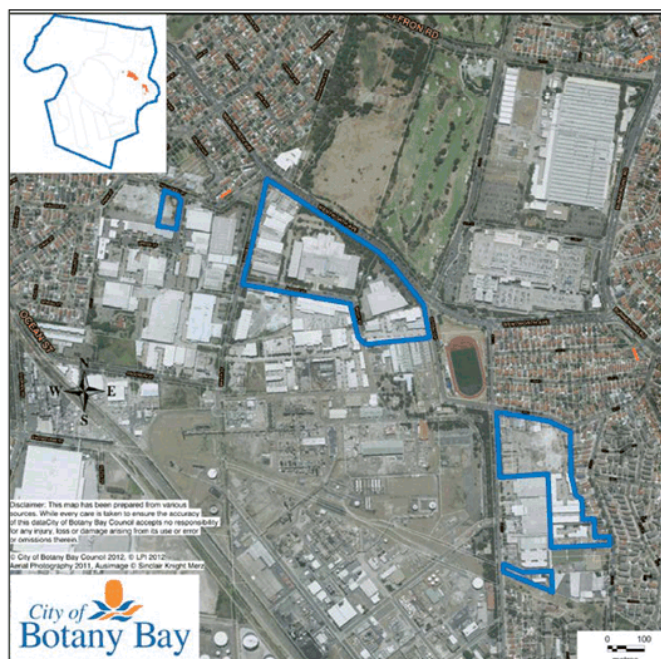
Existing Character

Figure 8 indicates the boundaries of the Banksmeadow Industrial Precinct. As indicated in the Figure below, only the following areas are zoned under Botany Bay LEP 2013:

- Area zoned IN2 Light Industrial bounded by Wentworth Avenue, Baker Street, Moore Street, Wight Street, & Corish Circle;
- B7 Business Park area at 32 Page Street, Pagewood; and
- B5 Business Development and B7 Business Park along Denison, Smith and Rhodes Streets Hillsdale.

The remaining industrial area is zoned under State Environmental Planning Policy (Three Ports) 2013.

Figure 8 - Banksmeadow Industrial Precinct





The nature of uses, large allotment sizes and consolidated ownership of industrial landholdings in the Precinct are significant on a local government area and sub-regional basis. The main uses include manufacturing, warehousing and transport. The Precinct also contains a number of pipelines carrying hazardous substances such as natural gas and jet fuel.

This Precinct is largely bordered by residential uses, and apart from hazard, risk and environmental conflicts, the visual impact of any development is a major consideration. Conflicts between the industrial uses and residential uses (including industrial traffic in residential streets) is considered a major problem in the area.

There are no Heritage Items listed in the Botany Bay LEP 2013 within this Precinct.

Part of the suburb is within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. Development Applications, planning proposals and rezoning of land received by Council for land within the Zone of Influence will be referred to the APA Group for consideration and comment.

Risk Assessment within the Banksmeadow Industrial Precinct

The Botany / Randwick industrial area forms a significant industrial complex of State and National significance. The location of the Banksmeadow industrial area, within the vicinity of residential areas, has required that safety studies into the cumulative risk of industrial activity be undertaken to quantify and measure hazard risk associated with such activities.

The State Government has released three studies that investigate industrial operations and make land use planning recommendations. Studies released to date include:

1. 'Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany' (1985),
2. 'Botany / Randwick Industrial Area Land Use Safety Study' (2001); and
3. Port Botany Land Use Safety Study' (1996).

The recommendations of the above studies are summarised below.

A Risk Assessment Study for the Botany/Randwick Industrial Complex and Port Botany - 1985

Analysis of hazard risk implications within the Botany / Randwick Industrial Area was first examined in 1985 by Planning NSW (formerly the Department of Environment and Planning) within a report titled 'A Risk Assessment Study for the Botany / Randwick Industrial Complex and Port Botany'. The risk assessment study was initiated by the Department in response to concerns expressed by community groups and local councils about the intensification of potentially hazardous installations and associated facilities in the area and their risk implications on nearby residential land uses.

Port Botany Land Use Safety Study - 1996

Port Botany is a major infrastructure facility that handles and accommodates activities involving hazardous materials including - loading / unloading, storage and distribution of dangerous goods and materials.

The Port Botany Land Use Safety Study was undertaken by the Department of Planning to update the 1985 Study, develop updated cumulative risk contours (to provide a framework for assessment and decision



making for future developments) and formulate a strategic land use safety framework.

The recommendations of the Study were:

1. Future developments in the Port should undergo early risk assessment and comprehensive environmental impact processes to demonstrate that the use will not contribute to any cumulative risk - as identified in the Port area.
2. Development controls are put in place to ensure there is no significant increase in the number of people exposed to risk - as identified in the residential risk contour.
3. Individual site studies are undertaken to develop programs that are then implemented to create risk reduction and safety management measures.
4. The Port and Port users prepare emergency plans / procedures and fire prevention / protection systems.
5. The Port and Port users adopt a program to ensure the community is adequately informed on Port activities, associated risks and safety management measures.

Botany/Randwick Industrial Area Land Use Safety Study - 2001

Planning NSW in 2001 published a review of the 1985 Cumulative risk study titled the 'Botany / Randwick Industrial Area Land Use Safety Study'. The purpose of this review was to update the research and findings of the 1985 Study. The review of the Study involved considering industrial rationalization and technological advances, which have seen the operations and associated risk levels of the Botany / Randwick industrial area change considerably.

The review investigated two cases based on two industrial scenarios. The cases were aimed at identifying the cumulative risk levels resulting from the industrial area under the current conditions (pre - 2001) and a predicted future case (2001). An explanation of the cases are as follows:-

The Existing Case (Pre-2001): The Orica mercury cell chlorine plant and chlorine liquefaction facilities and associated bulk chlorine storage. Risks associated with the chlorine plant include incidences such as a chlorine vapour cloud explosion, storage failure resulting in fire and heat radiation effects or the rupture of a chlorine road tanker.

The Future Case (2001): The Existing Orica chlorine plant being replaced with membrane production facilities and liquefaction. The bulk storage of chlorine has ceased. The removal of chlorine liquefaction and storage on site will reduce the likelihood of chlorine releases occurring.

Key Findings

The key findings of the Botany / Randwick Industrial Area Land Use Safety Study has been a significant improvement in the cumulative risk areas that result from the industrial operations located within the Botany / Randwick industrial area.

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Part 6 - Employment Zones

Botany Bay Development Control Plan 2013 (Amendment 8)
Enforced XX/XX/XXXX



The recommendations with respect to industrial development within this Industrial Precinct are detailed below:

Recommendations

Future developments in the Botany/Randwick industrial area should be subject to early risk assessment and comprehensive environmental impact processes to conclusively demonstrate that they will not contribute to risk impacts outside the industrial area that are inappropriate for surrounding land uses.

1. There should be no significant increase in the quantities of toxic compressed or liquefied gases stored or handled within the industrial area.
2. Proposals to expand industrial facilities in the area should be subjected to the seven-stage assessment process under the Environmental Planning and Assessment Act 1979 and demonstrate compliance with relevant risk criteria.
3. The Director-General's requirements for the preparation of an Environmental Impact Statement (EIS) should incorporate the above requirements to ensure appropriate assessment is carried out.
4. Should conditions in the Botany/Randwick industrial area change to a significant degree, through facility commissioning, decommissioning, expansion or production changes, this study should be updated to reflect potentially altered cumulative risk impacts on surrounding land uses.

A process of regular reviews and updates for site safety management systems should be undertaken.

1. All sites should review and strengthen their safety management system (SMS). The effectiveness of the SMS should be monitored by periodic independent compliance audits at intervals of not less than once every two years.
2. An overall review of incident/accident recording and reporting systems should be undertaken. A consistent best practice guideline should be developed and adopted by industry in the area.
3. All sites should review their training arrangements to ensure that personnel have an appropriate understanding of operational hazards and are fully trained in operating and emergency procedures.

Emergency plans and procedures, and fire prevention and protection systems should be kept up to date.

1. Emergency plans for all sites should be reviewed and updated. There should be emphasis placed on developing emergency plans that are consistent between facilities.
2. Industrial facilities should develop greater contact with regard to emergency planning. An integrated emergency plan for the industrial area needs to be developed, and mutual aid arrangements between facilities need to be investigated in more detail.



3. Consideration should be given to holding periodic coordinated surprise emergency field exercises to validate emergency procedures and practices.

Industrial facilities should adopt community right-to-know principles to ensure the community is adequately informed about activities, associated risks and the safety management measures adopted within the Botany/Randwick industrial area.

1. A formal mechanism should be established to implement a community right-to-know program through a consultative committee having representation from the industrial developments in Botany/Randwick, Councils, community groups and relevant government agencies.
2. Priority should be given to regular dissemination to the community of information relating to safety and environmental management and performance through regular annual reporting, newsletters and public forums.
3. Existing industrial developments should be encouraged to establish Community Consultative Committees to facilitate the dissemination of information to the public and to receive feedback from the community related to the industry's performance. Where practical, Community Consultative Committees established for similar types of industry or developments in the same general locality should be encouraged.
4. For new industrial developments, conditions of consent should require the formation of a Community Consultative Committee for the development, or its representation on an appropriate existing Committee.



Desired Future Character

Objectives

- O1** To encourage the office component of industrial development to front the road or any adjoining residential area;
- O2** To ensure that industrial uses are compatible with adjoining established residential areas;
- O3** To ensure that any risk to human health, property or the natural environment arising from the operation of the development is minimised and addressed;
- O4** To ensure that existing pipelines are identified and protected during the development process; and
- O5** To ensure to that development can withstand the stresses of flooding and sea level rise and does not adversely impact flooding.

Controls

General

- C1** Business Park and industrial uses with access from Rhodes Street or Smith Street are to have low vehicular generation characteristics and exclude the use of container handling or semi-trailers.
- C2** Development on the B7 Business Park Zone at the corner of Holloway and Green Streets are to have their commercial offices (or other non-industrial activity) fronting Holloway Street and the school with a return (no less than 10m) to Green Street. All industrial activities are to be undertaken behind the commercial building buffer.
- C3** The transport of hazardous substances should be directed away from residential areas and a Traffic Route Study showing the proposed traffic route of such transport is required.
- C4** Development fronting Denison Street, Rhodes Street, and Smith Street are to have their commercial offices (or other non-industrial activity) fronting the road/street. All industrial activities are to be undertaken behind the commercial building buffer.
- C5** Development is not to adversely impact on the surrounding established residential areas through noise, traffic, pollution and risk.
- C6** A survey is required to identify any pipelines, easements etc affecting the development site. If the pipeline enters Council land an appropriate deed of agreement is to be executed.
- C7** Redevelopment of land at the corner of Denison Street & Beauchamp Road (the Orica site) is to take into account the road widening affectation proposed by RMS.



C8 Developments within the vicinity of Floodvale Drain, Springvale Drain and Bunnerong Stormwater Channel No. 11 (SWC 11 – Sydney State Water) shall submit a detailed Flood Study/Assessment for 1 in 100 year average recurrence interval (ARI) design storm events and probable maximum flood (PMF). The Flood Study/Assessment is to be prepared by a suitably qualified and experienced civil engineer. The Flood Study/Assessment is required to:

- (i) Be in accordance with the current version of Australian Rainfall and Runoff (ARR) and the NSW Floodplain Development Manual; and
- (ii) Consider the impacts from Climate Change and Sea Level Rise.

C9 Development shall:

- (i) Have finished floor levels of a minimum 500mm above the 1 in 100 year flood level for habitable areas and 300mm for industrial areas and garages; and
- (ii) Not impede the passage of floodwater to cause a rise (afflux) in the flood level upstream and/or increase the downstream velocities of flow.

C10 Restricted Access Vehicles (RAV) classified by Roads and Maritime Services (RMS) (including B-Doubles) are not permitted to access:

- (i) Holloway Street;
- (ii) Green Street;
- (iii) Ocean Street;
- (iv) Swinbourne Street;
- (v) Stephen Road;
- (vi) Smith Street; and
- (vii) Rhodes Street.

C11 The maximum size of vehicle accessing Smith Street and Rhodes Street is restricted to Medium Rigid Vehicles (MRV) as defined by AS2890.2.



Risk Management:

C12 In order to address the recommendations, a Risk Assessment Evaluation is required to accompany all applications for sites:

- (i) Within the study area of the Botany/Randwick Industrial Area Land Use Safety Study - 2001; and/or
- (ii) Affected by the recommendations of the Port Botany Land Use Safety Study Overview Report - 1996.

Note: Recommendation No. 2-2.2 of the Port Botany Safety Study states that proposals for the development or redevelopment of residential, commercial or high density developments outside the Port area, particularly inside the one in a million residential risk contour, identified in figure 2 of the Port Botany Land Use Safety Study Overview Report should not take place.

C13 The Risk Assessment Evaluation to Council is to be completed by a qualified risk management professional and take into account the nature of the proposed business and the proximity of the site to surrounding hazardous facilities. The report is to recommend safety procedures to be followed.

The report needs to conclude whether or not the activities proposed for the premises constitute an escalation of existing hazards, and that the risk posed by neighbouring uses in the exposure of hazards to the site is acceptable.

Applicants are to refer to the applicable Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines such as *Applying SEPP 33* and *Multi-level Risk Assessment* found at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

C14 If a site fronts Denison Street a Transport Risk Assessment Report is required to be lodged with Council. The assessment report to Council should be completed by a qualified risk management professional and address the hazard analysis methodology outlined within the Hazardous Industry Advisory Paper N° 6: Guidelines for Hazard Analysis. The areas of assessment should include:

- (i) Identification of potential release scenarios, including analysis of the hazards associated with transport of potentially hazardous materials;
- (ii) Estimation of release frequencies, using information available from such sources as Botany Bay City Council, the Bureau of Statistics and from the Roads and Traffic Authority, NSW;
- (iii) Assessment of consequences in terms of effect zones following the ignition or dispersion of a release, including the assessment of the evaporation and permeation of a spill and of the resulting heat radiation in case of ignition;
- (iv) Estimation of risk by combining release frequencies, consequences, and population distribution for the particular route under survey; and
- (v) Comparing the estimated risk with relevant tolerability criteria and guidelines.

Results from the traffic hazard analysis should be assessed on the basis of generally accepted land use safety guidelines provided in the 'Hazardous Industry Planning Advisory Paper N° 4:



Risk Criteria for Land Use Safety Planning' published by Planning NSW in 1992 and 'Hazardous

Industry Planning Advisory Paper No. 10 Landuse Safety Planning' published by the NSW Department of Planning in January 2011.

Note: Council in 2012 commissioned a traffic count for Denison Street (in both directions, north and south); which includes a separate count for dangerous goods traffic as Council wanted to compare the overall traffic to the dangerous goods traffic. Whilst this data is available to applicants who are required to prepare a Transport Risk Assessment Report, the data is over 12 months old and depending on the proposed development Council may require a new Transport Risk Survey to be conducted at the applicant's costs. Please contact Council for more information.

- C15** Where a site is considered by Council to be located partly adjacent to a dangerous goods route defined in this plan, any development on the site will be assessed and viewed as though it was located within the area or route with the more stringent risk-related development controls specified in this development control plan.

Dangerous Goods Routes means identified within the Botany/Randwick Industrial Area Land Use Safety Study.

The Botany / Randwick Industrial Area Land Use Safety Study does not include an assessment of the risk implications of dangerous goods transport, but does identify some routes as having a significant likelihood of carrying such goods. The routes identified within the Botany / Randwick Industrial Area Land Use Safety Study form a wider local and regional road network that may also carry traffic containing dangerous goods. The consideration of risk arising from the transportation of dangerous goods on this local and regional road network and the impacts this may have on residential and sensitive use development within the Study area needs to be considered as part of the assessment process for future development activity.

Sensitive use intensification means the establishment of a sensitive use or an increase in the gross operational floor space of an existing building that is occupied by a sensitive land use.

Sensitive land uses that are considered incompatible with fatality risk, injury or irritation risk (as defined in *Hazardous Industry Planning Advisory Paper No.4 – Risk Criteria for Land Use Safety Planning* - Planning NSW, 1992) resulting from operations within the Botany / Randwick industrial area under this plan include:- child care centres, nursing homes, educational establishments, hospitals and units for aged persons.

Additional information: A number of other Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines have been issued by the Department of Planning & Environment to assist stakeholders in implementing an integrated risk assessment process and can be found at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

Applicants are also to refer to **Part 6.3.15 - Risk**.



6.3 General Provisions

6.3.1 Amalgamation and Subdivision

The size and shape of a land parcel influences the relationship of a new building to its neighbours. Subdivision patterns and site amalgamation can have significant implications for the streetscape of an area. Effective amalgamation patterns promote the efficient use of land, and allow design constraints and interface issues to be more easily resolved.

In particular, they help to produce a consistent urban form and built form rhythm which reflects the surrounding development pattern. It also attempts to balance the planning requirements relating to height, massing, underground car-parking, vehicular access, streetscape and amenity to achieve an appropriate building outcome.

Objectives

- O1** To ensure site development is consistent with land ownership and to prevent disposal of part of any property that may be integral to the effective functioning of a development and the continued compliance with conditions of consent;
- O2** To ensure sites for new industrial developments are of a sufficient size to provide a functional and efficient area for building(s), vehicle parking and movement, landscaping and the storage of raw materials, finished products, trade waste and recycling bins; and
- O3** To ensure all loading and unloading, turning movements, queuing and parking of vehicles, including delivery vehicles associated with the new development are safe and efficient and occur wholly within the site.

Controls

- C1** Development must comply with **Part 3E - Subdivision and Amalgamation**.
- C2** Detailed site plans for development for any industrial development must demonstrate how the proposed industry, including parking, landscaping and other ancillary facilities, will be wholly accommodated within the site boundaries.
- C3** Where development or use of a number of existing lots is proposed, the lots shall be consolidated into one parcel, and the plan of consolidation lodged with the Land and Property Information NSW Office prior to release of the Construction Certificate. Written notification as to the registration of the Consolidation Plan at the Land Titles Office is to be received by Council prior to the occupation of the premises or use of the site.
- C4** No part of any site is to be separately leased from the remainder of the property for the purpose of a separate occupation or operation from an approved use, except where the prior Development



Consent of Council has been sought and received to any such lease, occupation or operation.

- C5** Where there is to be a strata plan of subdivision any space for parking or other purposes forming a part of a sole occupancy unit must be included in the same strata lot as the unit. All landscaped and access areas and directory board signs not forming part of an individual unit must be included in any strata plan of subdivision as common property.



6.3.2 Building and Site Layout

Good design provides a building layout that maximises the natural attributes of the site. Carefully considered building layout and design also creates a high level amenity for occupants through enhanced visual and acoustic privacy, passive heating and cooling, flexible and useable indoor and outdoor spaces that meet the needs of workers and/or occupants.

Objectives

- O1** To ensure signage is compatible with the existing and 'Desired Future Character' of the area in which it is proposed to be located;
- O2** To ensure signage integrates with the building design; and
- O3** To ensure the colour schemes that do not detract from its surrounds.

Controls

- C1** A site analysis plan is to be lodged with the Development Application in accordance with the Council's **Development Application Guide**.

Note: The layout of the site shall:

- (i) Take into account the site's context and constraints and opportunities;
- (ii) Provide for all the operations of a use wholly on the site;
- (iii) Improve the aesthetic amenity of the site and streetscape through adequate landscaping in suitable locations;
- (iv) Prevent emission of odour and noise to adjoining properties;
- (v) Use energy efficiency principles;
- (vi) Consider the open space/amenity requirements of the employees; and
- (vii) Consider the width of the road reserve and scale and location of adjoining building forms.

- C2** Through careful site arrangements new building works must :

- (i) Address the street and highlight any non-industrial aspects (ie office section) of the development;
- (ii) Avoid long blank walls of warehouse units facing the street and long continuous roof lines; and
- (iii) Provide regular modulation to the façade or division of massing.

- C3** Floor space is to be distributed on the site to ensure the scale of the building reinforces the role of



the street and buildings are arranged and aligned to create a pleasant working environment.

- C4** Setbacks are to be deep soil zones (refer to **Part 3L - Landscaping** for Definition). No part of the building or structure (including basement car parks, driveways, or OSD/infiltration system are to encroach into the setbacks).
 - C5** Setbacks are to maximise the retention of existing trees and their root systems and may need to be variable to achieve this (includes trees on adjoining properties).
 - C6** Internal spaces are to be designed to satisfy the operational requirements of the particular land use whilst providing a safe and convenient work environment.
 - C7** Each industrial building must provide for basic amenities including a designated staff room or area that is:
 - (i) Of a reasonable area depending on the size, nature and staffing level of the proposed industry;
 - (ii) Adequately furnished for staff; and
 - (iii) Provided with attached kitchen/kitchenette with a fridge, microwave, sink and tea/coffee making facilities.
 - C8** New buildings and the creation of new industrial units within close proximity to residential areas are to be designed to minimise any adverse effects on the amenity of residential areas by way of overshadowing, overlooking, lighting, dust, noise or fumes.
- Note:** If your site adjoins a residential premise please refer to **Part 6.3.11 - Industrial Development Adjoining a Residential Land Use** which requires loading and unloading facilities and car parking to be provided away from the residential boundary.
- C9** Adequate waste removal handling and minimisation facilities are to be provided on site for all development to ensure these facilities are not utilising car parking areas.
 - C10** For new development (excluding multi unit industrial development) all loading and unloading facilities and the majority of car parking required for the development is to be provided at the rear or at the side of any buildings. It is not to be provided at the front of buildings. Visitor car parking may be provided at the front of buildings behind the setback required in **Part 6.3.5 - Setbacks**.
 - C11** For Multi Unit Industrial Development car parking and loading/unloading facilities is not to be provided within the front setback to the street. Car parking and loading/unloading facilities can be provided from a central courtyard within the site.
 - C12** For sites with a road frontage to residential areas (ie Stephen Road, Denison Street, Rhodes, Erith, etc) new construction is to locate offices fronting the residential areas, with restricted access points. The warehouse/factory functions as well as car parking, manoeuvring areas, loading and unloading facilities are to be located away from the residential areas.
 - C13** For sites in excess of 1,000m², an outdoor staff recreation area is to be provided. This area:



- (i) Must be a minimum of 16m², with a minimum dimension of 3 metres;
- (ii) May be located within the front building setback, within an upper floor balcony, in an enclosed courtyard or in any other landscaped setting on the site. If this area is provided within the landscaped area at the front of the site, then the landscaped setback required in **Part 6.3.5 - Setbacks** should be increased by an additional 1 metre;
- (iii) Should be designed to include a table and chairs;
- (iv) Enable at least 6m², to receive direct sunlight for the four hours between 10am and 2pm during mid winter; and
- (v) Should provide shading in summer.

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C14 Where an industrial unit complex consists of more than 10 units:

- (i) The building layout must allow for visual connections through and beyond the site to assist in breaking down the visual scale of the development and provide more legible site access for visitors; and
- (ii) Consideration should be given to the use of varying architectural resolutions to further assist in breaking down visual scale and improving legibility for visitors.

C15 Building entrances are to be clearly defined and located so that visitors can readily distinguish the public entrance to each building. Access to each entrance is to be provided by a safe direct route, avoiding potential conflict with vehicles manoeuvring on site.

C16 Site planning is to allow for the retention of significant trees and vegetation, particularly near the street frontage.

C17 Industrial buildings must have an adequate number of openings at each level to allow natural light and ventilation.

C18 Each industrial unit within an industrial complex must have a reasonable size window at each level to allow natural light and ventilation.



6.3.3 Floor space

The gross floor area of a building as a ratio of the site is usually expressed as a floor space ratio (FSR). Council's floor space ratio (FSR) controls aims to facilitate an acceptable bulk and scale of development that is in relationship with the streetscape and adjoining development.

Objective

- O1** To facilitate an acceptable bulk and scale of development, that is consistent with the streetscape and minimises impacts on adjoining development.

Control

- C1** The maximum FSR is identified on the Floor Space Ratio Map within Botany Bay Local Environmental Plan 2013.

Note: Not all site developments may be able to achieve the maximum permissible FSR due to particular site characteristic, such as:

- (i) The size and shape of the land;
- (ii) The presence of existing buildings on site, required to be retained;
- (iii) The need to reduce adverse impacts on neighbouring sites; and
- (iv) Not being able to satisfy Council's traffic, parking and vehicular access requirements.



6.3.4 Building Design and Appearance

Council has strived to achieve buildings of superior architectural quality and innovation in its industrial zones and will continue to do so, favourably supporting buildings of contemporary design that utilise a variety of materials and decorative colours and finishes.

Objectives

- O1** To achieve a high standard of development both in terms of design and finish;
- O2** To achieve developments, which enhance the streetscape of the locality;
- O3** To ensure open storage areas are properly screened to minimise any adverse visual effects of the development;
- O4** To ensure building materials mitigate noise impacts to adjoining development, particularly residential development; and
- O5** To ensure developments do not adversely affect air safety of Sydney Airport.

Controls

Height

- C1** The maximum building height is indicated in the Building Height Map attached to the Botany Bay Local Environmental Plan 2013.
- C2** The maximum height of an industrial building must comply with other controls in this DCP relating to urban design, solar access, privacy and residential/industrial interface.
- C3** Compliance with the Civil Aviation Safety Authority requirements.

Note: Botany Bay Local Government Area lies within the prescribed airspace for Sydney (Kingsford Smith) Airport. The prescribed airspace for Sydney over Botany consists of Procedures for Air Navigation Systems Operations (PANS-OPS) and Obstacle Limitation Surfaces (OLS). The critical component of the prescribed airspace over Botany Bay LGA is the Inner Horizontal Surface (51.0 metres AHD) of the OLS for Sydney (Kingsford Smith) Airport. Any intrusion into prescribed airspace would constitute a controlled activity¹ and as such, must be referred to Sydney Airports Corporation Limited (SACL) for an approval process (Airports Act 1996 Section 186).

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¹ Section 182 of the Airports Act 1996 defines "Controlled Activities" as: constructing a building, or other structure, that intrudes into the prescribed airspace; altering a building or other structure so as to cause the building or structure to intrude into the prescribed airspace; any other activity that causes a thing attached to, or in physical contact with the ground to intrude into the prescribed airspace.



The approval process involves referral of the application to SACL for assessment relating to safety, efficiency and regularity of air traffic using Sydney (Kingsford Smith) Airport and then onto the Civil Aviation Safety Authority (CASA) and Airservices Australia (AsA) if required.

Consideration during the planning stages should be given to the operating heights of all construction cranes (short-term controlled activities) necessary for the proposed controlled activity. SACL advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct as the height of this equipment is generally significantly higher than the proposed structure, therefore approval may not be granted.

"Permanent controlled activities"² are not permitted to penetrate the Procedures for Air Navigation Services Operations surfaces (PAN-OPS) component of the prescribed airspace.

- C4** The maximum height of a building must be consistent with the height of other buildings in the immediate vicinity. Where the heights of a proposed development are higher than surrounding development, a submission is to be lodged with the Development Application giving reasons for supporting the height discrepancy. Unless proper planning reasons are presented, heights over above that approved in the locality will not be supported by Council.
- C5** Council may require a reduction in height shown for the land on the Height of Buildings Map where a building built to the height shown for the land on the Height of Buildings Map would have unacceptably adverse impacts in regards to:
- (i) The overshadowing of a dwelling, private open space or public open space;
 - (ii) An inappropriate transition in built form and landuse intensity;
 - (iii) The design excellence of a building;
 - (iv) View loss; or
 - (v) The Obstacle Limitation Surface (Please refer to the Precinct Controls).
- C6** All rooftop or exposed structures including lift motor rooms, plant rooms, etc., together with air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance. If your site adjoins a residential premise the facilities are to be located away from the residential boundary.

Design

- C7** All development applications involving external building works must be accompanied by a schedule of finishes and a detailed colour scheme for all external walls.
- C8** External finishes must be robust and graffiti resistant. An anti-graffiti coating may be required where buildings adjoins a public place or accessible from an open area that is not secured by fences. The business operator may be required to enter into a graffiti agreement with Council.

² Permanent controlled activity: any structure erected for a period of more than 3 months.



- C9** Where blank walls on street frontages are unavoidable in new construction they must be screened by landscaping or treated as sculptural elements incorporating murals reflecting modern architectural design. They must be finished to a high standard and minimise the potential for graffiti or other vandalism.
- C10** Walls of new development must make use of non reflective colours and materials to avoid glare. The maximum reflectivity of any glazing is not to exceed 20% to avoid nuisance in the form of glare to occupants of nearby buildings, pedestrians and motorists.
- C11** All elevations of a building fronting a public place, or visible from a rail line, public place or proposed road, must be constructed of face brickwork or other decorative facade treatment to Council's satisfaction. Consideration must be given to installing windows or false windows in the facade to enable surveillance of the adjoining area or to engender a feeling that it is being overlooked.
- C12** Buildings should be of a contemporary and innovative design. All public frontages should be specially articulated with the use of brick, stone, concrete, glass (non-reflective), and like materials, but not concrete render.
- C13** Open style or transparent materials are encouraged on doors and/or walls of lifts and stairwells, where fire safety requirements allow.
- C14** Building height, mass, and scale should complement and be in keeping with the character of surrounding and adjacent development.
- C15** New buildings must be designed to:
- (i) Address the street and highlight any non-industrial aspects (such as the office section) of the development;
 - (ii) The administration office or showroom must be located at the front of the building;
 - (iii) The front door to a building is to face the street;
 - (iv) Building entrances should be clearly defined and well articulated through form, materials and colour and provide level or ramped access;
 - (v) Waiting areas and entries to lifts and stairwells are to be close to areas of active use and be visible from building entrances;
 - (vi) Windows on the upper floors of a building must, where possible, overlook the street;
 - (vii) Avoid long blank walls of warehouse units facing the street and long continuous roof lines;
 - (viii) New construction is to achieve both functional and visually attractive buildings;
 - (ix) Provide regular modulation to the facade or division of massing;
 - (x) Architecturally express the structure of the building by variation and minimal use of reflective glass;
 - (xi) Visually reinforce entrances, office components and stair wells of units to create rhythm on long facades and reduce perceived scale;
 - (xii) Introduce variation in unit design within building works;



- (xiii) Introduce solid surfaces, preferably masonry, and incorporate horizontal and vertical modulation including windows in appropriate proportions and configurations;
- (xiv) New development on corner sites must address both street frontages in terms of facade treatment and articulation of elevations; and
- (xv) Avoid bulky roof forms or extensive blank facades in a single material or colour.

C16 The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.

C17 Where industrial development adjoins any land zoned for residential purposes or any premises used for residential purposes, the external walls abutting such development must be constructed in 230mm or 280mm cavity brickwork. Where such walls adjoin land zoned for residential purposes, construction must be in face brickwork.

C18 New buildings and the creation of new industrial units within close proximity to residential areas are to be designed to minimise any adverse effects on the amenity of residential areas by way of overshadowing, overlooking, lighting, dust, noise or fumes.

Note: If a site adjoins residential uses loading and unloading facilities and car parking to be provided away from the residential boundary (refer to **Part 6.3.11 - Residential/Non-Residential Interface** and **Part 6.3.12 - Noise and Hours of Operation**).

C19 All external walls, where located less than 900mm from a side boundary, must be of masonry construction.

C20 No service plumbing pipes, other than downpipes for the conveyance of roof water, must be external to the building or visible to any public place.

C21 Buildings should maximise energy efficiency, through measures such as the use of high efficiency lighting systems, insulation, natural ventilation, and low embodied energy materials.

C22 For new development all loading and unloading facilities and the majority of car parking required for the development is to be provided at the rear or at the side of any buildings. It is not to be provided at the front of buildings. Visitor car parking may be provided at the front of buildings behind the setback.

Note: For Multi Unit Industrial Development car parking and loading/unloading facilities is not to be provided within the front setback to the street. Car parking and loading/unloading facilities can be provided from a central courtyard within the site

C23 Driveways must provide adequate sight distance for the safety of pedestrians using the footpath area in accordance with AS2890.1 and AS2890.2.

C24 Pathways should provide direct access and any edgework should be low in height or not reduce visibility of the pathway.

C25 Entry to basement parking areas should be through security access via the main building. This access should be fitted with a one way door (allowing for fire safety provisions) and allow only



authorised access from the foyer into the basement.

C26 Internal spaces are to be designed to satisfy the operational requirements of the particular land use whilst proving a safe and convenient work environment.

C27 Floor space is to be distributed on the site to ensure the scale of the building reinforces the role of the street and buildings are arranged and aligned to create a pleasant working environment.

Public Utilities

C28 For new development and substantial alterations to existing premises provision must be made for connection to future underground distribution mains. In such developments the following must be installed:

- (i) An underground service line to a suitable existing street pole; or
- (ii) Sheathed underground consumer mains to a customer pole erected near the front property boundary (within 1 metre).

C29 Council may require the bundling of cables in the area surrounding the development to reduce the visual impact of overhead street cables.

Lighting

C30 Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures.

C31 The lighting in a car park must conform to AS1158.1, AS1680, and AS2890.1.

C32 External lighting to an industrial development must give consideration to the impact of glare on the amenity of adjoining residents.

Facilities

C33 The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.

**Service Areas**

- C34** Service areas including waste, recycling areas and external storage areas are to be located away from principal street frontages and screened from view.

Kerb, Gutter & Footpaths

- C35** The kerb and gutter, concrete footpath (or paved footpath) and any associated works along all street(s) frontage of a site shall be constructed and/or reconstructed at the full cost of the developer.



6.3.5 Setbacks

Setbacks enable landscaping and buffers to be provided. Setbacks contribute to the streetscape and help to modulate a building's bulk and scale.

Objectives

- O1** To minimise the impact of development and buildings on the surrounding area;
- O2** To create a pleasant environment within and external to the site; and
- O3** To ensure setbacks to Alexandra Canal and the Mill Pond.

Controls

- C1** Setbacks are to be in accordance with the following **Table 1**.

Note: Greater setbacks will be required for bulky, hazardous and noise or odour generating activities.

Note:

- Awnings and verandas along classified roads should be set back a minimum of 1.5 metres from the kerb;
- Awnings and verandas along local roads that intersect with classified roads should be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the intersection with the classified road; and
- At any signalised intersections (on local roads or classified roads), awnings and verandas should be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the signalised intersection.

- C2** Notwithstanding C1 above, no buildings, structures, car parking, storage or vehicle manoeuvring areas are permitted within a minimum 10 metre wide area adjoining Alexandra Canal and 6 metres along the tributaries of the Canal.

The setback is to be landscaped and planted with appropriate species, as detailed in the Alexandra Canal Masterplan, such landscaping not to include plants with invasive root systems and that have the potential to damage the canal wall or it surrounding infrastructure.

- C3** Setbacks on corner blocks must enable sufficient sightlines for traffic in accordance with the relevant Australian Standard (AS2890.1).
- C4** Setbacks are to be deep soil zones (refer to **Part 3L - Landscaping** for a definition of "deep soil zone"). No part of the building or structure (including basement car parks, driveways or OSD/infiltration) system are to encroach into the setbacks.



C5 Setbacks are to maximise the retention of existing trees and their root systems, and may need to be variable to achieve this (includes trees on adjoining properties).

Table 1 - Setbacks

Boundary	Landscaping Setback (Refer to Note 4)	Building Setback (Refer to Note 1)
Front - to a non-classified road (Refer to Note 2)	3 metres	9 metres (Refer to Note 5) (Refer to Note 6 for corner sites)
Front - to a classified road (Refer to Note 2)	4 metres	9 metres (Refer to Note 5) (Refer to Note 6 for corner sites)
Side - adjoining a non-residential use/zone Including lanes	2 metres	2 metres (Refer to Note 6 for corner sites)
Side - adjoining a residential use/zone or in the Council's opinion the building impacts on the streetscape	3 metres	3 metres (Refer to Note 6 for corner sites)
Rear (Refer to Note 3)	Nil to 3 metres	Nil to 3 metres

Notes:

1. Building setback relates to new building works. Underground parking is to be situated underneath the building footprint. The building setback is inclusive of the landscape setback required under this Table.
2. Classified roads are defined by the *Roads Act 1993*.
3. The setback will depend on the character of the site and its surrounds. Please check with Development Assessment Officers. Rear boundary walls are to be treated aesthetically.
4.
 - i. Landscaping setbacks are to be free from overhangs, hard elements such as paths, ramps, substations; fire hydrant boosters; signs, parking (both above ground and underground) advertising structure (including pole signs); and
 - ii. May be used in calculation 10% landscaped area.
5. New buildings are to be setback a minimum of 9 metres (this includes the landscaped setback) from the street frontage unless the prevailing setback is closer than 9 metres, or unless stipulated differently in this DCP. For sites fronting designated roads the minimum building setback is to be 4 metres.
6. New development on sites that have a corner frontage is to provide a 9-metre minimum setback to the main street/road and a minimum 3- metre setback to the secondary road/street.
7. Where the setback of adjoining buildings is inconsistent, the building should be consistent with the dominant setback found along the street.



6.3.6 Parking and Vehicular Access

Industrial traffic has a great impact on residential areas within the City of Botany Bay. It is important that all servicing, loading/unloading and parking are provided on site for new development, and that with any change of use external impacts (such as traffic and car parking impact on the road networks) are minimised.

Objectives

- O1** To encourage the provision of parking, vehicular access and servicing areas that are:
 - (i) Integrated with the form and arrangement of buildings on site;
 - (ii) Suitably designed and landscaped to minimise large expanses of hard paving;
 - (iii) Pleasant, safe and provide shared working environment; and
- O2** To provide opportunities for large developments to integrate with public transport services where appropriate.

Controls

- C1** All vehicles (including deliveries) are to enter and leave the site in a forward direction with no vehicles permitted to reverse from or onto public road. A Swept Path Analysis may be required for the largest vehicle accessing the site.
- C2** A Traffic and Parking Impact Assessment Report shall be prepared. The Traffic and Parking Impact Assessment Report is required to be prepared by a suitably qualified and experienced civil engineer and in accordance with the current version of AUSROADS "Guide to Traffic Management, Part 12: Traffic Impacts of Development" and RMS "Guide to Traffic Generating Development".
- C3** Car parking areas are to be suitably covered with canopy trees and are to be screened with landscaping and paved to reduce their impact (refer to **Part 3L - Landscaping**).
- C4** Parking provision should be in accordance with the **Part 3A - Car Parking**.
- C5** All internal circulation roads, turning areas, parking aisles, parking bays, service areas and service bays are required to be sealed with hard standing all weather materials. Any alternative materials require Council approval.
- C6** Separation of service areas (loading/unloading) and parking areas is required.
- C7** All loading and unloading operations shall only be carried out wholly within the dedicated service bays at all times and shall not be made direct from public places, public streets or any road related areas.



- C8** All loading/unloading facilities and service bays (including parking bays for commercial vehicles) are to be provided in accordance with the current RMS "Guide to Traffic Generating Developments" and Australian Standard 2890.2 - 2002 Off Street commercial vehicle facilities.
- C9** All loading docks, car parking spaces, internal circulation access and access driveways are to be kept clear of goods at all times and should not be used for storage purposes including garbage storage, good and machinery.
- C10** Access driveways/vehicular crossings are to be designed to accommodate the turning circle of the largest vehicle expected to use the service area without crossing the centreline of the road. Specific consideration is to be given to two-way simultaneous movements
- C11** The minimum width of the access driveways/vehicular crossing at the property boundary shall be in accordance with AS2890.2.
- C12** All servicing, including garbage collection, is to be carried out within the site with suitable collection points at convenient locations.
- C13** The following information is required:
- (i) Details of all traffic generation and possible impacts;
 - (ii) The largest vehicle expected to access the site (including delivery);
 - (iii) The frequency of deliveries to the site; and
 - (iv) The maximum number of staff expected to be on-site at any one time.
- C14** Access routes for delivery vehicles are to be specified.
- C15** Development on sites south of Wentworth Avenue is required to access the site via the use of Foreshore Drive.
- C16** 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 conditions of consent.
- C17** Where significant amounts of traffic generation will affect the traffic flow efficiency and safety of the local and arterial road network, the proponent is required to provide, at full cost, a package of mitigative measures to support the development. Both the Council and the RMS will assess the mitigative measures.
- C18** Proposed parking areas, truck docks, driveways, vehicular ramps and turning areas are to be maintained clear of obstruction and used exclusively for purposes of car parking, loading or unloading and vehicular access respectively. Under no circumstances are such areas or any portion thereof to be used for the storage of goods and waste materials.
- C19** Provision must be made for all loading and unloading of goods and manoeuvring of vehicles to take place in an internal dock areas and adjoining goods handling area. These areas are to be physically line marked and are to be maintained free of obstruction, for the sole use of delivery



vehicles.

- C20** Where Council is asked to reduce the required numbers of car parking under **Part 3A - Car Parking** due to a private (company owned) bus link with the Mascot Railway Station. The Application is to provide details of the bus size, bus times and indicate the provision of on-site bus parking.

Note: If the private bus service ceases then additional car parking will need to be provided on-site by the applicant. Conditions will be included in any consent issued by Council addressing these issues.



6.3.7 Signage

It is important that a coordinated approach is adopted towards signage.

Note: This clause does not relate to third party advertising signage.

Objective

- O1** To ensure adequate identification of all industrial premises whilst preventing the proliferation of advertising signs or structures.

Controls

- C1** Signage shall comply with **Part 3D - Signage**.
- C2** Advertisements and associated structures are to be placed so that they enhance the architectural and landscape presentation of the locality, and be proportional to the scale of the building and surrounding open space within which they are placed.
- C3** A property identification number is to be displayed conspicuously at a prominent position on the property.
- C4** Free standing advertisements and associated structures shall relate (in their size and form) to the scale of the building(s) on site, visibility and other advertisements in the vicinity (to avoid clutter).
- C5** All large sites shall contain suitable directional signs within strategic vehicular and pedestrian locations within the development.
- C6** There shall be no lighting overspill from signage.



6.3.8 Site Facilities

Site facilities generally include mailboxes, waste storage and garbage collection areas, general storage areas, gatehouses, substations, staff recreational facilities, telecommunications, fire hydrants/booster valves, and water storage/recycling tanks. Site facilities need to be appropriately designed and well integrated within the development, as the facilities need to be accessible to occupiers of the development.

Consideration needs to be given to the impact of these facilities on the overall appearance and amenity of the development and the local streetscape.

Objectives

- O1** To ensure site facilities are designed as part of the overall development;
- O2** To achieve the safe and aesthetic provision of services; and
- O3** To ensure that open storage areas are properly screened to minimise any adverse visual effects of the development.

Controls

- C1** New site facilities such as mail boxes and electricity sub-stations shall be designed and/or sited so that they enhance the development.
- C2** New site facilities shall be situated so that there is satisfactory vehicular access by service personnel and vehicles.
- C3** The existing above ground electricity and telecommunication cables within the road reserve and within the site shall be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy Providers guidelines. The applicant shall bear the cost of the new installation and the first 12 months of additional street light charges.
- C4** In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area
- C5** The name and address of the premises shall be displayed in a position that is clearly visible from the street and / or service lane to assist identification and deliveries.
- C6** The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.



- C7** Development must not be carried out on the land until arrangements satisfactory to Sydney Water have been made for the provision to the land of water and sewerage services.

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Note: Developers of proposed developments in the City of Botany Bay that will affect Sydney Water's water and wastewater systems are required to obtain a Section 73 Compliance Certificate from Sydney Water before development can proceed. This will be a condition of consent for these developments. Issuing of the Certificate will confirm that the proponent of the development has met Sydney Water's detailed requirements, which include but are not limited to correctly sized water and wastewater mains; adjustments, extensions or amplifications; payment of Sydney Water charges; landscaping; and the completion of any other requirements. Adjustments to existing Sydney Water systems resulting from developer activity will be charged to the particular developer.

Developers are encouraged to engage the services of a Water Servicing Coordinator (WSC) to obtain the Section 73 Certificate and manage the servicing aspects of their projects. Details are available from any Sydney Water Customer Centre on 13 20 92 or Sydney Water's website at www.sydneywater.com.au.

- C8** New utility services associated with the development of the site, such as fire hydrant booster valves, substations, water storage tanks and so on are not to be incorporated into the landscaping to be established in the development of the land.
- C9** Any open storage areas shall be delineated in area, to be screened effectively and shall harmonise with existing or proposed landscaping and prevent the land being viewed from a public road, nearby public reserve or adjoining residential property. Specific details of the materials to be stored external to the building shall be lodged with the Application. The storage areas are not to be located within the landscaped area.
- C10** Letterboxes shall be located along the front boundary and be clearly visible and accessible from the street.
- C11** Owners are to provide their own waste management services. These facilities will vary depending on the needs of the site. Any waste management equipment must not be visible from the street. Waste bins must be provided in a designated area that is easily and safely accessible for workers.
- C12** Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.
- C13** Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.
- C14** Any electrical kiosk, fire booster assembly or similar utilities are to comply with the provisions of **Part 3L – Landscaping**.

Deleted: <#>Any electrical fire booster assembly required be located in an unobtrusive location away from pedestrian vehicle entrances to the property and not located within the main street setbacks. The utilities shall be screened using landscaping or a built screen so as not to reduce the visual amenity of the development, landscape treatment or the streetscape and public domain. The location of, and screening treatment surrounding utility shall be approved by the Landscape Architect prior to the installation.¶

¶ Fire booster assemblies shall be housed within the external facade of the building structure where possible.

Comment [AQ1]: Identical controls relating to the location and design of electrical kiosk, fire booster assembly or similar utilities are located within Part 3L of the BDDCP. To avoid duplication, Part 3L is nominated as the only DCP chapter which contains specific provisions relating to the location and design of these facilities.

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6.3.9 Landscape

Since the early 1980's Botany Bay City Council has set a precedent by upgrading the image of its industrial areas by extensive, well designed landscaping on development sites.

Objectives

- O1** To ensure that future development contributes to the creation of a high quality landscape environment in the Precinct, to improve the appearance of developments, the streetscape and the public domain;
- O2** To subdue the appearance of buildings by providing landscaping and planting that is of an appropriate scale for the building envelope;
- O3** To retain existing trees both inside and outside the site and provide suitably proportioned areas of well designed landscaping on each development site;
- O4** To improve the visual and environmental amenity of industrial and commercial areas;
- O5** To screen unsightly land uses and provide landscaped buffers between other properties and landuses, especially residential;
- O6** To provide pedestrian linkages and connections to surrounding public domain and community facilities on larger sites;
- O7** To provide recreation areas for workers in larger developments;
- O8** To design landscaping so that is integrated with the built form - the size, scale, building envelope and finishes, as well as parking, circulation and service facilities; and
- O9** To increase natural stormwater infiltration and decrease runoff through landscaping.

Controls

- C1** Landscaping is to be designed to ameliorate the bulk and scale of industrial and business park buildings, to shade and ameliorate large expanses of pavement and surfacing, to create a comfortably scaled environment for pedestrians in the public domain or from within the site and to screen utility areas and the like. Emphasis is to be placed on leafy internal spaces and landscaped setbacks designed for screening and visual amenity. In designing landscaping on a site, the requirements of **Part 3L - Landscaping** are to be complied with.
- C2** Existing trees, including Council street trees and trees on neighbouring properties, are to be retained and adequate provision allowed for the protection of their primary root zone and canopy when locating new buildings, driveways and parking areas (refer to **Part 3F - Tree Management**).



- C3** Planter beds at the base of the building façade are encouraged to soften and visually ground buildings.
- C4** Canopy trees are to be planted liberally throughout the development and with a contiguous, even distribution to reduce the scale and bulk of buildings, unify buildings with the landscape and open spaces, enhance the streetscape and provide shade and canopy cover over the site. Minimum tree size is 100 litre. Tree selection shall be in scale with building heights and shall be strategically located, for example, to soften the ends and corners of buildings. Canopy trees strongly influence the impacts of a development on the streetscape.
- C5** Energy efficient and sustainable landscaping practices are to be incorporated in the landscape design.
- C6** Vehicle manoeuvring, circulation, access and parking areas are to be located on the site in order to maximise the area available for landscaping. Excess hardstand areas are to be minimised. Contrasting pavement finishes shall be used to break up large sections of paving and to delineate different usages.
- C7** Stormwater absorption basins are to be planted with suitable trees and native grasses in preference to lawn. Species are to be tolerant of periodic inundation and water logging and shall not reduce the storage capacity of the basin. Species are not to have invasive root systems.
- C8** Landscaping in the public domain is to reinforce existing streetscape planting themes and patterns. Council may require the developer to provide street tree planting, landscaping, paving or street furniture in any development proposal.
- C9** Not less than 10% of the development site shall be landscaped. On sites over 2000m² the front landscaped setbacks are additional to the 10% requirement. The majority of landscaping shall front the street/s to which the development has frontage and include side and rear landscaped areas.
- C10** If an existing site is to be re-furbished, or with change of use applications, and if the landscaping forms less than 10% of the site area, then 10% will be sought if there is unused land available or excess parking. If there is less than a 3 metre wide landscaped frontage width this will also be sought.
- C11** If underground parking is included it must be located beneath the building footprint so that all landscaping and landscaped setback areas are deep soil natural ground zones (refer to **Part 3L-Landscaping** for a definition of a Deep Soil Zone).
- C12** Landscaped setbacks on side and rear boundaries should not contain access or fire egress paths. These should be positioned outside the landscaped setbacks or a wider setback provided.
- C13** Sub-surface on-site stormwater detention devices (OSD) are not to be located within any landscaped setback or underneath areas to be landscaped or planted. Alternative locations such as underneath driveways, car parks, pavements or within basements is required. Additionally, no stormwater inlet pits, piping or OSD structure are to be located within the canopy dripline or 3 metres outward of the dripline of existing trees to be retained. Above ground rainwater tanks shall



not be visible from the public domain.

- C14** Landscaped setbacks shall be in accordance with **Part 6.3.5 - Setbacks** are to be landscaped to provide an effective, purposeful and site responsive planting design to enhance the visual amenity of the development, particularly at the interface with residential development and the public domain.
- C15** The rear and side setbacks shall contain tall screen planting that retains foliage near ground level using suitably selected trees and shrubs. A layered landscape approach is required using trees and shrubs of varying height, form and canopy dimensions to adequately ameliorate the development and provide screening and visual amenity where required.
- C16** Areas containing trees are to be of suitable dimensions to allow for lateral root growth as well as adequate water penetration and air exchange to the soil substrate.
- C17** A continuous landscaped planter bed shall also be provided between driveways and site boundaries of minimum dimensions 1 metre, 2 metres is preferred to screen driveways and buffer vehicular noise.
- C18** Any planter bed within a development (excluding setbacks) shall be a minimum of 1 metre wide.
- C19** All fence and masonry wall details shall be indicated in the landscape documentation and shall be in accordance with **Part 6.3.10 - Fences**. Retaining walls shall be masonry or concrete and to a Structural Engineer's design if over 500mm in height.
- C20** Landscaped areas shall be supplied with a fully automatic drip irrigation system with moisture sensors.
- C21** All planter beds shall be contained by a 150mm high concrete kerb or masonry edge and all car parking spaces shall contain concrete wheel stops. Car parks shall be landscaped in accordance with **Part 3L - Landscaping**.
- C22** New footpaths shall be appropriately located within the street with consideration for obstruction cause by electrical pillar associated with the undergrounding of mains power.

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¶

Comment [AQ2]: Remove C22 as C23 as similar provisions relating to design and location of site facilities have been addressed in 6.3.8 Site Facilities

Deleted: <#>Fire booster valve assemblies, water tanks, electrical kiosks and waste storage area must not be located in landscape areas nor in the street setback to Part 6.3.8 - Site Facilities). are to be appropriately screened by a built enclosure or landscaping as not to impact the amenity of public domain (refer Part 3L - Landscaping). ¶

¶ <#>Electrical kiosks, fire booster assemblies or similar utilities shall be located in an unobstructive location away from vehicular pedestrian entries and not within landscape setback. The utilities must be screened by a built enclosure or landscaping so as to reduce the amenity of the development, streetscape or public domain. ¶



6.3.10 Fences

Fences and walls along the main street frontage, and dividing fences in front of the building alignment, can dominate the streetscape so they should be well designed, compatible with others in the street and constructed of materials that are compatible with buildings on the site and fences on adjoining properties. By keeping front fences either low or semi-transparent the streetscape has a more open, landscaped quality.

Objective

- O1** To provide guidelines for fencing of developments affected.

Controls

- C1** Fences are to be located behind the street frontage landscaped area or incorporated within the landscapes setback. All fencing along the street frontage is required to be permeable metal palisade or picket powdercoated in a suitable colour, dark colours are preferable. Maximum height is 1.8 metres on street frontages.
- C2** Chain wire is permitted only on the side and rear boundaries with commercial or industrial developments, commencing at the front building alignment - not the front boundary. All chain wire fencing is required to be black PVC coated.
- C3** If the side or rear boundary faces a side or rear boundary of a residential premises, a timber paling/colourbond fence (commencing at the front building alignment) is allowed.
- C4** Council may require that any fencing be replaced in any development if it is in a dilapidated condition.
- C5** Masonry retaining walls along the frontage are restricted to 600mm in height.
- C6** Solid metal panel fences of any height are not permitted along the street frontage or in front of the building alignment.
- C7** Access gates shall be hung so that the direction of swing is inward.
- C8** Fences adjacent to access driveway/vehicular crossings are to be designed and constructed to ensure adequate sight distances can be maintained in accordance with the requirements of AS2890.1 and AS2890.2.



6.3.11 Industrial Development Adjoining a Residential Land Use

The residential/non-residential interface is one of the major issues within the City of Botany Bay. Industrial and related developments have potential to cause a significant environmental impact in terms of odours, noise and discharges. Whilst some of these impacts are addressed by the Protection of the Environment Operations Act 2008 the design and operation of development in industrial and business park area can contribute to avoiding these issues. The impacts may be on more sensitive land uses in nearby residential areas or on other uses (including dwellings) within the industrial and business park areas. As the range of uses permitted in the industrial areas is quite significant it is necessary to consider these impacts on land uses within the industrial and business park zones.

In order to protect adjoining or neighbouring residential development, the following interface amenity controls have been crafted to ameliorate any potential adverse impacts from proposed industrial development.

Objectives

- O1** To reduce the land use conflict between residential and non-residential uses;
- O2** To ensure non residential development is sympathetic with the streetscape character and maintains the amenity of surrounding residential development; and
- O3** To ameliorate any potential adverse amenity, noise, privacy or overshadowing impacts upon any adjoining or neighbouring residential development from any proposed non-residential development.

Controls

General

- C1** Where a new building or alterations and additions to an industrial building is proposed abutting a residential property the front building line setback is to be the same as the front building line setback of the adjoining residence.
- C2** A minimum 3 metre side or rear building setback is required for any building abutting a residential property. This setback is to be increased by one metre for every additional metre in height for the proposed development, above 5 metres in building height.
- C3** The setback area adjoining a residential property is to be densely landscaped with evergreen trees and shrubs, which at maturity will screen the development from the residence. Details of the proposed planting are to be provided on a landscape plan to be submitted with the Development Application.
- C4** For any proposed development that adjoins a residential property, the hours of operation are to be restricted to between 7.00am and 6.00pm Mondays to Fridays, 7.00am to 1.00pm Saturday and no work on Sundays or public holidays.



C5 Noise emissions are to comply with the following noise criteria:

- (i) Operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration);
- (ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time; and
- (iii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.

For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

For some uses a noise impact assessment is required to be submitted with a development application for an industrial development adjoining a residential property, verifying that this noise criteria can be satisfied. The report should identify all possible noise sources/activities from the proposed development and is to be prepared by a suitably qualified consultant who is a member of the Australian Acoustical Society (AAS).

- C6** An industrial development should be designed to locate sources of noise such as garbage collection, loading/unloading areas, air conditioning plant/other machinery, and parking areas away from adjoining residential properties.

Plan of Management:

- C7** A Plan of Management (POM) will be required when an industrial or business park activity is proposed in proximity of a residential land use. The Plan of Management (POM) is a written report which describes how the ongoing operation of industrial premises will be managed to reduce its impact upon the amenity of surrounding properties.

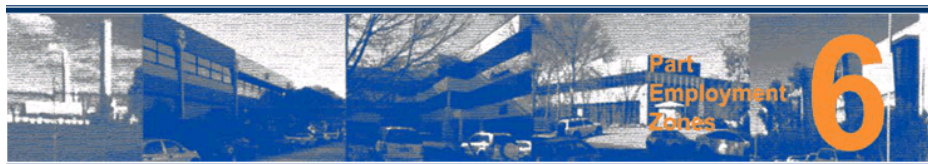
The POM allows Council to exercise control over the ongoing operation of a premises by requiring, as a condition of consent, that the premises operate in accordance with the POM. A condition of consent may require that a POM be regularly revised and submitted to Council.

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

- (i) Title;
- (ii) Objectives;



- (iii) Operational details;
 - (iv) Hours of operation;
 - (v) Staffing details;
 - (vi) Guidelines for staff for using the site facilities and equipments;
 - (vii) Deliveries and loading/unloading;
 - (viii) Managing customers or patrons;
 - (ix) Security details;
 - (x) Noise Impact Assessment;
 - (xi) Shadow Analysis;
 - (xii) Complaint recording and handling process; and
 - (xiii) The review process to continuously improve the POM.
- C8** The traffic movements, hours of deliveries, use of parking areas and garbage collection must be managed through the POM where industrial and/or business park sites are close to residential premises. 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 conditions of consent.
- C9** 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.
- C10** Where adjoining residential development, industrial and business park development is to provide appropriate buffer mechanisms to reduce the impact of their operations on the residential development.
- C11** Sources of noise such as garbage collection, deliveries, machinery, motors, parking areas and air conditioning plants are to be sited away from adjoining properties and where necessary, be screened by walls or other acoustical treatment.
- C12** New construction is to be located and designed to minimise any impact on adjoining residential properties by way of overshadowing, overlooking, glare, dust, fumes or noise generation.
- C13** New development is to be designed so that noise-producing activity is remote from the interface boundary. New manoeuvring areas and parking areas facing existing residential areas are not permitted due to noise resulting from such activities.
- C14** Site lighting for building security and staff safety must be directed so as to not cause annoyance to neighbours or glare to passing motorists.
- C15** Sites with a road frontage to residential areas (ie Stephen Road, Denison Street, Cranbrook Street, Tenterden Road etc) are to locate any new offices to the residential areas and are to have restricted access points onto the residential fronted road. The warehouse/factory functions of a new development are to be located away from the residential areas.



C16 Walls of buildings adjacent to residential areas are to make use of non-reflective colours and materials to avoid glare on residential areas (especially balconies). The walls are to be treated to aesthetically as well as acoustically. Window placement and/or tall trees should be considered as ways to protect privacy, reduce noise and light pollution.

C17 Where a site adjoins a residential property, Council shall require the applicant to provide shadow diagrams prepared by a suitably qualified person. These shadow diagrams shall:

- (i) Show the shading effects of a proposal on adjoining residential properties or the public domain;
- (ii) Be based on a survey of the site and adjoining development; and
- (iii) Be prepared at 9.00a.m, 12.00noon and 3.00p.m. at 21st June (winter solstice).

C18 Where the windows of habitable rooms and the private open space of adjoining dwellings already receive sunlight, they shall receive a minimum of 2 hours of sunlight between 9.00a.m. and 3.00 p.m. during 21st June.

Note: Council will refer a contentious Development Application or one that involves an extension to the trading hours of a licensed premises to a Resident Consultative Committee or where there have been a significant number of objections received as a result of exhibition and/or notification of the Application. Both the Applicant and the Objectors will be invited to attend. The purpose of the Committee is to address the issues raised by residents in an open forum.



6.3.12 Noise and Hours of Operation

Noise from the operations of industrial/business operations is one of the main issues, especially at the interface between residential and industrial/business operations.

Objectives

- O1** To ensure appropriate noise attenuation measures are incorporated into building design and site layout;
- O2** To ensure that any noise generated from the operation of the development is minimised and maintained at acceptable levels;
- O3** To ensure that hours of operation are appropriate for the site and the neighbourhood;
- O4** To reduce, if not eliminate, land use conflicts and anomalies on the interface between industrial/business park areas and residential areas; and
- O5** To minimise the impact of noise and vibration by proposed operations and on proposed developments of existing and projected future sources of noise and vibration.

Controls

- C1** Noise control measures are to take into account all noise generating sources.
- C2** Sources of noise such as garbage collection, deliveries, machinery, motors, parking areas and air conditioning plants are to be, where practicable, sited away from adjoining properties and where necessary, be screened by walls or other acoustical treatment.
- C3** Development is to be designed with noise control measures to minimise the possibility of noise transmission to the occupants of adjoining or neighbouring dwellings. New development must be designed so that noise producing activity is remote from the interface boundary.
- C4** All applications for noise generating uses are to be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.

Note: Noise generating uses include: Air transport facilities; amusement centres, animal boarding or training establishments; boat building and repair facilities; bulky goods premises; commercial car parks; child care centres; depots; entertainment facility; food and drink premises; freight transport facilities; function centres; garden centres; general industries; hardware and building supplies; heavy industrial storage establishments; heavy industries; high technology institutes; industrial training facilities; landscaping materials supplies; passenger transport facilities; place of public worship; pubs; recreation facilities (indoor); registered clubs; resource recovery facilities; service stations; storage premises; timber yards; transport depots; truck depots; vehicle body repair workshops; vehicle repair stations; vehicles sales or hire premises; veterinary hospitals;



warehouse or distribution centres; waste or resource management facilities; and any other uses designated by Council.

- C5** Noise mitigation measures around machinery and property are to be submitted with the development application.

Note: Please refer to Council's Guidelines Minimum Acoustical Requirements for New Developments and to Council's **Development Application Guide**.

- C6** The emission of noise from any new development is to comply with the NSW EPA Industrial Noise Policy and Council's adopted Noise Criteria.
- C7** Any levels of noise generated from the operations or vehicles associated with the development is to be compatible with adjoining non industrial uses and the requirements of the NSW Environment Protection Authority "Environmental Criteria for Road Traffic Noise" and Council's adopted Noise Criteria.
- C8** The traffic movements, hours of deliveries, use of parking areas and garbage collection are to be restricted where sites are in close proximity to residential premises.
- C9** Hours of operation for the use of a site are to be restricted by Council if it is at all likely that the use will cause an impact on any adjoining or adjacent residential development. Uses that operate outside of normal hours of operation (ie Monday to Friday 8am to 5pm and Saturdays 8am to 4pm) are required to submit a Plan of Management (POM). The Plan of Management (POM) is a written report which describes how the ongoing operation of the use will be managed to reduce its impact upon the amenity of surrounding properties.

The 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.

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

- (i) Title;
- (ii) Objectives;
- (iii) Operational details;
- (iv) Hours of operation;
- (v) Staffing details;
- (vi) details of plant and equipment and hours of use
- (vii) Guidelines for staff for using the site facilities and equipment;
- (viii) Car parking provision and use by staff and visitors;
- (ix) Deliveries and loading/unloading;
- (x) Sorting of materials;
- (xi) Storage of materials;
- (xii) Managing customers;



- (xiii) Security details;
- (xiv) Complaint recording and handling process; and
- (xv) The review process to continuously improve the POM.

C10 Loading and unloading times are not to 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 and may be regulated in conditions of consent.

C11 High-intensity noise generating industries are not be permitted in close proximity to residential uses.

C12 Sites with a road frontage to residential areas should locate any new offices to the residential areas with restricted access points onto the residential fronted road. Similarly, the warehouse/factory functions of the new development must be located away from residential areas.

C13 Where significant amounts of traffic are likely to be generated which could affect residential areas or residential zoned land, schedules of vehicle movements and their routes must be provided and may be regulated in any conditions of consent.



6.3.13 Waste

The consideration of waste issues when designing a development proposal will assist in the on going minimisation of waste through recycling and reuse of materials. Council encourages waste minimisation (source separation, re-use and recycling) and requires the efficient storage and collection of waste and quality designed of facilities. This section contains objectives and controls that must be complied with which apply specifically to industrial developments with both designated and communal waste storage areas.

Objectives

- O1** To assist in achieving Federal and State Government waste minimisation targets in accordance with regional waste plans;
- O2** To minimise the overall environmental impacts of waste;
- O3** To require the preparation of waste management plans detailing actions to minimise waste generation and disposal;
- O4** To require source separation and other design and location standards that complement waste collection and management services offered by private providers; and
- O5** To encourage building design and construction techniques that minimise future waste generation.

Controls

- C1** Development must comply with **Part 3N - Waste Management and Minimisation**.
- C2** The system for waste management is compatible with the chosen collection services.
- C3** Sufficient space shall be provided for on-site separation and storage of recyclables and garbage.
- C4** For multi-use and industrial units, a waste storage and recycling area shall be provided for each unit or in communal areas. This area shall be designed to accommodate a range of uses as well as a change of use of the units.
- C5** The area is easily accessible from each unit and from the collection point and clear access for collection vehicles is provided.
- C6** The waste collection area shall be covered, drained to sewer through a Sydney Water Trade Waste Agreement and may need bunding depending on the material to be stored within the area.



6.3.14 Environmental Protection

This control covers the potential for pollution (including odour) from development and to try and minimise any adverse environmental effects of development.

Objectives

- O1** To ensure that development takes account of and minimises any adverse effects upon the environment; and
- O2** To limit the potential for noise, air (including odour), ground water, soil and surface water pollution.

Controls

- C1** All development must comply with the provisions of the relevant air quality acts and regulations.
- C2** Detailed Stormwater Management Plans are required and all development must comply with **Part 3G - Stormwater Management**.
- C3** Industrial developments likely to emit air pollutants (including odour) shall demonstrate that best practicable means of control of air pollutants (and odour) will be applied to the proposed development. The applicant shall outline the type, quantity and quality air pollutants that are likely to be emitted, the collection and treatment proposed prior to discharge and methods to be employed to minimise fugitive emissions.

Note: for Best Management Practices for odour control please refer to www.environment.nsw.gov.au
- C4** The discharge of any matter whether solid, liquid, or gaseous onto the site, neighbouring land, public place or into any road, drain, pipeline or water course or into the air during demolition, excavation, construction or subsequent occupation of the property is required to conform to the Protection of the *Environment Operations Act 1997*, or a pollution control approval issued by the Environmental Protection Authority for Scheduled Premises.
- C5** A Trade Waste Agreement shall be obtained from Sydney Water prior to commencement of works for any use where wastewater is likely to be generated (in addition to toilet facilities). A Permission to Discharge Trade Wastewater shall be obtained from Sydney Water and a copy provided to Council prior to issuing of the Construction Certificate.
- C6** Any proposed building, construction or demolition works requires a Soil and Water Management Plan on the methods to be employed to minimise soil disturbance and soil migration from the site. The Plan is to be lodged with Council as part of the Development Application information.
- C7** Liquid materials shall be stored in an appropriately roofed and bunded area in accordance with



the NSW EPA Bunding and Spill Management Guidelines.

- C8** No furnace, kiln, boiler, chemical plant or other equipment capable of discharging emissions into the atmosphere may be installed if it will result in unacceptable levels of air pollution.
- C9** Demolition materials shall not to be burnt on site.
- C10** No liquid waste may be discharged onto the site or neighbouring land, public place or into any road, drain, pipeline, or water course. (It needs to be treated and put to sewer or collected and disposed of in accordance with the EPA requirements).
- C11** Each loading dock shall be equipped with an airtight container for containment of any chemical contaminant which may be being transported and shall be manned, at all times, by a person trained in dangerous goods handling and decontamination. A store of absorbent material shall be kept on site at all times for use in the event of liquid spills. The equipment is to be installed prior to the issuing of the Occupation Certificate.
- C12** Developments that may handle significant quantities of any potential pollutants are to develop clean-up procedures in case the materials escape from the site. Occupiers are to train staff in clean-up procedures. Such training is to be on-going.
- C13** Any excavation adjacent to RMS infrastructure must comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. A copy of this Technical Direction can be downloaded via the following link:
<http://www.rms.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>

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6.3.15 Risk

Objective

- O1** To ensure that any risk to human health, property or the natural environment arising from the operation of the development is minimised and addressed.

Controls

- C1** Should the proposed use involve the storage and/or transport hazardous substances Council will require an assessment of the Development Application under **State Environmental Planning Policy No. 33 - Hazardous and Offensive Development**.

Note: All applications to carry out potentially hazardous or potentially offensive development will have to be advertised.

- C2** Development Applications to carry out potentially hazardous development will also have to be supported by a Preliminary Hazard Analysis (PHA). Applicants should refer to the provisions of State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

Note: Applicants are to refer to the applicable Hazardous Industry Planning Advisory Papers (HIPAPs) and other guidelines such as *Applying SEPP 33* and *Multi-level Risk Assessment* found on the Department of Planning and Environment's website at <http://www.planning.nsw.gov.au/planning-guidelines-for-hazardous-development>

- C3** Development adjacent or adjoining sites/uses/pipelines that involve the storage and/or transport of hazardous substances are to prepare a risk assessment in accordance with the Hazardous Industry Planning Advisory Papers.

Note: Banksmeadow Industrial Precinct has specific risk related controls that have to be complied with. If your site is within the Banksmeadow Industrial Precinct you need to also refer to the Precinct controls in **Part 6.2.8 - Banksmeadow Industrial Precinct**.



6.3.16 Industrial & Business Park Unit Development

Objectives

- O1** To ensure that industrial & business park unit development has a consistent character and built form within the estate;
- O2** To introduce genuine architectural interest within the built form, which is responsive to the position and form of the buildings on adjoining sites and to the topography and position of the site within the estate and the locality; and
- O3** To ensure that the size and shape of the industrial unit is appropriate for the range of industrial uses permissible in the zoning of the site.

Controls

Building Form and Finishes

- C1** Each building within the estate whether it is positioned on its own site or within a multiunit development shall be provided with a clearly delineated entryway. This sends a clear message to anyone entering the property where the exact location of the entrance to each building is.
- C2** Each building within the estate shall be designed to address the public or private road to which it presents, with credible architectural elements.
- C3** Corner allotments shall contain buildings, which also address the corner of the site with an accentuated building form to help denote the entry to the estate etc.
- C4** Large expansive walls with no architectural interest or relief will not be permitted. Architectural elements, variations to colours, textures and or materials shall be utilised in these circumstances.
- C5** Large expansive buildings shall have their bulk visually broken down by the use of variations to the placement of the vertical walls of the buildings. Minor modulations to the height of the buildings may also be employed to achieve a reduction of its visual bulk.
- C6** Consideration shall be given to the proposed likely height and configuration of buildings on adjacent sites. Sensitivity to the resultant character of the street shall be addressed at the design stage of each development proposal.



Site Layout

- C7** The site layout and internal building design shall be arranged so as to ensure all car parking areas have the ability to undergo natural surveillance from the occupants of adjacent buildings.
- C8** The site layout shall also be arranged to facilitate natural surveillance of properties within the estate from both the public roads and internal roads.

Size of Industrial Units

- C9** Units are to be of a size to accommodate uses permissible within the zoning.
- C10** The applicant is to demonstrate that the use operations, including the storage of raw materials, finished products, trade wastes and recycling bins are contained wholly within the industrial unit.
- C11** The applicant is to demonstrate that all vehicle parking and movement can be contained within the site.

Setbacks

- C12** In addition to the setback requirements in **Part 6.3.5 - Setbacks**, individual site proposals shall be designed with regard to the actual or likely positioning of buildings on their rear and side boundaries in order to ensure that optimal utilization of manoeuvring and landscaping areas occurs within the estate. Examples of where this may occur include:
- (i) To obtain access to a landscaped area located at the rear of the site it would be appropriate to have a reasonable side boundary setback on at least one side of the site; and
 - (ii) To share a proposed vehicular turning area, it may be appropriate to have a zero side setback between two industrial buildings within the estate.

Paving

- C13** Large expanses of bland concrete paving shall not be permitted. A contrast of paving materials are required to be provided throughout the development i.e. unit pavers and concrete.
- C14** The majority of car spaces are to be paved with interlocking unit pavers.
- C15** Use of asphalt is not permitted.



6.3.17 Change of Use of Existing Buildings

Changes to the use of existing buildings in industrial areas & business areas may require upgrades. It is necessary to ensure that the building will be suitable for the new use and that its use does not have an adverse impact on adjoining and nearby land uses.

Objectives

- O1** To ensure that the existing building is appropriate for the new use;
- O2** To ensure that any necessary upgrades including upgrades to landscaping, BCA compliance and car parking layout or changes to the development are made;
- O3** To ensure there are minimal adverse impacts on surrounding development; and
- O4** To ensure there are minimal adverse impacts on traffic and car parking on nearby streets.

Controls

- C1** A change of use is must not result in a significant impact on adjoining or nearby properties or on traffic movements within the locality.
- C2** All buildings on site are to be upgraded to comply with the Building Code of Australia relevant to the proposed use. Where this has an impact on the exterior of the building it is required to comply with the requirements in this DCP.
- C3** Where the new use requires more car parking than is currently provided; it shall where possible increase the car parking and loading provisions to meet the requirements of the DCP, subject to compliance with other provisions of the DCP. Existing landscaping areas however are not to be removed or reduced in size.
- C4** Where a new use results in additional traffic generation it may be necessary to adjust the access driveways to suit the traffic generation. Refer to **Part 6.36 - Parking and Vehicular Access** of the DCP for details on access provisions.
- C5** Where existing landscaping is below the standard identified in the DCP, the existing area of landscaping shall where possible be upgraded to the standard specified in the DCP (refer to **Part 3L - Landscaping**).
- C6** The new use shall not compromise the amenity of the locality in any greater, different or additional way than the existing use.
- C7** Any adjustments required to any Council infrastructure in conjunction with the change of use shall be at no cost to Council.



6.3.18 Non Industrial & Business Park/Developments

Botany Bay LEP 2013 permits a range of non industrial & business land uses within the industrial and business zones. These are those uses which are ancillary to industrial & business uses or which are compatible with an industrial and business environment.

These land uses may involve using an existing building or construction of a new building. The following provisions are additional provisions for particular land uses. These land uses shall also comply with the other provisions of the DCP.

Some of the non related industrial and business park land uses have some specific controls (refer to **Part 7 - Other Development Types and Land Uses**).

Objectives

- O1** To ensure that the non industrial & business land uses are compatible with the industrial environment;
- O2** To ensure that the non industrial & business land uses do not unnecessarily restrict the operation of industrial and business uses in the industrial & business zones; and
- O3** To ensure that non industrial & business land uses are designed to operate without adverse impact from industrial developments.

Controls

- C1** Site planning for non industrial & business land uses shall ensure that the use will not unduly impose restrictions on existing or future nearby industrial uses.
- C2** Car parking for the non industrial & business land use is to be able to operate separately from other land uses on the site.
- C3** Where the hours of operation are after sunset, the car parking areas and any other public areas shall be provided with lighting to provide a safe environment for users of the premises after hours.
- C4** A Noise Impact Assessment Statement prepared by a qualified Acoustics Engineer may be required to be submitted with the application depending on the scale and location of the proposed use to show that the use can operate satisfactorily in the industrial area.



6.3.19 Caretaker Dwellings

It is acknowledged that in some cases, businesses require full-time care of buildings, plant and equipment. The need for a caretakers dwelling may be recognised in circumstances where it can be shown that a caretaker needs to reside full-time on land containing those buildings, plant and equipment in order to effectively fulfil their duty of care.

A caretakers dwelling is "a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant".

Objectives

- O1** To provide for caretaker dwellings where they do not compromise the integrity of industrial or business areas by imposing unnecessarily restrictive constraints on the operation of industrial or business uses; and
- O2** To ensure caretaker dwellings are appropriately designed to provide reasonable amenity for occupants.

Controls

- C1** The caretakers dwelling is to be ancillary to the approved industrial or business use on the site.
Note: Ancillary use means any use located on the same site as a primary use, where the ancillary use is small in scale and incidental to the primary use, and serves a supportive function to the primary use.
- C2** Only one caretakers dwelling is permitted on a lot.
- C3** A caravan will not be permitted to be used as a caretakers dwelling.
- C4** The caretakers dwelling shall be occupied by a person who must be employed as a caretaker, owner of the business or operator of the business located on the same site. If consent is granted, a restriction on the use of land shall be registered on title that ensures that the caretaker dwelling is occupied by a person who must be employed as a caretaker, owner, or operator of the approved business on the site; and that the caretaker dwelling is not to be used as an independent flat or separate domicile or available for separate letting.
- C5** A caretakers dwelling is to have a maximum floor area of 75 square metres and is to contain a maximum of one kitchen, bathroom, toilet, laundry and living/dining area.
- C6** The caretakers dwelling shall be provided with a private open space area of:
 - (a) 15 square metres with a minimum depth of 3 metres at ground level that is directly accessible from a living room; or
 - (b) be located entirely above the ground floor on a balcony or roof area with a minimum area of 8



square metres and a minimum dimension of 2 metres, directly accessible from a living room.

- C7** The caretakers dwelling shall be located so that it does not suffer adverse impact from the operation of the business on site or reduce the operating capability or capacity of the adjacent businesses.
- C8** The impacts of industrial development are to be mitigated by providing protection for the caretakers dwelling from overshadowing and overlooking, noise, vibration, light, dust and odour nuisance. These impacts can be mitigated by provision of acoustic engineering, walls, screening, physical separation, site landscaping and maintaining appropriate hours of operation.



6.3.20 Creative Industries

Council is supportive of creative and high tech industries within the Botany Bay LGA as these uses have the potential to increase employment opportunities; and provide a transition between the traditional industrial areas and the adjacent residential areas.

As a majority of Council's industrial areas are now zoned under the Three Ports SEPP, the remaining reduced industrial areas need to cater for other non-port related industries that are being displaced - such as the high tech and creative industry sectors.

By encouraging creative industries, the decline in traditional industries can be rectified which will generate greater employment opportunities, as these industries tend to be high employment generators. The shift to these kinds of uses will also address the residential/industrial interface, by providing for a lower impact form of development. With these kinds of high tech uses there is an opportunity to enhance the streetscape of the industrial areas, which would be of benefit to adjacent residential and commercial zones.

Creative industries are businesses, which focus on individual creativity, skill and talent and include uses such as:

- Visual and performing arts;
- New media or multi media including film and television;
- Computer animation;
- Web design and music;
- Architecture;
- Urban design;
- Industrial design;
- Designer fashion;
- Writing; and
- Publishing.

The B7 Business Park Zone promotes uses in the creative industries and design sectors. The B7 zone will provide an interface between residential zones and the industrial zones. The following list indicates the types of uses which may be labeled "creative industries":

- Audiovisual, media and digital media;
- Advertising;
- Craft, visual arts and Indigenous arts;
- Design (including architecture, fashion, and graphic, urban, industrial and interior design);
- Film and television;
- Music;
- Publishing;
- Performing arts; or
- Cultural heritage institutions.



A creative industries local provision would be consistent with the Botany Bay Planning Strategy undertaken by SGS consultants. Section 5.6 of the Stage 3 (Employment) Final Report dated May 2008 prepared by SGS deals with the South Botany Sub-Precinct and states in part:

"The precinct differs considerably from the Lord Street and Hale Street precincts in that it features generally smaller lots, narrow streets and significant interfaces with residential development. There may be the potential for intensification of employment activities however this is likely to require a shift away from industrial uses toward activities with higher employment densities. Given the proximity of the precinct to residential development a move away from 'heavier' employment use towards low impact economic activities, such as high tech and creative industries may be appropriate."

This report also recommended on page 38 that the Eastgardens/Hillsdale Industrial Precinct "may be suitable as a host for local light industries and urban support displaced from other areas within the LGA given that projections are for a decline in jobs in the travel zone". Given that this Precinct is now zoned IN1 under the SEPP (Port Botany) 2013 local light industries and urban support services will be further displaced and opportunities for such industries need to be identified elsewhere within the LGA.

By locating these creative/high tech industries, adjacent to the residential interface areas, they can provide a lower impact transition zone between the traditional industrial areas and the residential zones.

Objectives

- O1** To support creative industries in Botany Bay LGA;
- O2** To clarify the types of uses most suited to the business park areas;
- O3** To encourage the adaptive reuse of existing character buildings wherever possible;
- O4** To manage mixed use activities and their impacts so as to minimise land use conflicts;
- O5** To encourage active streetscapes by promoting ground floor employment generating uses and new public domain works; and
- O6** To provide a buffer between traditional industrial land uses and residential zones.

Controls

- C1** In order to maintain active street frontages, vehicle access points must be either:
 - (i) Provided from rear lanes; or
 - (ii) Designed as narrow as possible on street frontages subject to compliance with AS2890.1 and AS2890.2
- C2** New development must improve pedestrian/streetscape amenity by incorporating awnings over the street for weather protection, street furniture or public art. An improved public domain is



encouraged particularly on sites where they adjoin residential areas.

- C3** To encourage activation of the street, the display of creative industry products along the street frontage is encouraged.
- C4** Hours of operation may be varied on occasion to accommodate forums or exhibition openings that may occur in the evening, provided the amenity of nearby residential properties is maintained.

Note: By integrating the private and public domain at the street interface creative industries will encourage a more vibrant and attractive streetscape.

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6.3.21 Business Premises & Office Premises in the B5 Business Development & B7 Business Park Zones

Council has strived to achieve buildings of superior architectural quality and innovation in these zones and will continue to do so, favourably supporting buildings of contemporary design that utilise a variety of materials and finishes; and that provide for an improved public domain.

Objectives

- O1** To minimise the impact of stand alone office & business buildings on the surrounding area;
- O2** To enhance the visual quality of the B5 Business Development and B7 Business Park Zones and humanise the streetscapes surrounding them;
- O3** To provide visual relief and shade to the large amounts of ground and building surfacing; and
- O4** To create a pleasant "human" environment within and external to the site.

Controls

General

- C1** Building expression through façade modulation, roof silhouette and the use of a variety of contemporary materials and finishes is required to achieve buildings that are of architectural merit, innovation, variety and attractiveness. There is to be a balance between the solid walls and openings and between horizontal and vertical planes. A Schedule of Finishes is required for new buildings.
- C2** Buildings are to have a clearly delineated entranceway to address its main frontage. Buildings on corner allotments shall include an accentuated form on the corner. Minor modulation in the height of buildings is required to reduce visual bulk and scale.
- C3** Signage is to be kept to a minimum to reduce visual clutter and confusion. All proposed signage must be shown in the building elevations and plans (refer to **Part 3D - Signage**).
- C4** Vehicle manoeuvring, circulation, access and parking shall be arranged on site to maximise the area available for landscaping. Excess hardstand areas should be minimised whilst designing manoeuvring, circulation, access and parking in accordance with Australian and Council standards.
- C5** Stormwater absorption basins are to be planted with trees (where concrete storage tanks do not exist underneath), groundcovers and native grasses instead of lawn. Species are to be tolerant of periodic inundation and waterlogging and not reduce the storage capacity of the basin.
- C6** Hard paved areas shall be finished with unit pavers. Use contrasting finishes to break up large



sections of paving and to delineate pedestrian areas, entries, car parks, special use areas or at transition zones between different uses. Porous paving should be utilised wherever possible.

- C7** There should be a balance between building footprint, parking/circulation and landscaping/open space. The majority of landscaping shall front the street/s to which the development has frontage and returning along the side boundaries of the setback.
- C8** Underground parking shall be situated underneath the building footprint so that the majority of landscaping will be on natural ground to allow for deep root planting. As a minimum, landscaping along the frontage/s and abutting residential land uses shall be on natural ground. Deep root planting is planting that is not on a suspended concrete slab and not over an underground car park (refer to **Part 3L - Landscaping** and **Part 6.3.9 - Landscape**).
- C9** Underground OSD (stormwater) detention tanks are not to be located underneath areas to be landscaped or planted. An alternative location ie. underneath driveways, car parks or pavements is required. No stormwater inlet pits or piping are to be located within the drip line of existing trees.

Landscaping

- C10** Landscaping must comply with **Part 3L - Landscaping**.
- C11** Landscaping is to be designed to reduce the bulk, scale and size of buildings, to shade and soften hard paved areas, to create a comfortably scaled environment for pedestrians in the public domain or from within the site and to screen unsightly areas. Emphasis is to be placed on leafy internal road corridors and a landscaped setback designed for softening of buildings.
- C12** Trees shall be used liberally throughout the design to reduce the scale and bulk of the built form and to reinstate canopy cover over the site.
- C13** Landscaping in the public domain is to reinforce existing streetscape planting themes and patterns. Council may require street tree planting, grassing, shrub and accent planting or any combination of these. Streetscape beautification may also include re-paving the public footway with pavers.

Note: Council may require that all street trees be planted at the Site Establishment Phase or during Stage 1 of a staged development so that trees become established, have some growth and achieve some softening of the development by Practical Completion.
- C14** There shall be a minimum landscaped setback of 3 metres on all street frontages, and 4 metres on classified roads. The landscaped setback may be varied by Council to enable landscaping to be in proportion to the height of the building, on large development sites or to be consistent with setbacks in the street. For example, buildings greater than 4 storeys in height will usually require a larger landscaped setback.



C15 Not less than 10% of the site area shall be landscaped. New commercial development shall allocate landscaping in accordance with the following ratios:

Site Area	Minimum Landscape Proportion
0- 2000m ²	10%
2000 m ² -5000m ²	20%
>5000m ²	30%



6.3.22 B-Double Vehicles

An applicant seeking B-Double access to a property in the City of Botany Bay, via a Council controlled road (all local and regional roads in the City), which is not gazetted as an approved B-Double route, shall submit a DA to Council to gain approval to access such a property. The applicants must follow Council's B-Double Route Application Guidelines in conjunction with the RTA's Route Assessment Guidelines for B-Doubles and Road Trains, when submitting the DA to Council.

Objective

- O1** To minimise the impact of large vehicles on the road network and the surrounding residential areas.

Controls

- C1** Development Applications must submit an application as per RTA's Route Assessment Guidelines for B-Doubles and Road Trains directly to Council for all roads controlled by Council. However, if the requested route includes a section of state road, which is not approved for B-Doubles, the applicant should submit a separate application to the Roads and Traffic Authority to gain approval for the state road section.
- C2** B-Double Route Development Application to Council must incorporate the following documents:
- (i) A map showing the proposed B-Double route;
 - (ii) Copy of Council's Development Consent for B-Double usage for the applicant's site;
 - (iii) Details of heavy vehicle trips to the applicant's site over the last full known year (should not be greater than 2 years from the date of application);
 - (iv) Details of anticipated heavy vehicles per annum to the applicant's site (including B-Double and other heavy vehicles) if the application is approved; and
 - (v) Swept Path Diagrams showing the turning movements of B-Double at each intersection of local roads along the proposed B-Double route.
- C3** A Road Pavement Performance Analysis Report along the local roads of the proposed B-Double route to and from the site is required to ensure existing road pavement can perform adequately under the anticipated traffic loading generated from the heavy vehicle movements.

Note: Council may request the applicant to provide additional information, which is necessary to assess the application. Council may stop the processing of the application until the applicant provides such information.

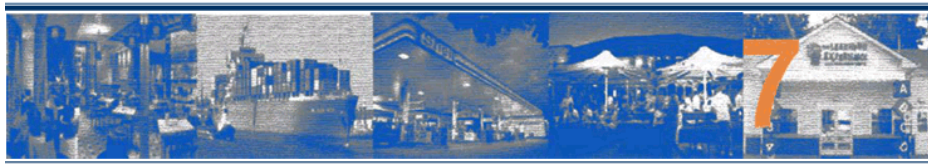
Applicants may identify in their application any other matter, which they consider should be taken into account when assessing the route.

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7C.1 Introduction

7C. 1.1 Land to which this Part Applies

The controls in this Part of the DCP applies to land in the City of Botany Bay where child care centres are permissible. Child care centres are permitted with the consent in the following zones:

- R2 - Low Density Residential
- R3 - Medium Density Residential
- R4 - High Density Residential
- B1 - Neighbourhood Centre
- B2 - Local Centre
- B3 - Commercial Core
- B4 - Mixed Use
- B5 - Business Development
- B7 - Business Park
- RE1 - Public Recreation
- RE2 - Private Recreation

This Part needs to be read in conjunction with:

Part 1 - Introduction
Part 2 - Notification and Advertising
Part 3 - General Provisions
Part 4 - Residential Zones
Part 5 - Business Centres
Part 6 - Employment Zones
Part 8 - Character Precincts
Part 9 - Key Sites
Part 10 – Technical Guidelines

Note: Child care centres must comply with the all other applicable Parts of the DCP, if there is a discrepancy between **Part 7C - Child Care Centres** and other Parts, the Objectives and Controls of **Part 7C** will always prevail.



7C.1.2 Regulatory Process - Development Consent and Licensing Requirements for a Child Care Centre

The approval of an Early Childhood Education and Care Service or Centre Based Service (which includes long day care, preschool or kindergarten) is a two-part process. Development consent is required first from Council under the Environmental, Planning and Assessment Act 1979 and Service Approval to (a license) to operate is then required from the NSW Department of Education and Communities (DEC) – Early Childhood and Education Directorate (ECECD) in accordance to the Education and Care Services National Regulations (2011) and the Education and Care Services National Law (2010).

A Development Application for a Centre Based Service (child care centre) must be approved by Council, prior to the lodgement of a Service Approval from the NSW Department of Education and Communities - Early Childhood Education and Care Directorate.

Furthermore, child care centres are required to comply with a new national framework (National Quality Framework). The National Quality Framework is implemented in the *Children (Education and Care Services National Law Application) Act 2010* and supporting National Regulation, the Australian Children's Education and Care Quality Authority (ACECQA). This Act and Regulation are the primary regulatory scheme for children's services across Australia, and are focused on requirements that are closely linked to positive outcomes for children such as staff qualification's and staff to child ratios.

Applicants are encouraged to contact Department of Education and Communities - Early Childhood Education and Care Directorate to ensure that the proposed *Early Childhood Education and Care Service* complies with the regulations.

Note - Granting of development consent by Council will not necessarily result in the issue of a **Service Approval** (license) from the *Department of Education and Communities -Early Childhood Education and Care Directorate*.

7C. 1.3 General Objectives

- O1** To ensure child care centres are compatible with the surrounding area;
- O2** To minimise the disruption to local traffic;
- O3** To promote the establishment of child care centres to meet the needs of the community; and
- O4** To ensure child care centres are appropriately designed with a high level of safety, security and amenity.



7C.2 Design, Layout and Location

Objectives

- O1** To ensure *Early Childhood Education and Care Service* are compatible with the scale and character of surrounding areas;
- O2** To preserve the amenity of surrounding areas;
- O3** To ensure *Early Childhood Education and Care Service* are located in areas of high environmental qualities;
- O4** To protect the visual and acoustic privacy needs of children using the child care centres, staff and other users;
- O5** To ensure *Early Childhood Education and Care Service* comply with *National Quality Framework including Education and Care Services National Regulations (2011) and the Education and Care Services National Law (2010) and National Quality Standards*.
- O6** To ensure *Early Childhood Education and Care Service* are of a high visual quality which enhances the streetscape character.

Controls

General

- C1** The design and siting of a *Early Childhood Education and Care Service* shall consider:
 - (i) Existing vegetation;
 - (ii) Site orientation and solar access;
 - (iii) Natural drainage;
 - (iv) Significant noise sources;
 - (v) Views to and from the site;
 - (vi) Pedestrian and vehicle access;
 - (vii) Existing buildings on site;
 - (viii) Location of surrounding buildings, uses, open spaces adjoining or adjacent to the site; and
 - (ix) The predominant built form and character.

- C2** New development must be sited to follow the prevailing front setback pattern of the street. If the development is located in a residential zone, the building envelope must comply with **Part 4 – Residential Development**

Comment [AQ1]: There is no front setback control for child care centres in the existing DCP. The proposed control intends to ensure that new developments be compatible with the streetscape pattern and character.



- C3** *Early Childhood Education and Care Service* should be single storey in height. However a maximum two storey height limit applies for child care centres. In the case of two storey building, the ground floor of the building must include the main child care centre component (including children's indoor play areas, toilet facilities, sleeping area, staff offices and other ancillary rooms etc) with the upper storey of the building used only for the purposes of storage and staff training facilities.

Part 4.3 Physical Environment - in the National Regulation 2011 prescribes information for Early Childhood Education and Care Services to adhere to as follows:

Part 4.3 Physical environment

Division 1 Centre-based services and family day care services

- 103 Premises, furniture and equipment to be safe, clean and in good repair
- 104 Fencing
- 105 Furniture, materials and equipment
- 106 Laundry and hygiene facilities
- 107 Space requirements—indoor space
- 108 Space requirements—outdoor space
- 109 Toilet and hygiene facilities
- 110 Ventilation and natural light

Division 2 Additional requirements for centre-based services

- 111 Administrative space
- 112 Nappy change facilities
- 113 Outdoor space—natural environment
- 114 Outdoor space—shade
- 115 Premises designed to facilitate supervision

- C4** The building form and design of the *Early Childhood Education and Care Service* shall be consistent with the streetscape character.
- C5** *Under the National Quality Framework, an Approved Provider must apply for and be granted a Service Approval for each Education and care service it wants to operate.*

Design

- C6** *Early Childhood Education and Care Service* shall be designed and sited to maintain solar access for a minimum period of three hours between 9am and 3pm on 22 June to key areas of the centre including indoor and outdoor play areas.
- C7** Where various uses or activities are proposed to be undertaken, a Site Plan is required and must specify the location of where uses or activities are proposed to be undertaken.



- C8** *Early Childhood Education and Care Service* shall be designed in a manner that utilises cross ventilation as the primary ventilation control system.

Facilities and Layout

- C9** Building dimensions and facilities and the design of internal and external layout *must* comply with the National Quality Framework and any associated requirements of the *Department of Education and Communities Regulatory Authority*.

Access

- C10** The building shall provide for access for people with a disability by a continuous path of travel from the street and or parking area into and within every room and outdoor area uses by children and staff. Access shall be designed in accordance with AS 1428.1 and comply with Part D of the Building Code of Australia.

Location

- C11** A Location Analysis shall be submitted with a development application. The Location Analysis shall be in the form of a map that indicated the following within a 750 metre radius:
- (i) All existing child care centres, including the capacity of each centre;
 - (ii) Schools;
 - (iii) Parks; and
 - (iv) Community facilities.
- C12** *Early Childhood Education and Care Service* shall not have a direct street frontage or vehicle access point to a classified road, or any other road which in the opinion of Council is unsuitable for a child care centre, having regards to:
- (i) Prevailing traffic conditions;
 - (ii) Pedestrian and vehicle safety; and
 - (iii) The likely impact of development on traffic flows.



C13 *Early Childhood Education and Care Service* are not permitted in the following locations:

- (i) Cul-de-sacs;
- (ii) Flood risk areas;
- (iii) On or adjacent to contaminated land;
- (iv) Adjacent to or in view of the entrance of drug clinics and brothels; or
- (v) Land subject to aircraft noise above the 25 ANEF contour.

Comment [AQ2]: Correction of spelling error.

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C14 The location of *Early Childhood Education and Care Service* shall take into consideration any environmental risk or hazard including:

- (i) Pollution created by cars and other vehicle fumes;
- (ii) Proximity to LPG tanks;
- (iii) Existing and potential on and off-site electromagnetic fields (50Hz and radio frequency field .KHz – 3000 GHz);
- (iv) Contaminated land;
- (v) Flooding;
- (vi) Lead in painted surfaces, carpet, furnishing and roof void in existing buildings;
- (vii) Asbestos in existing buildings;
- (viii) Mould and mildew in existing buildings;
- (ix) Proximity to water cooling and water warming systems;
- (x) Proximity to noise sources; and
- (xi) Proximity to odours.

Open Space

C15 Outdoor play space must not be occupied by any motor vehicles during operation hours.

C16 Outdoor play areas between the front alignment of the building and the street are not permitted.

Noise and Vibration

C17 Sleep rooms and play areas are to be located away from undesirable noise sources.

C18 An acoustic report shall be prepared by a suitably qualified acoustic engineer and shall include:

- (i) Relevant noise criteria based on the Office of Environment and Heritage guidelines;
- (ii) All sources of noise;
- (iii) Noise emission levels; and



(iv) Proposed mitigation measures.

- C19** Where an *Early Childhood Education and Care Service* adjoins a residential property, noise generated by the centre must not be more than 5dB(A) above the ambient (L90) background noise level, as measured at any point on the adjoining residential property.

Landscaping

- C20** No area within an *Early Childhood Education and Care Service* may contain plant species that are characteristic of the following:

- (i) Plants known to be poisonous or that produce toxins;
- (ii) Plants with high allergen properties;
- (iii) Plants with thorns, spiky or prickly foliage; or
- (iv) Any plant species that Council considers may place the health, safety or welfare of the *Early Childhood Education and Care Service* users at risk.

- C21** Where adjacent a residential landuse, appropriate buffer planting or landscape screening shall be provided on site boundaries incorporating tall hedges and small trees. The minimum width of these landscape areas is 1.5 metres.

- C22** The front setback area of all child care centres is required to be fully landscaped (excluding approved vehicle accessways/parking) in accordance with **Part 3L - Landscaping**.

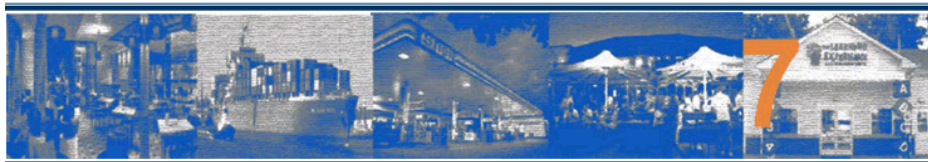
- C23** All *Early Childhood Education and Care Service* at street level shall contain appropriate landscape buffer/screen planting across the road frontage.

Safety and Security

- C24** *Early Childhood Education and Care Service* are to provide natural surveillance of access points and are to incorporate windows on the front façade to ensure visibility and natural surveillance.

- C25** Entry to an *Early Childhood Education and Care Service* is to be limited to one secure point, which is to be:

- (i) Sign posted;
- (ii) Well lit;
- (iii) Accessible by pedestrians and motorists, with priority given to pedestrians;
- (iv) Visible from the street;
- (v) Of sufficient size to prevent congestion;



- (vi) Monitored through natural surveillance; and
- (vii) Provided with a covered area (minimum 5m²) over the door.

C26 Entry to an *Early Childhood Education and Care Service* is not permitted through any outdoor play area.



7C.3 Operational Requirements

Objectives

- O1** To ensure the an *Early Childhood Education and Care Services* are compatible with the surrounding land uses;
- O2** To ensure impacts are minimised on the surrounding areas; and
- O3** To ensure the hours of operation do not have a detrimental impact on the surrounding areas.

Controls

General

- C1** The proposed development must not interfere with the amenity of the neighbourhood.

Staff

- O7** Staff ratios must comply with *National Quality Framework including Education and Care Services National Regulations (2011) and the Education and Care Services National Law (2010) and National Quality Standards*.

Hours of Operation

- C2** The hours of operation of child care centres in a residential zone are limited to 7am to 7pm Monday to Friday (excluding public holidays).

Plan of Management

- C3** A Plan of Management (POM) is required to be submitted with a development application. A POM is a written report which describes how the ongoing operation of the child care centre will be managed to reduce its impact upon the amenity of surrounding properties.

The 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.



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

- (i) Title;
- (ii) Objectives;
- (iii) Operational details;
- (iv) Hours of operation;
- (v) Staffing details;
- (vi) Guidelines for staff for using the site facilities and equipments;
- (vii) Deliveries and loading/unloading;
- (viii) Managing drop offs and pick ups;
- (ix) Security details;
- (x) Noise Impact Assessment;
- (xi) Complaint recording and handling process; and
- (xii) The review process to continuously improve the POM.

The traffic movements, hours of deliveries, use of parking areas and garbage collection must be managed through the POM where a child care centre is close to residential premises.



7C.4 Parking and Access

Objectives

- O1** To ensure vehicular and pedestrian access and servicing are suitable for the proposed use;
- O2** To ensure parking and vehicular access does not impact the amenity of the surrounding area; and
- O3** To reduce congestion on public roads.

Controls

- C1** The proposed development must not interfere with the amenity of the neighbourhood.
- C2** Drop off/ pick up spaces are to be provided. The number of spaces required is determined by the following:
 - (i) The maximum number of children the centre has approval for; and
 - (ii) One (1) drop-off /pick-up space per 20 children.
- C3** The dimension of pick-up / drop-off spaces shall be designed in accordance with User Class 3A as defined in AS2890.1.
- C4** All pick-up / drop-off spaces shall be located close to a lift, ramp or building entrance and clearly sign posted and line marked. Signage and line marking shall comply with AS2890.1.
- C5** The number of carparking spaces required shall be in accordance with **Part 3A - Car Parking**.
- C6** Walking routes through the parking area of the child care centre shall be clearly delineated with appropriate marking, pedestrian crossing and signposting.
- C7** Development Applications shall submit a Car Parking and Traffic Assessment Study and must address (but not limited to) the following:
 - (i) Existing prevailing traffic conditions;
 - (ii) The likely traffic generation rate of the proposed centre;
 - (iii) The current level of service for key intersection in the locality of the site;
 - (iv) The predicted level of service for key intersections in the locality of the site;
 - (v) The likely impact of the proposed development on existing traffic flows upon the local road network;
 - (vi) The suitability of the proposed access arrangements into or from the car parking area in the centre, taking into account current and future anticipated traffic conditions; and

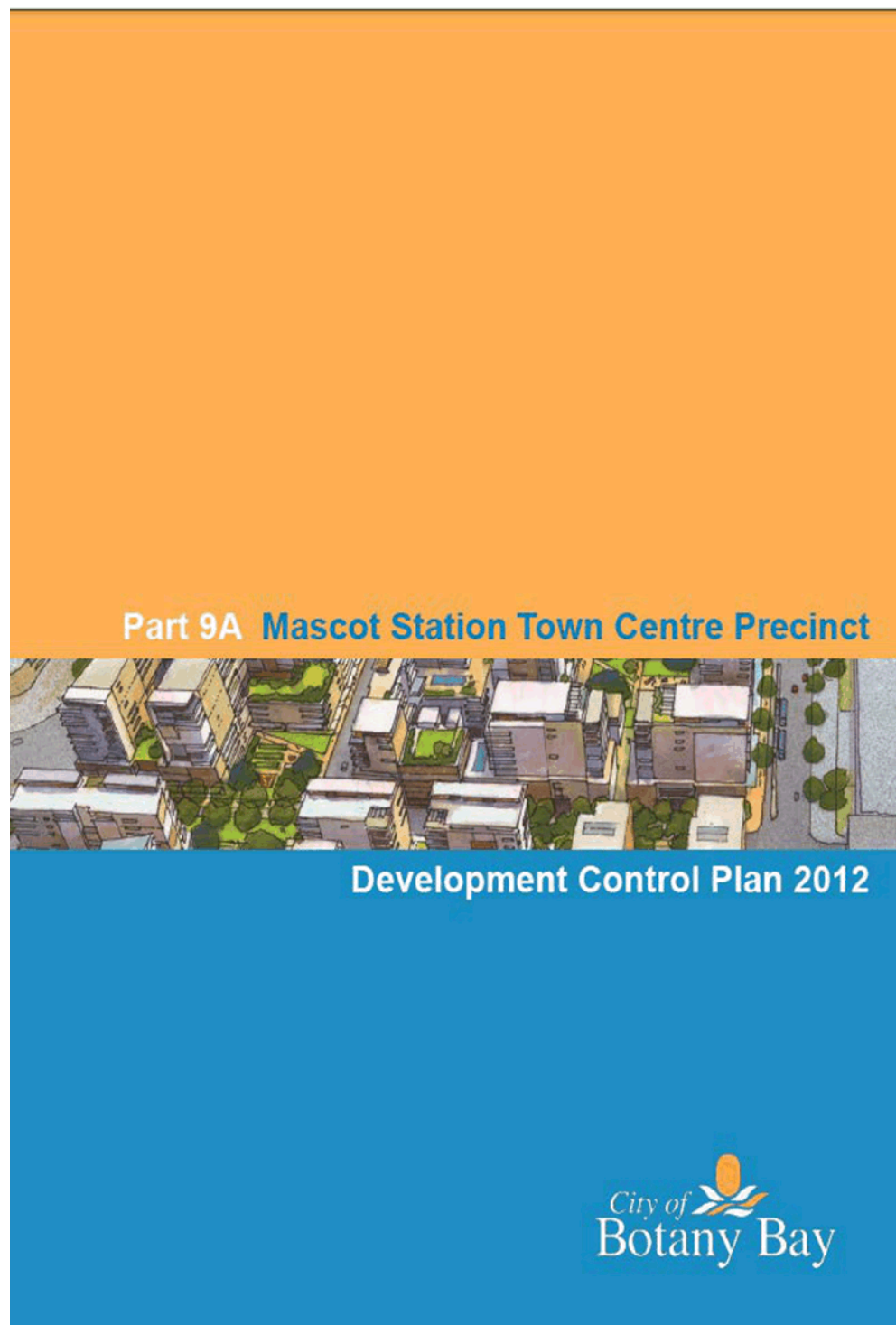


(vii) Any pedestrian and traffic safety issues.

For traffic generation rates the Road and Maritimes Services (RMS) traffic generation rate (refer to **Table 1**) is to be used as a guide:

Table 1 - Traffic Generation Rate for Child Care Centres

Centre Type	Peak Vehicles Trips/ Child		
	7:00am - 9:00am	2:30pm - 4:30pm	4:00pm - 6:00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before / after care	0.5	0.2	0.7





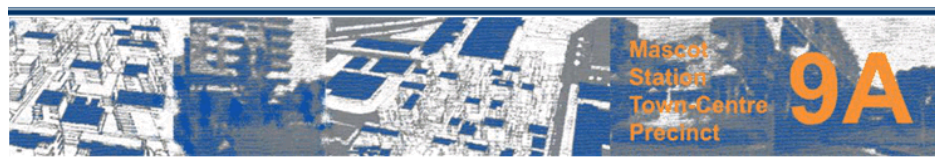
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9A.1 Preliminary

9A.1.1 Introduction

The Mascot Station Town Centre Precinct is centered on the Mascot railway station. The precinct has been targeted for future population and employment growth in State and Local planning strategies and has been identified as a future town centre in the Metropolitan Plan for Sydney.

The Precinct is characterised by large potential redevelopment sites that have been targeted for an increase in residential and business densities under the Botany Bay Local Environmental Plan 2013 (BBLEP2013). Mascot Station Town Centre Precinct therefore offers a unique opportunity for the development of a vibrant and creative town centre.

This Part provides a framework for future development in the Mascot Station Town Centre Precinct by specifying a series of aims, objectives, urban strategies and built form guidelines to help achieve the vision for the centre. It provides the opportunity to make significant improvements to the public domain, develop new residential communities and increased employment. It also recognizes and reinforces the distinctive characteristics of the Town Centre and protects and enhances the public domain.

The planning framework contained in this Part adopts a place-based planning approach by defining appropriate building types and developing place-specific building envelopes, supported by detailed design and environmental controls aimed at achieving a high quality built environment, landscape setting and community spaces. The provisions of this Part provide urban design controls to address the scale and density of development, traffic and pedestrian management, landscaping and other public domain improvements to ensure that the Precinct develops in a cohesive manner and capitalises on its location.



9A.1.2 Land to Which this Part Applies

This Part applies to the Mascot Station Town Centre Precinct which incorporates the land outlined in red in **Figure 1**.

This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Notification and Advertising
- Part 3 - General Provisions
- Part 4 - Residential Development
- Part 7 - Other Development and Land Uses

Note: Development within the Precinct must comply with all other applicable Parts of the DCP, if there is a discrepancy between Part 9A and other Parts the Desired Future Character and Controls of **Part 9A** will always prevail.

This Part is to be read in conjunction with the BBLEP 2013. It contains detailed objectives and controls that will be used by council when determining development applications under Part 79C of the *Environmental Planning and Assessment Act 1979*. Each application will be considered on the individual circumstances and merits of the case in terms of the achievement of the relevant objectives.

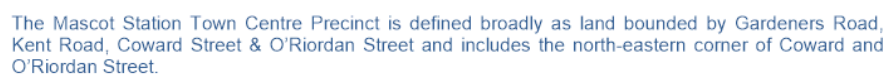
This Part has also been prepared in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and has been formulated to respond to the design quality principles of SEPP 65 and the publication NSW Apartment Design Guide 2015 (ADG). The principles and controls contained in the ADG are to apply to design issues not specifically covered within the DCP.

Note 1:

Council will consider alternative development schemes subject to the Vision in **Part 9A.2 - Vision Statement** and the Desired Future Character principles in **Part 9A.3 - Urban Block Character Statements** being met.

Note 2:

Council on 22 May 2013 resolved to investigate alternative development outcomes for Urban Block 2 (Miles Street sub Precinct - bounded by Miles Street, O'Riordan Street, Gardeners Road and Botany Road). Therefore the DCP has been amended to remove the development outcomes for Urban Block 2.



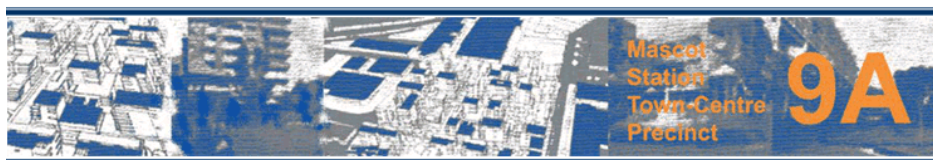
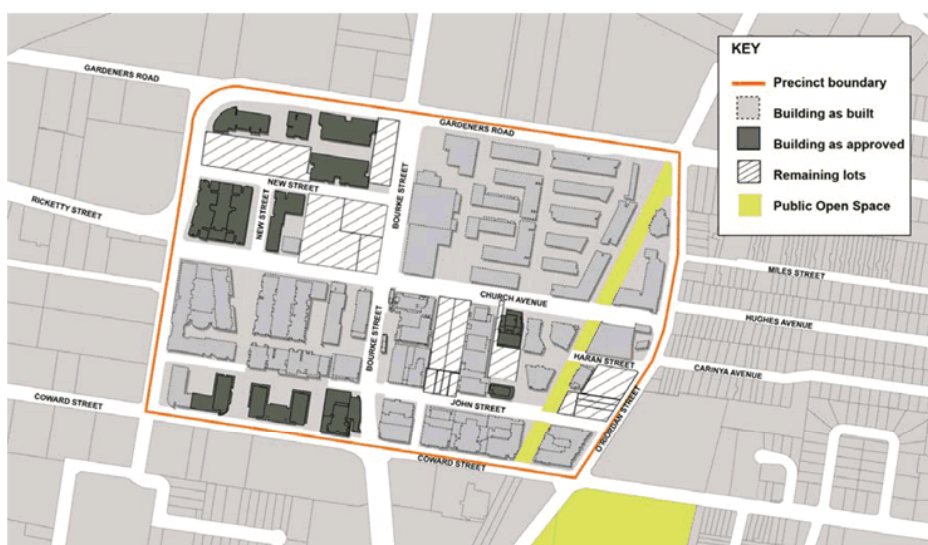


Figure 1A – Updated Planning Framework for the Precinct as at May 2016





9A.1.3 General Objectives

- O1 To cast the vision and define urban development outcomes to help guide the long term redevelopment of the Mascot Town Centre Precinct;
- O2 To outline a design framework for the provision of a greater quantum of public space, and upgraded existing streets, to create a high quality public domain for the town centre;
- O3 To provide for a range of building types that will improve housing choice, diversity of employment opportunities, access to retail and commercial services and other activities that contribute to a sustainable vibrant community;
- O4 To ensure that all new buildings have a good relationship with neighboring developments and the public domain and are of a high quality architectural design;
- O5 To adopt principles of ecologically sustainable development in the design of new buildings and landscapes, including water sensitive urban design, energy efficiency and selection of building materials;
- O6 To ensure new buildings achieve a high level of residential amenity in terms of daylight access, acoustics, privacy, ventilation, security, outdoor living and indoor amenity;
- O7 To ensure that buildings and the public domain environment are designed for all age groups and degrees of mobility;
- O8 To implement traffic control measures and outcomes that manage and improve local traffic impacts and promote pedestrian safety; and
- O9 To encourage increased use of public transport, walking and cycling and reduce reliance on cars.



9A.1.4 Structure of this Part

The overall structure of this Part is outlined below.

9A.1: Preliminary

This Part contains its purpose, general aims and its relationship to the Botany Bay Local Environmental Plan 2013 (BBLEP2013).

9A. 2: Vision Statement

This Part contains the overall vision for the town centre guiding future form and function. The part provides the context for the urban block character statements and the detailed objectives and controls for future development outlined in Parts 9A.3 and 9A.4.

9A. 3: Urban Block Character Statements

This Part contains the desired future character statements for the individual areas (known as urban blocks). The desired future character statements in Part 9A.3 must be read in conjunction with the development controls contained in Part 9A.4.

9A. 4: General Controls

This Part includes the development controls and objectives that apply to development. Plans are presented in this part by urban block. This place-based planning approach will ensure acceptable built form outcomes and clarity about the standard of design excellence expected. The objectives and controls will guide the detailed resolution of buildings.

9A.5: Public Domain Works

Developers will be responsible for the carrying out the proposed public domain works on their sites, and in some cases in adjacent streets. Part 9A.5 provides strategic guidance for the desired future character of the public open space (existing and proposed) and streets within the town centre and is consistent with the Public Domain Strategy adopted by Council for the Precinct.

9A.6: Development Contributions and Planning Agreements

A Public Domain Strategy for Mascot Station Town Centre Precinct has been adopted by Council was adopted by Council on _____ (Insert date) and identifies the essential infrastructure and public domain works necessary to support development of the Town Centre and which will result in a significant increase in residential and employment densities. The identified infrastructure and public domain works are essential to achieve public amenity and meet the basic needs to support higher density development anticipated within the Precinct.

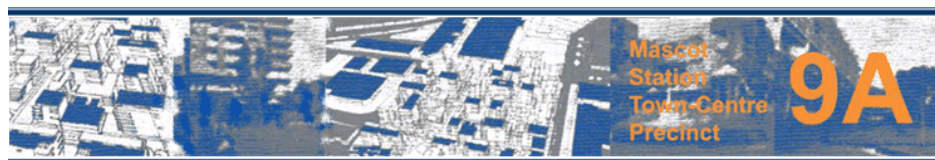


There are two possible mechanisms to provide the required public domain works identified in the Public Domain Strategy. They are:

1. Section 94 Development Contributions; or
2. Voluntary Planning Agreement.

Planning Agreements are made in accordance with the requirements of the Act and are **voluntary agreements** between council and a landowner.

A Planning Agreement relates to the provision of 'public benefit' and may include infrastructure works and recurrent expenditure in relation to a public amenity, service or facility. A Planning Agreement specifies how it relates to any applicable Section 94 Contributions Plan, and may provide that a development be excluded from the requirements of that Plan in exchange for works in kind. Early contact is to be made with Council officers where Planning Agreements are envisaged for the provision of public facilities or the like outside of the requirements of the Section 94 Development Contributions Plan.



9A.2 Vision Statement

The Mascot Station Town Centre Precinct presents the opportunity to create a vibrant and diverse town centre, where a spacious, high quality public domain is the setting for thriving activities and cohesive built form. The Town Centre has the opportunity to evolve into a place of activity, with a range of transport modes, interconnectivity, permeability and accessibility. The growth potential of Mascot Town Centre Precinct is to be guided by an urban framework that emphasises an extensive and revitalized public domain, excellence in its urban and architectural design, an integrated transport network and sustainable development in the public and private domains.

Town Centre Role and Character

Mascot Station Town Centre is within the Sydney City to Airport corridor and is recognised as being strategically important in the Metropolitan Plan for Sydney. The Mascot Station Town Centre Precinct is also within the environs of the Sydney Airport specialised centre in the Metropolitan Plan East Sub-regional Plan. This close proximity to Sydney Airport, and its location within the Airport Corridor, provides Mascot Station Town Centre with a role as a mixed use centre where commercial uses, including retail shopping and community uses provide diversity in what has, until recently, been a centre predominantly focused on industrial and commercial development.

Street Layout

As identified on **Figure 2**, the boundaries of the Town Centre are defined by Coward Street in the south, Kent Road in the west, Gardeners Road in the north and generally, O'Riordan Street in the east. These four major roads create clear edges to the Town Centre. They also carry regional vehicular traffic including regional truck movements.

Within this rectangle of major regional roads is a grid of local streets that are envisaged to play different roles. Bourke Street will provide the main retail and pedestrian street as it will contain the railway station, and the majority of shops and cafes. Bourke Street is to be a vibrant retail main street, with excellent pedestrian amenity, wide footpaths, a dedicated bicycle lane and excellent public transport access. Church Avenue is predominantly a residential street with few traffic movements and street widening is proposed to enhance pedestrian amenity.

An important aim of this Part is that Bourke Street and Church Avenue have high levels of pedestrian amenity, calmed vehicular traffic and a balance between transport modes such as bicycles, buses and other vehicles.

John Street and Laycock Street are local streets with good urban qualities. John Street has been recently widened in conjunction with substantial recent development. Laycock Street has become a pedestrian street. Planned and implemented public domain improvements in both streets will enhance pedestrian amenity.

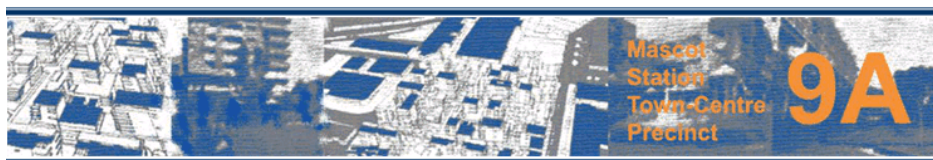
This Part aims to ensure that the design of the interface between the public domain and private development provides pedestrian interest and amenity.

Many of the existing industrial and commercial sites in the Town Centre are on large lots. The changed uses and densities will significantly alter the form, function and character of these sites. Access will be required for vehicles and pedestrians from local streets. New buildings will also need street addresses, and pedestrian

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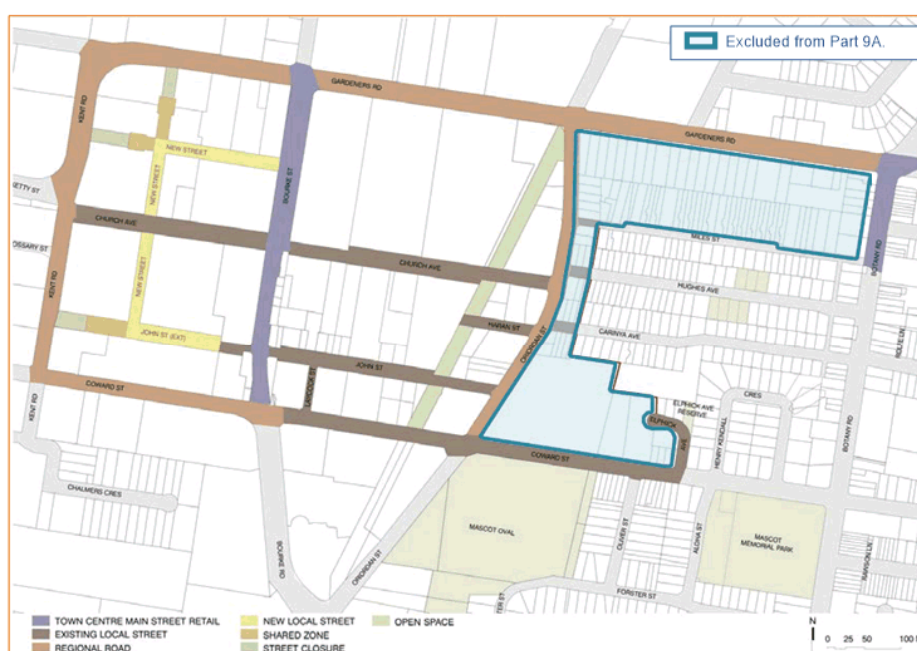
Part 9A - Mascot Station Town Centre Precinct

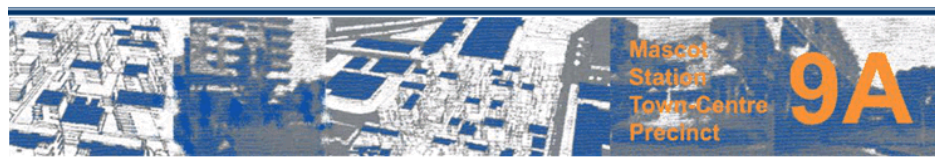
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permeability through these sites will be highly desirable to create acceptably short walking distances from the outer parts of the Town Centre to Bourke Street and the railway station. To meet these needs, a network of new public streets is contained in the Development Control Plan for a number of large sites west of Bourke Street.

Figure 2 - Street Character





Landuse

Introduction

Over the next 20-30 years Mascot Station Town Centre Precinct has the potential for 240,000m² of additional commercial floorspace and 460,000m² of residential floorspace. This development potential will create the opportunity for approximately 4,200 new dwellings, 8,000 new residents and 4,000 new jobs. The need to identify appropriate land uses and built forms based on urban design principles is therefore paramount to ensure a quality outcome.

Retail and Commercial

As identified in **Figures 3 and 4**, the main Town Centre retail area is located in the western part of the Precinct. This area will provide for retail uses at ground level along the Bourke Street spine with residential above. A new supermarket will be located off Bourke Street and Church Avenue surrounded by retail.

Ground level commercial is to be located on the major surrounding town centre roads of Gardeners Road, Kent Road and Coward Street. In Coward Street residential may be constructed above the commercial buildings at the eastern end of the strip while the western end will be purely commercial buildings.

The main retail and commercial area will allow for small and medium scale business and retail opportunities including commercial offices, banks, post offices, hairdressers, convenience stores and cafes and restaurants looking out on to a new park. It is also anticipated that the retail and commercial area will provide for various community based uses.

Residential

As illustrated in **Figure 4**, new residential uses within the precinct will primarily be apartment buildings either within stand alone buildings or as mixed use buildings above retail and commercial (shop top housing). Mixed use developments will predominate along the Bourke Street retail spine, in the blocks located between Church Avenue and Coward Street, at the eastern end of Gardeners Road (west of O'Riordan Street), and above the commercial area at the corner of O'Riordan Street and Coward Street.

Public Open Space and Streetscape Improvements

This Development Control Plan looks to substantially increase the amount of open space in the Town Centre. This has been achieved by identifying the potential for public places within the design of blocks, resulting in a range of small to larger landscaped public open spaces west of Bourke Street. These are designed to have generous dimensions, and good spatial enclosure by buildings without being unduly overshadowed. They are related to existing and proposed streets to create a public character with safety and security.

Another initiative has been to gain permission for use of the Southern Western Suburbs Ocean Outfall Sewer land (SWSOOS), owned by Sydney Water as public open space. This would provide useful landscaped open space in the eastern part of the Town Centre, adjacent to many recently built and recently approved residential developments.

As redevelopment occurs within the Precinct the public domain is also to be enhanced through the widening of footpaths and the planting of street trees as identified in the Public Domain Strategy.



The Town Centre streets are to be designed as urban streets, where the interface between public and private domains is designed to promote pedestrian amenity. Active frontages are to be provided at ground level where required. Where residential uses are in the ground floor of buildings, the ground floor is to be designed to provide an attractive, visually articulated, landscaped ground level interface between the public and private domains. Multiple entries from the street to ground level apartments are desirable to promote an active interface between the public and private domains. The primary outdoor private open space of ground level apartments is not to be located on the street frontage. Entry spaces are appropriate from the street frontage, with ground level setbacks and small changes of level designed to provide privacy whilst maintaining a visual connection with the street. Low fences and palisade fences are preferable to high masonry walls. Visual interest and detail is to be provided in the lower levels of buildings to enhance the quality of the pedestrian experience.

It is an objective of this Part that development sites allow for new streets and pedestrian access across sites. It is also an objective to locate primary outdoor private open space for ground level apartments away from street frontages. These two objectives for pedestrian links and centre block private open space are assisted by locating car parking underground, or with a maximum projection above ground of 1.2 metre. Car parking is not to be located under new public parks on development sites and will generally not be located under new public parks or road widenings.

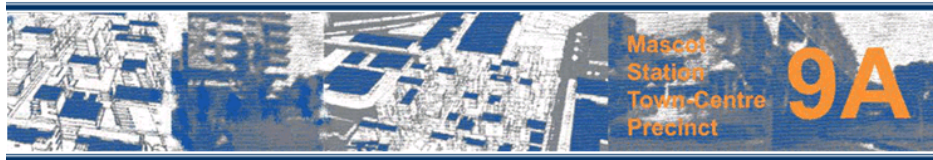
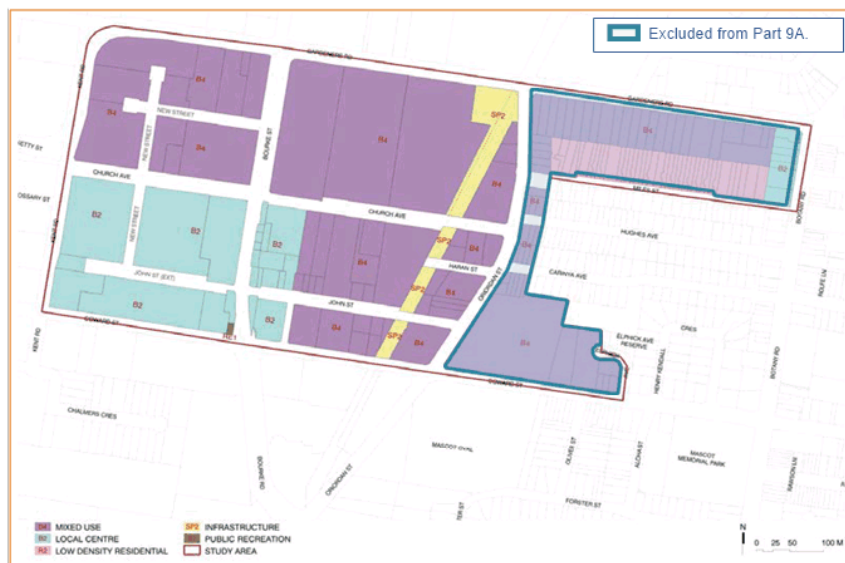


Figure 3 - Precinct Zoning Under BBLEP 2013



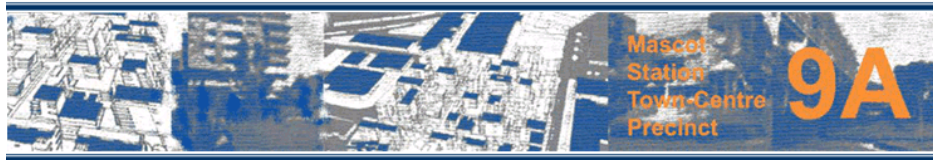
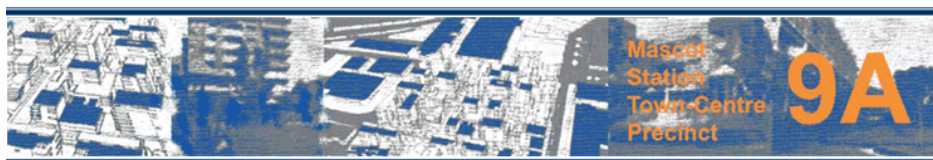


Figure 4 - Anticipated Landuses





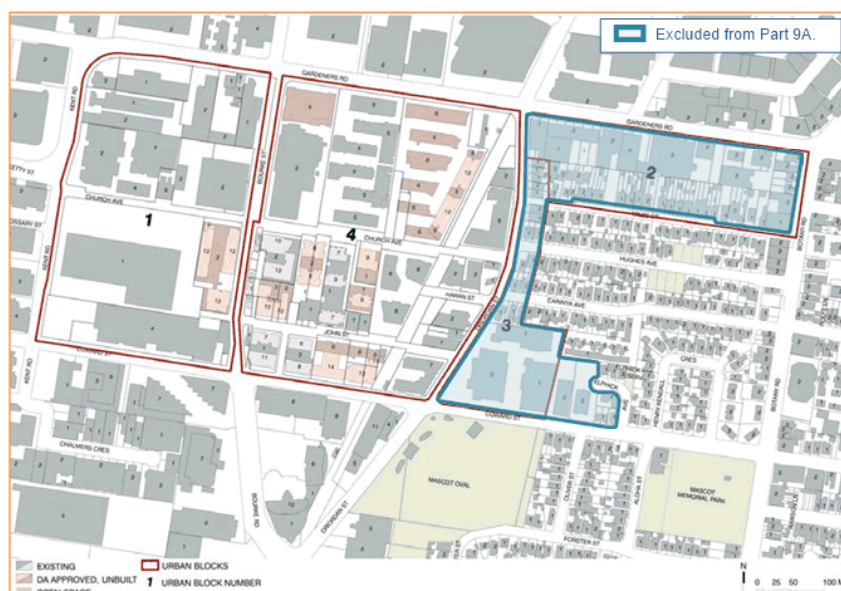
9A.3 Urban Block Character Statements

9A.3.1 Introduction

9A.3.1.1 Overview

As identified in Part 2 - Vision Statement, the Mascot Station Town Centre Precinct will undergo substantial change as a result of redevelopment and future growth in residential and employment densities. This Part describes the existing and desired future character of the Precinct to assist in guiding future development. The Mascot Station Town Centre Precinct has been divided into a series of smaller areas known as "urban blocks". There are 4 urban blocks proposed as detailed in **Figures 5 and 6**.

Figure 5 - Urban Blocks, Mascot Station Town Centre Precinct - Existing Footprint 2011



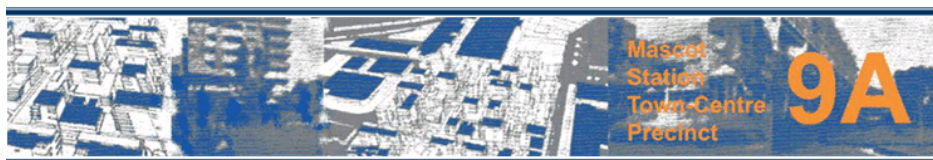
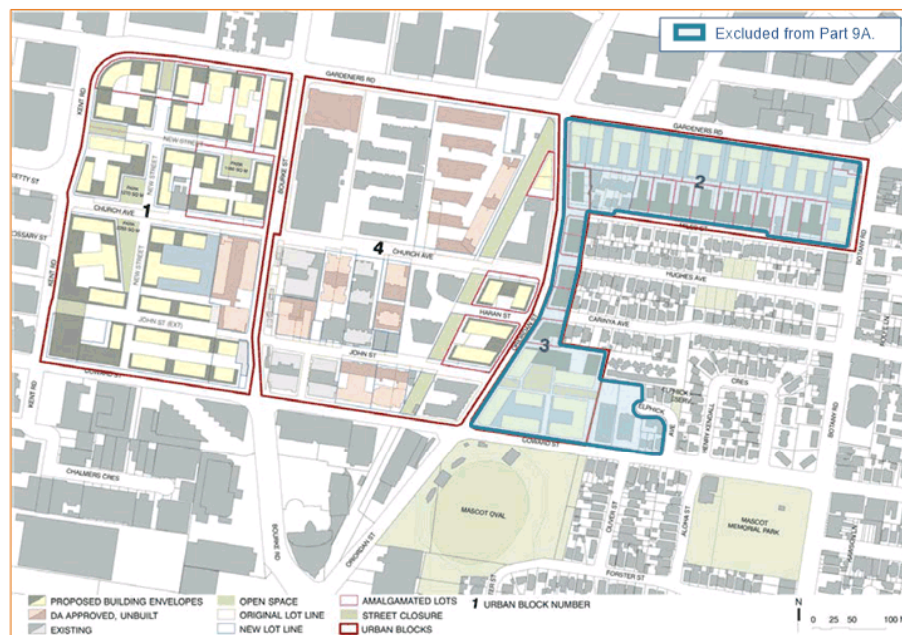
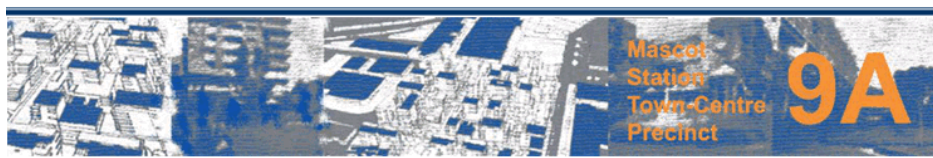


Figure 6 - Urban Blocks, Mascot Station Town Centre Precinct - Future Layout





9A.3.1.2 Existing Character

The existing character of the Town Centre is comprised of a range of land uses, building types and varying building heights. Key characteristics of each urban block can be described as follows:

- Urban Block 1: Typical land uses include industrial warehouses, distribution centres, transport related uses and offices contained on large sites within 1 and 2 storey industrial buildings. The existing character of the low rise industrial style buildings are inappropriate to their location in the urban core of Mascot Station Town Centre. There is some evidence of redevelopment activity within the urban block, including small pockets of mixed use development and residential high rise.
- Urban Block 2: Council on 22 May 2013 resolved to investigate alternative development outcomes for Urban Block 2 (Miles Street sub Precinct - bounded by Miles Street, O'Riordan Street, Gardeners Road and Botany Road). Therefore the DCP has been amended to remove the development outcomes for Urban Block 2.
- Urban Block 3: Council on 20 July 2016 resolved to investigate alternative development outcomes for Urban Block 3. Therefore the DCP has been amended to remove the development outcomes for Urban Block 3.
- Urban Block 4: Sites west of the Sydney Water SWOOS have been recently redeveloped or upgraded and redevelopment is unlikely. Sites east of the SWOOS are predominantly residential uses. Buildings between the SWOOS and O'Riordan Street are 1 and 2 storeys and up to 7 storeys.



9A.3.2 Desired Future Character - Urban Block 1

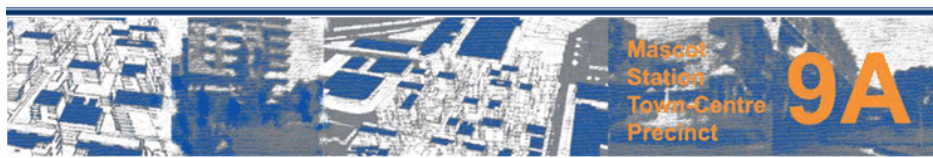
The Desired Future Character of Urban Block 1 is illustrated in **Figure 7** and the principles are described below:

Land Uses

- A mixed use area with retail ground floor uses on Bourke Street, Coward Street and Kent Road, and predominantly residential and commercial uses elsewhere within the urban block;
- Gardeners Road and Kent Road buildings are to have a continuous commercial ground floor, with residential or commercial uses above reflecting the commercial character of these major roads; and
- A major new supermarket is to be located in this urban block, with associated small scale shops creating a thriving retail hub close to Bourke Street and the railway station. The supermarket will be the focus of retail activity.

Street Character

- Bourke Street is to be the major, thriving main street in the Mascot Station Town Centre Precinct. Ground level retail, generous footpaths for pedestrians, a bike lane and bike facilities for cyclists, bus services, street trees and street furniture and paving are to denote Bourke Street as the active spine of the Town Centre;
- Church Avenue is to be a predominantly residential street, with canopy street trees, generous footpaths for pedestrians, on street parking and one-way traffic access to Kent Road, to ensure calmed local traffic conditions. The interface between the public and private domain at ground level is to be visually open, with multiple building and dwelling entries and no continuous blank facades or front garden walls;
- New local streets within the Urban Block are to provide vehicular, pedestrian and cycle access to high rise residential and mixed use buildings. These streets are to be addressed by major building facades, with predominantly continuous low level street frontages and set back tower buildings;
- Building facades are to align with new streets and the interface between the public and private domain at ground level is to be visually open, with multiple building and dwelling entries and no continuous blank facades or high front garden walls;
- The new public domain is to provide access to buildings and public open space for recreation;
- The retail open air arcade leading from Bourke Street westwards to the adjoining lot is to be extended;
- Part of the new north-south street is to be lined by ground floor retail to create activity and provide for safety and security throughout the day and evening;
- The intersection of Gardeners Road and Bourke Street represents the northern entry point to the Mascot Station Town Centre Precinct. The property on the intersection is a gateway site and its



redevelopment will respond to the sites prominence and visual importance in order to define the entry to the Precinct;

- The extension of John Street will provide access for vehicles and pedestrians with frontages being retail or commercial at ground level, to enhance retail activity, pedestrian amenity and urban character in close proximity to the railway station;
- Kent Road buildings are to have a continuous commercial ground floor, with residential or commercial uses above. This will reflect the commercial character of these major roads and the movement economy of businesses fronting them. Residential floors above are to be designed using environmental design strategies such as site specific apartment types, screening and the like to maintain good residential amenity; and
- Kent Road and Coward Street buildings are to have a continuous commercial ground floor, with residential or commercial uses above. This will reflect the commercial character of these major roads and the movement economy of businesses fronting them. Residential floors above are to be designed using environmental design strategies such as site specific apartment types, screening and the like to maintain good residential amenity.

Built Form

- Street frontages at the lower levels of buildings are to be generally continuous, enhancing pedestrian interest and amenity and providing safety and security by ensuring passive surveillance of the public domain. Small breaks in these perimeter block forms may provide pedestrian access to the centres of blocks;
- Residential floors above ground level commercial are to be designed using environmental design strategies such as site specific apartment types, screening and the like to maintain good residential amenity; and
- The upper levels of buildings are to facilitate daylight access to streets and avoid street canyons by being set back from the building alignment.

Public Domain

- Urban Block 1 will undergo substantial change, from having large lots with little public domain, to being a part of a thriving town centre with overlapping uses and an actively used public domain. This transformation will be achieved with new publicly dedicated streets and parks on existing lots, to provide access and recreation for higher density mixed uses;
- The density and requirements for car parking in this block reduce the potential for deep soil and planting of large scale trees within the block footprint. The new parks, however, are to take up this shortfall with provision for deep soil and large trees;
- New local parks will provide for the recreation needs of a substantial new residential population. These parks are to have a public street along one or two sides of the park to provide them with a public character, and to allow for overlooking from the public domain for safety and security; and



- Public domain improvements are to be made in streets adjoining development sites.

Road Widening

- New Streets and pedestrian links as illustrated in **Figure 7** are required within Urban Block 1;
- Road widening is required along the eastern side of Kent Road, including 19-33 Kent Road and No. 39 Kent Road, Mascot as well as widening the corner of Kent Road and Coward Street within 39 Kent Road. Further information can be obtained from Council and Transport NSW and Roads and Maritime Services. The road widening was identified by the Mascot TMAP prepared by SMEC Australia and is therefore identified in the Mascot Station Precinct DCP;
- Road widening is required on both the southern and northern sides of Church Avenue to improve traffic management. Land to be dedicated is calculated by measuring the appropriate distance from the centre line of the existing road. The road reserve is to be 12 metres from each side of the centre line; and
- Additional road widening within Urban Block 1 is also identified on BBLEP 2013 Land Reservation Map – Sheet LRA_001.



Figure 7 - Desired Future Character - Urban Block 1





9A.3.3 Desired Future Character - Urban Block 2

Council on 22 May 2013 resolved to investigate alternative development outcomes for Urban Block 2 (Miles Street sub Precinct - bounded by Miles Street, O'Riordan Street, Gardeners Road and Botany Road). Therefore the DCP has been amended to remove the development outcomes for Urban Block 2.

Figure 8 - Desired Future Character - Urban Block 2

To be inserted at a later date

9A.3.4 Desired Future Character - Urban Block 3

Council on 20 July 2016 resolved to investigate alternative development outcomes for Urban Block 3. Therefore the DCP has been amended to remove the development outcomes for Urban Block 3.

Figure 9 - Desired Future Character - Urban Block 3

To be inserted at a later date



9A.3.5 Desired Future Character - Urban Block 4

The Desired Future Character of Urban Block 4 is illustrated in **Figure 10** and principles are described below:

Land Uses, Street Character and Built Form

- The existing character of predominantly apartment buildings on O'Riordan Street is generally appropriate although proposed public domain improvements within the road reserves will further consolidate and improve the streetscape; and
- Remaining potential redevelopment sites will provide for apartment buildings up to 13 storeys in height.

Public Domain

- Permission has been gained for the use of the Southern Western Suburbs Ocean Outfall Sewer land (SWSOOS), owned by Sydney Water as public space. This will provide useful landscaped open space in the eastern part of the Town Centre, adjacent to many recently built and recently approved residential developments. The SWSOOS will also provide a pedestrian link between Gardeners Road and Coward Street.

Road Widening

- Road widening is required along the southern side of Gardeners Road within No 639 Gardeners Road, Mascot. Further information can be obtained from Transport NSW and Roads and Maritime Services. The road widening was identified by the Mascot TMAP prepared by SMEC Australia;
- Additional road widening within Urban Block 4 has been identified on BBEP 2013 Land Reservation Map – Sheet LRA_001; and
- Road widening is required along the southern and northern sides of Church Avenue and John Street (applies to sites that have not been redeveloped to date). For Church Avenue the land to be dedicated is calculated by measuring the appropriate distance from the centre line of the existing road. The road reserve is to be 12 metres from each side of this centre line. For John Street, the land to be dedicated is to be calculated by measuring from the centre line of the existing road. The new road reserve is to be 10 metres each side of this centre line.



Figure 10 - Desired Future Character - Urban Block 4





9A. 4 General Controls

9A.4.1 Introduction

In developing the primary development controls Council has been mindful of the need to make new development forms responsive to their neighbors and the public domain. Development forms that are based on sound urban design principles make a positive contribution to their immediate environment and result in high quality development.

9A.4 outlines the key objectives and controls guiding future development within the Mascot Station Town Centre Precinct. Plans associated with this part are contained in **Figures 11 to 56** following and the relevant objectives and controls relating to the plans are discussed throughout the remainder of 9A.4.

Note:

Council will consider alternative development proposals relating to the future layout and built form controls (Part 9A.4.3) if the alternative development proposal meets the future vision in Part 9A.2 for the Mascot Station Town Centre Precinct and the Desired Future Character principles in Part 9A.3. Alternative development proposals are to meet the provisions of the Botany Bay LEP 2013 and SEPP No. 65 and the Apartment Design Guide.

9A.4.2 General Control Plans

Figures 11 to 15 on the following pages provide an overview of the heights, future layout and built form controls for each urban block. The detailed controls and plans are contained in **Parts 9A.4.2, 9A.4.3 and 9A.4.4.**

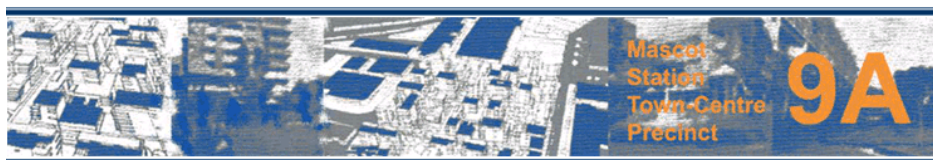


Figure 11 - Overview - Heights, Future Layout & Built Form Control - Urban Block 1

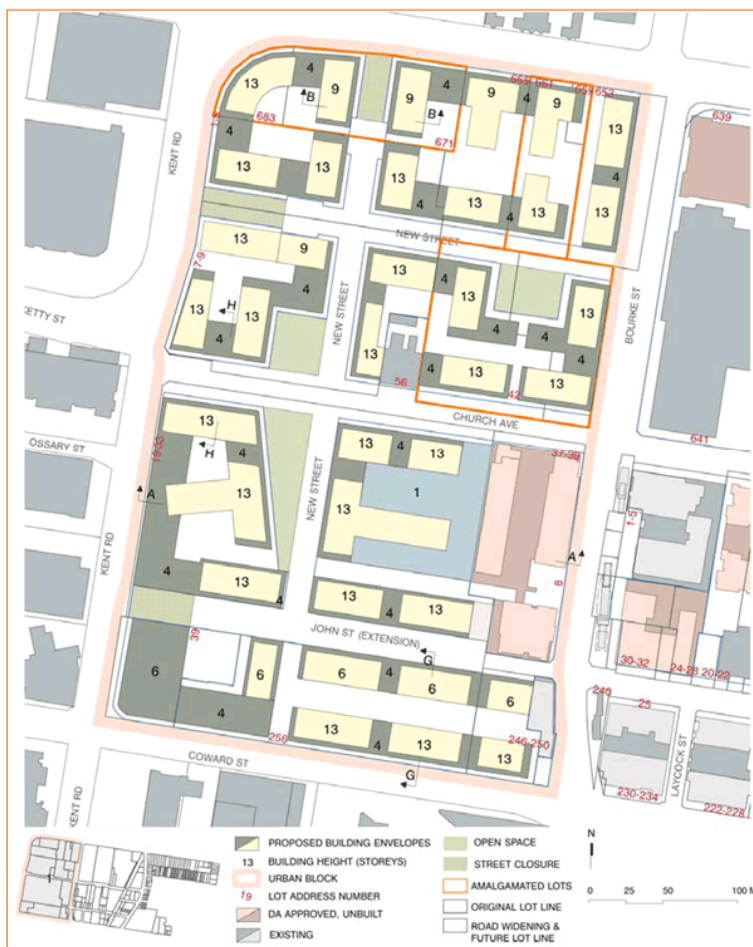




Figure 12 - Overview - Heights, Future Layout & Built Form Control - Urban Block 2

To be inserted at a later date

Figure 13 - Overview - Heights, Future Layout & Built Form Control - Urban Block 2 (For sites greater than 2,000m² facing Miles) - Urban Block 2

To be inserted at a later date

Figure 14 - Overview - Heights, Future Layout & Built Form Control - Urban Block 3

To be inserted at a later date

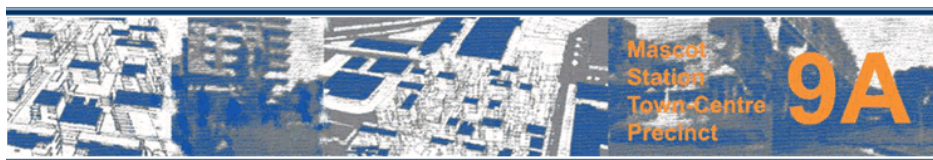
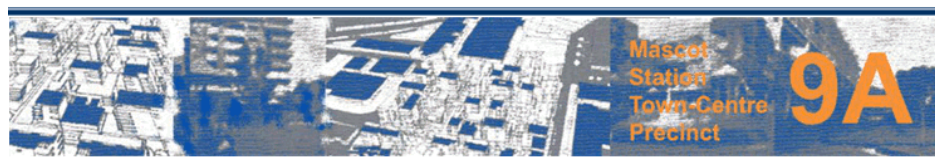


Figure 15 - Overview - Heights, Future Layout & Built Form Control - Urban Block 4





9A.4.3 Built Form

9A.4.3.1 Height

The building height controls work together with density and setback controls to ensure that the overall built form is appropriate for the desired future character of the emerging Mascot Station Town Centre Precinct. The primary controls relating to maximum height limits are found in the Botany Bay Local Environmental Plan 2013 (BBLEP 2013), however controls within this DCP further refine the heights allowed on each building site.

Objectives

- O1** To ensure the scale of new buildings is consistent with the desired future character of each urban block within the Mascot Station Town Centre Precinct;
- O2** To enable buildings, open space and public domain areas to achieve an acceptable level of daylight access; and
- O3** To ensure development has minimal impact on neighbouring properties in terms of the potential loss of views, loss of privacy, overshadowing or visual intrusion.

Controls

- C1** The maximum height of buildings must be in accordance with the Height of Buildings Map and **Clause 4.3** of the Botany Bay Local Environmental Plan 2013.
- C2** Council may require a reduction in height shown for the land on the Height of Buildings Map where a building built to the height shown for the land on the Height of Buildings Map would have unacceptably adverse impacts with regard to:
 - (i) The overshadowing of a dwelling, private open space or public open space;
 - (ii) An inappropriate transition in built form and landuse intensity;
 - (iii) The design excellence of a building;
 - (iv) View loss; or
 - (v) The Obstacle Limitation Surface.
- C3** Development must conform to the maximum height of buildings in storeys for Urban Blocks 1 and 4 as shown in **Figures 16, 17, 19 and 20**.

Note: A storey is defined in the standard instrument as follows: "storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include: (a) a space that contains only a lift shaft, stairway or meter room, or (b) a mezzanine, or (c) an attic."



Figure 16 - Maximum Permissible Height - Urban Block 1





Figure 17 - Maximum Permissible Height - Urban Block 2

To be inserted at a later date

Figure 18 - Overview - Heights, Future Layout & Built Form Control (for sites greater than 2,000m² facing Miles Street) - Urban Block 2

To be inserted at a later date

Figure 19 - Maximum Permissible Height - Urban Block 3

To be inserted at a later date

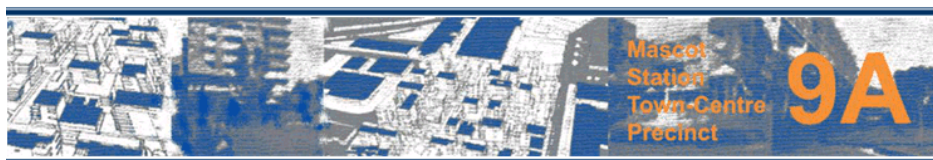


Figure 20 - Maximum Permissible Height - Urban Block 4





9A.4.3.2 Floor Space Ratio (FSR)

The maximum Floor Space Ratio (FSR) controls are found in the Botany Bay Local Environmental Plan 2013 (BBLEP 2013); however building envelope controls within this DCP further refine the scale of the building forms permitted within the Mascot Station Town Centre Precinct.

Objectives

- O1** To ensure the scale of new buildings is consistent with the desired future character of each urban block within the Mascot Station Town Centre Precinct;
- O2** To provide appropriate bulk and scale relationships between buildings within the Mascot Station Town Centre Precinct; and
- O3** To ensure development has minimal impact on neighbouring properties in terms of the potential loss of views, loss of privacy, overshadowing or visual intrusion.

Controls

- C1** The maximum FSR of buildings must be in accordance with the Floor Space Ratio Map and **Clause 4.4 and 4.4B** of the Botany Bay Local Environmental Plan 2013.
- C2** Council may require a reduction in FSR shown for the land on the Floor Space Ratio Map where a building built to the FSR shown for the land on the Floor Space Ratio Map would have unacceptably adverse impacts with regard to:
 - (i) The overshadowing of a dwelling, private open space or public open space;
 - (ii) An inappropriate transition in built form and landuse intensity;
 - (iii) The design excellence of a building;
 - (iv) View loss; or
 - (v) The Obstacle Limitation Surface.
- C3** Development must comply with the future layout and built form controls for Urban Blocks 1 and 4 in **Figures 11, 12, 14 and 15**. This requirement may result in the FSR not being achieved.



9A.4.3.3 Site Amalgamation and Subdivision

The Mascot Station Town Centre Precinct contains a range of allotment sizes and existing development patterns. Some sites have already been redeveloped to their full capacity and therefore will not redevelop in the future. These sites do not require further amalgamation. Some allotments are large and can be redeveloped without amalgamation whilst others will need to be amalgamated to enable the efficient use of land and to allow design constraints to be more easily resolved. In some cases the development site boundaries do not correspond to the existing allotment boundaries due to proposed new streets and public domain works that may be required as part of redevelopments. Development site boundaries are shown on the site layout plans for each urban block and, where re-subdivision is required, will become the new allotment boundaries.

Objectives

- O1** To consolidate allotments where necessary to allow for development of built forms that make a positive contribution to the spatial definition of the street;
- O2** To ensure that smaller allotments of land are not isolated leaving them unable to develop efficiently in the future;
- O3** To provide for the creation of new allotment boundaries where they are required to enable the proposed new roads and public domain works;
- O4** To ensure redevelopment sites are of a suitable size and shape to enable high density residential and mixed use development forms;
- O5** To improve permeability and amenity by creating new internal streets; and
- O6** To establish Bourke Street as the main retail and pedestrian/cycle street with Church Avenue playing a supporting role.

Controls

- C1** The redevelopment of lots within Urban Blocks 1 and 4 must conform to the amalgamation pattern in **Figures 21, 22, 24 and 25**.
- C2** The redevelopment of lots within Urban Blocks 1 and 4 must generally conform to the lot alignments in **Figures 26, 27, 28 and 29**.
- C3** A subdivision plan will be required as part of the development application where land needs to be excised to create new parks, public domain spaces or roadways.



Figure 21 - Lot Amalgamation - Urban Block 1





Figure 22 - Lot Amalgamation - Urban Block 2

To be inserted at a later date

Figure 23 - Amalgamation Pattern (for sites greater than 2,000m² facing Miles Street) - Urban Block 2

To be inserted at a later date

Figure 24 - Lot Amalgamation - Urban Block 3

To be inserted at a later date



Figure 25 - Lot Amalgamation - Urban Block 4





Figure 26 - Lot Alignments - Urban Block 1





Figure 27 - Lot Alignments - Urban Block 2

To be inserted at a later date

Figure 28 - Lot Alignments - Urban Block 3

To be inserted at a later date

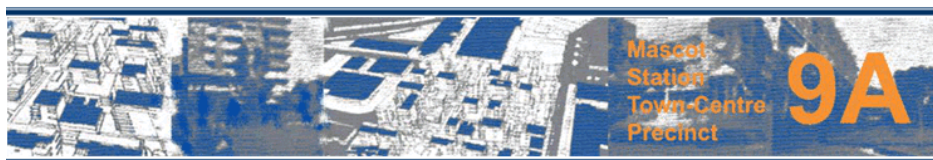


Figure 29 - Lot Alignments - Urban Block 4





9A.4.3.4 Street Setbacks

Street setbacks establish the front building line and help to create the proportions of the street. The controls in this Part of the DCP will provide an integrated approach to balancing the proportions of streets in the public domain and the buildings fronting the private domain. In some cases streets will be widened upon redevelopment and in some cases new streets will be created.

Existing allotment boundaries therefore need to be carefully examined in the light of the proposed street edges as some lot boundaries will need to change upon redevelopment.

The controls outlined in this Part will result in the enhancement of streetscape character and the continuity of street facades. It is anticipated that the street setbacks will also be used to enhance the setting for the building. In some cases, where the context is more residential, they will provide for landscape areas, entries to the ground floor of buildings and deep soil zones suitable for planting of canopy trees. At upper levels they will provide for building articulation, a degree of openness in the street and a good spatial relationship between buildings that front streets. The spatial relationship of buildings is an important determinant of a good urban form.

Objectives

- O1** To provide for new buildings that spatially define streets with well articulated facades;
- O2** To define the street edge at the ground and lower levels of the retail and commercial areas;
- O3** To reduce bulk, ensure adequate exposure to sunlight and ventilation and create the opportunity for visual and acoustic privacy at the upper levels of mixed use buildings;
- O4** To provide a threshold which creates a transition between public and private space for apartment buildings;
- O5** To enable apartment buildings to be situated within a landscaped setting;
- O6** To ensure new development is compatible with the desired future streetscape character;
- O7** To create cohesive streetscapes with consistent building alignments particularly at ground level which accommodates canopy street tree planting; and
- O8** To enable well articulated and stepped building facades at upper levels.



Controls

- C1** All development within Urban Block 1 must comply with the street setbacks identified in **Figures 30 and 31**.
- C2** All development within Urban Block 4 must comply with the street setbacks identified in **Figures 34 and 35**.
- C3** All development within Urban Blocks 1 and 4 must comply with the section plans in **Figures 36, 37, 38, 39, 40, 41 and 42**.
- C4** All property boundary front setbacks must be deep soil and landscaped and must not have any underground intrusions such as underground car parking or on site detention (refer to **Part 3L – Landscaping and Tree Management** for Deep Soil Zone definition).

Note: Street setbacks are measured perpendicular from the development site boundary to the closest extent of the building, including balconies, sunscreens, podiums and the like.

Note: The development site boundaries may not correspond to the existing allotment boundaries due to proposed streets and public domain works that may be required as part of redevelopments. Development site boundaries are shown on the site layout plans for each urban block and, where re-subdivision is required, will become the new allotment boundaries from which street setbacks are measured.
- C5** Setbacks are to maximise the retention of existing trees and their root systems (including those on adjoining properties) and may need to be variable to achieve this. Refer to **Part 3L – Landscaping and Tree Management**.
- C6** Setbacks are to include the planting of canopy trees, both small and large varieties. Developments are not to rely solely on street trees to ameliorate buildings.
- C7** Awnings must allow for continuous and contiguous street tree planting. Awnings (if required) are to be located and sized to adequately accommodate trees or deleted where not essential. Ground floor retail areas will be indented into the building so that awnings do not hinder street tree planting.



Figure 30 – Setback – Urban block 1 (Level 1 to 4)

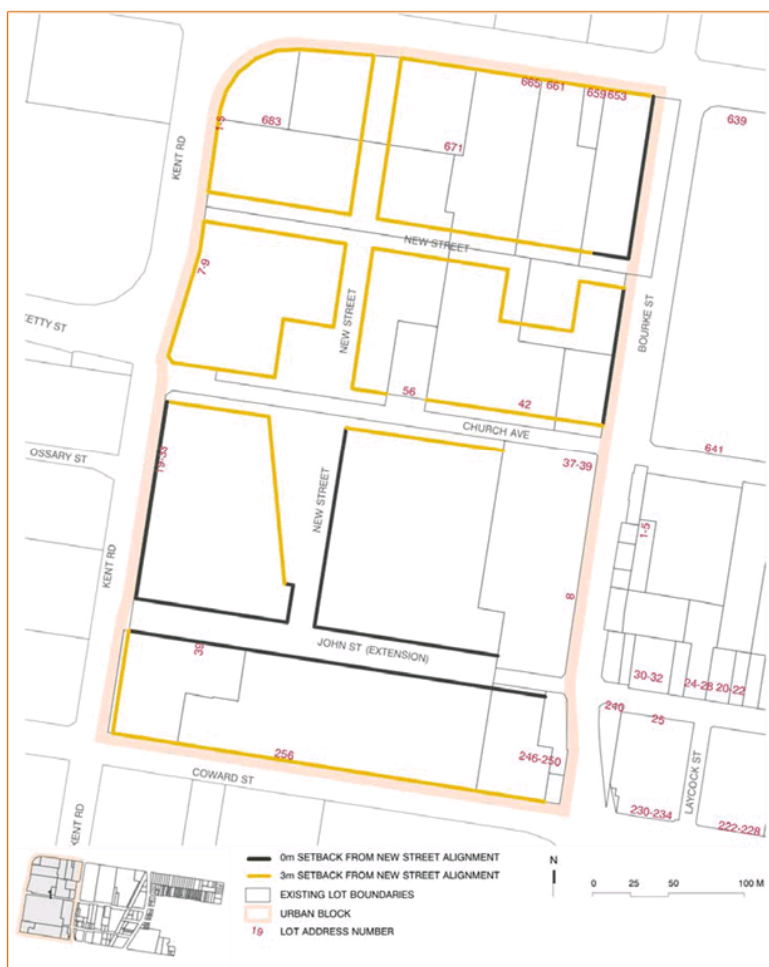




Figure 31 - Setback - Urban block 1 (Level 5 to 13)





Figure 32 - Setbacks - Urban Block 2 (All Levels)

To be inserted at a later date

Figure 33 - Setbacks - Urban Block 3 (All Levels)

To be inserted at a later date

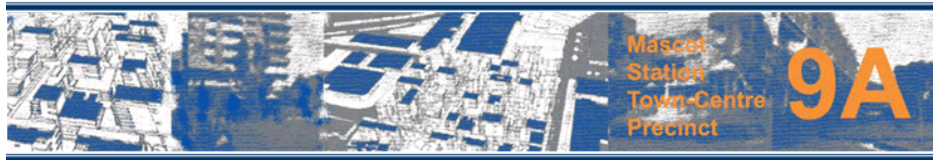


Figure 34 - Setbacks - Urban Block 4 (Level 1 to 4)



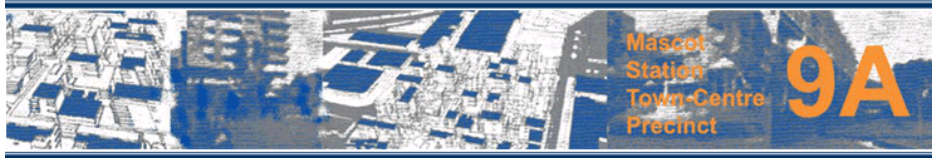


Figure 35 - Setbacks - Urban Block 4 (Level 5 to 13)





Figure 36 - Urban Block 1 - Section AA

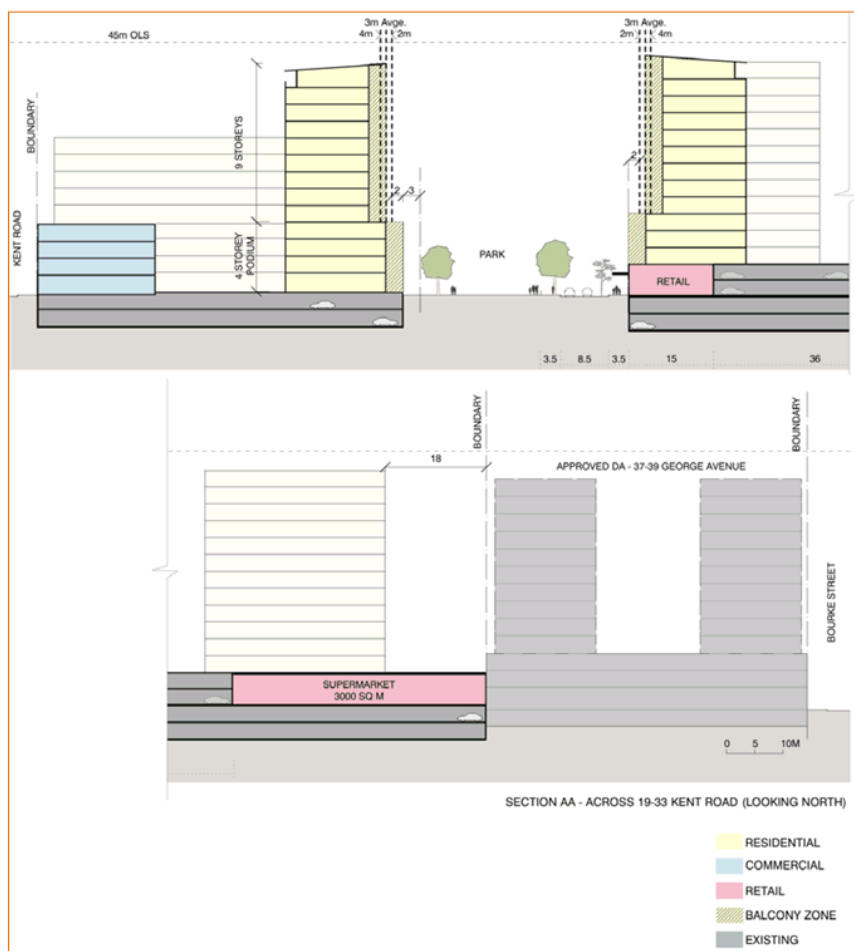




Figure 37 - Urban Block 1 - Section BB & HH

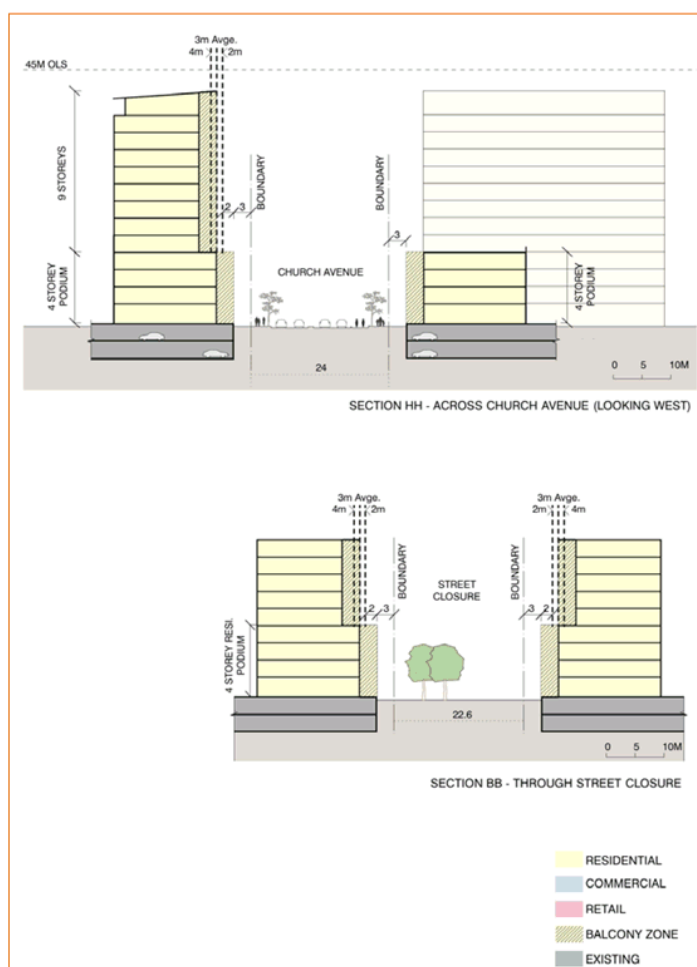




Figure 38 - Urban Block 1 - Section GG

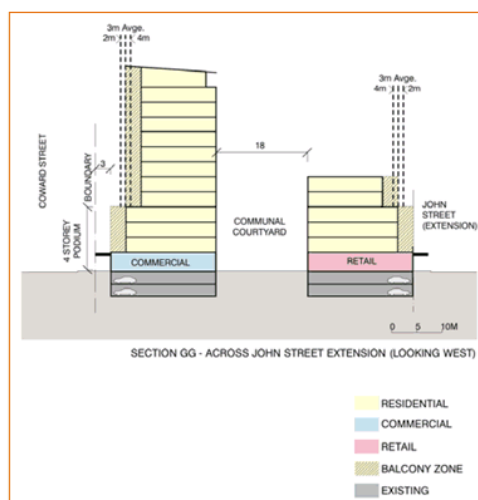


Figure 39 - Urban Block 2 - Section CC

To be inserted at a later date

Figure 40 - Urban Block 2 (Option 2) - Section CC

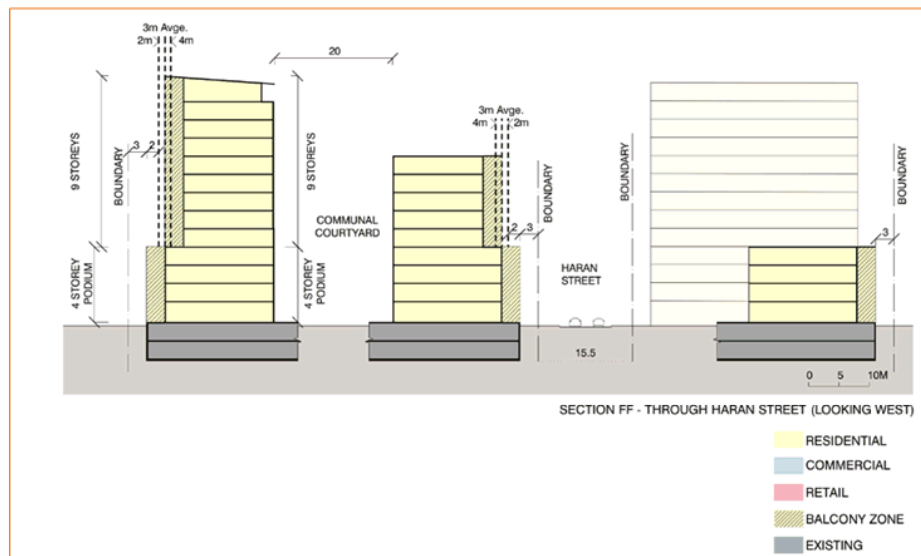
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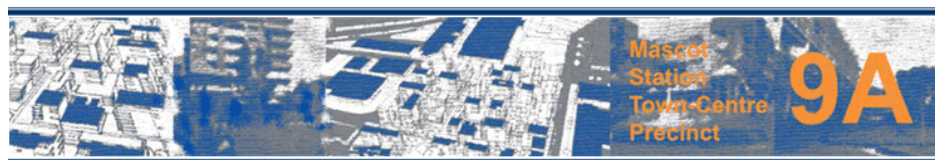
Figure 41 - Urban Block 3 - Section DD & EE

To be inserted at a later date



Figure 42 - Urban Block 4 - Section FF





9A.4.3.5 Building Envelopes

Building envelopes are a three dimensional zone that limits the extent of a building in any direction. Building height and site layout plans together with representative block models are contained in this Part to illustrate the building envelope requirements under this DCP. The building envelopes set the appropriate scale of future development in terms of bulk and height in relation to street layout and block and lot sizes in the Mascot Station Town Centre Precinct. Building envelopes are approximately 25% greater than the gross achievable floor area to allow for building articulation and balconies.

The three dimensional volume of space defines the outer limits of parts of the building form and allows room for the height, setbacks and articulation of the future buildings. Accordingly, there will not be an expectation for future buildings to fully occupy all of a building envelope.

Objectives

- O1** To ensure that new buildings are consistent with the built form envelopes envisaged in the Desired Future Character statements for each Urban Block;
- O2** To provide building envelopes that enable development to achieve the nominated maximum floor space and height potential under BBLEP 2013;
- O3** To achieve development that is of an appropriate scale and form in the context of adjoining land-uses, public open space and the underlying topography of the centre;
- O4** To ensure that individual development proposals are designed to an appropriate size, mass and separation to protect solar access to adjoining buildings and areas of public domain;
- O5** To ensure the built forms make a positive contribution to the streets of the centre;
- O6** To allow for building design and development to take place within predetermined building envelopes that do not compromise the opportunity to express high quality architectural design features; and
- O7** To ensure built forms provide adequate amenity for occupants in terms of access to sunlight and natural ventilation.

Note: Figures 43, 44, 45, 46, 47 and 48 are indicative only of a development outcome.



Figure 43 - 3D Building Envelopes - Urban Block 1





Figure 44 - 3D Building Envelopes - Urban Block 2

To be inserted at a later date.

Figure 45 - 3D Building Envelopes - Urban Block 2 (Option 2 – sites greater than 2,000m² & facing Miles Street)

To be inserted at a later date.

Figure 46 - 3D Building Envelopes - Urban Block 3

To be inserted at a later date.

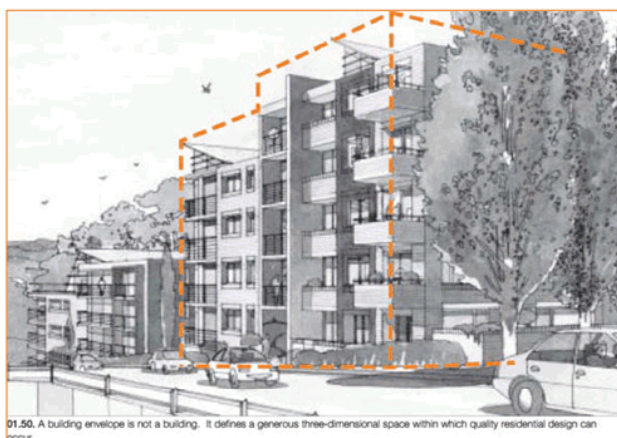
Figure 47 - 3D Building Envelopes - Urban Block 4





Figure 48 - Balconies & Building Articulation Must Be Accommodated within the Building Envelopes

(Extract from the Apartment Design Guide)





9A.4.4 Design

9A.4.4.1 Design Excellence

The Mascot Station Town Centre Precinct will experience significant urban renewal and it is essential that new development achieves high quality design standards. Design excellence is to be achieved through a process of compliance with the built form controls in this Part, by responding to SEPP 65 and the Apartment Design Guide design principles and recommendations and by presenting development applications to the City of Botany Bay Design Review Panel.

Clause 6.17 of the Botany Bay LEP 2013 requires a high standard of sustainable architectural and urban design within the Mascot Station Town Centre Precinct.

Objectives

- O1** To provide excellent design quality in the Mascot Station Town Centre Precinct;
- O2** To ensure the scale and modulation of development achieves high quality buildings and spaces that respond to the context of the area; and
- O3** To encourage architectural design that reflects an innovative and imaginative use of space, form and materials.

Controls

- C1** The development application must identify through a SEPP 65 Design Statement and/or annotated drawings how design excellence will be achieved in the proposed development.
- C2** Development must comply with **Part 4 - Residential Development**.
- C3** The proposed building design and form must identify and justify:
 - (i) How it will define the public domain and contribute to the character of the streetscape; and
 - (ii) How it will meet the SEPP 65 Apartment Design Guide recommendations.
- C4** Drawings and examples must be provided regarding the building features, textures, materials, finishes and colours suitable to the site, building type and context.
- C5** Prior to its lodgement as a Development Application, the proposed development must be presented to the City of Botany Bay Design Review Panel.

Note: Design excellence can be apparent in the architecture, the features of the proposal, environmental efficiency, site planning, landscape design, interior design, construction, selection of materials, finishes and the like.



9A.4.4.2 Streetscape and Building Form

The streetscape and building form speaks of the interface between buildings, landscape and open spaces in the street scene. The quality of the streetscape influences local amenity and identity. Development within the Mascot Station Town Centre Precinct must identify predominant streetscape and building form qualities, such as scale, materials and colours to contribute positively to the character of the local area.

Objectives

- O1** To create a vibrant, mixed use Mascot Station Town Centre Precinct that provides a variety of small-scale retail, business and community uses which accommodate the needs of people who live and work nearby;
- O2** To ensure a high quality urban design outcome;
- O3** To provide a clear distinction between private and public space and to promote casual surveillance of the street;
- O4** To provide opportunities for higher density housing;
- O5** To reinforce significant street intersections through articulation of corner buildings;
- O6** To ensure building heights are appropriate for the street widths and functions to ensure a comfortable urban scale of development; and
- O7** To ensure that residential frontages are well designed, safe and that the front setbacks are well landscaped.

Controls

- C1** A 'sense of place' and contemporary character for the precinct is to be maintained via a high quality built form and energy efficient architectural design.
- C2** Development must comply with **Part 4 - Residential Development**.
- C3** Buildings must have a consistent street wall height (in terms of the number of storeys) and provide a continuous street frontage along all significant streets.
- C4** Diversity and activity is to be ensured via providing a variety of frontage widths for retail shops along the street.
- C5** Blank walls are to be avoided fronting principal streets and the public domain.



9A.4.4.3 Public Domain Interface at Ground Level

The redevelopment expected to occur within the Mascot Station Town Centre Precinct over the coming decade presents the opportunity to significantly improve the private and public domain interface at the ground level. This will promote a high level of pedestrian amenity.

Considerations of the interface at ground level will also consider ancillary elements such as driveways, parking areas and fencing. The quality and scale of public domain elements also affect the interface.

Architectural quality contributes to the character and quality of the streetscape at ground level. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, internal design and structure of a development.

Objectives

- O1** To provide an attractive visually articulated landscaped ground level interface between private and public domains where residential uses are in the ground floor of building;
- O2** To ensure that all ground level elements of buildings visible from the street make a positive contribution to the public domain;
- O3** To design building entrances that provide a clear entry for the development that will assist in visitor orientation;
- O4** To ensure that access to parking does not dominate the streetscape; and
- O5** To ensure that buildings adjacent to parks address them.

Controls

- C1** Development must be designed so that it has a clearly definable entry and addresses the street
- C2** The primary area of outdoor private open space must not be located on the street frontage.
- C3** Ground floor residential with a street frontage must incorporate landscaping, ideally as part of the common area/setback, with such landscaping to provide for privacy as well as for a consistent, attractive and well maintained landscape frontage. The private terraces should also contain some landscaping.
- C4** The landscaped street setback area shall be on one level or at a slightly battered grade, not terraced or stepped or containing narrow planter boxes, to allow adequate lateral root space and soil volume for medium to large canopy trees.
- C5** Side or rear boundary fencing is not permitted fronting the public domain except where appropriate



landscaping is located in front of the fence.

- C6** The visual connection between the building frontage and the public domain must be considered carefully in all development. This may require the floorplate of development to step up/down with the topography to ensure that the floor level of the building frontage is generally at footpath level.



9A.4.4.4 Active Street Frontages and Awnings

Retail and commercial activities are a key focal point of the Mascot Station Town Centre Precinct. The nature of these land uses will encourage pedestrian movement and create an environment of vibrancy and vitality. Active frontages are proposed to be in Town Centre locations where retail and commercial shopfronts will address the street. Building entries will be positioned so that pedestrians can readily access the shops and services.

Objectives

- O1** To provide active street frontages within the ground floor retail areas of the Precinct in order to create vitality and vibrancy in the centre;
- O2** To enhance pedestrian amenity by providing sun and rain protection;
- O3** To provide opportunities for outdoor dining;
- O4** To improve safety, commercial activity and street life; and
- O5** To enhance the character amenity and visual quality of shopping streets by the addition of outdoor dining areas

Controls

- C1** All development within Urban Blocks 1 and 4 must provide retail or commercial street frontages where shown in **Figures 49, 50, 51 and 52**.
- C2** All development within Urban Blocks 1 and 4 must provide awnings where shown in **Figures 53, 54, 55 and 56**. Awning widths must accommodate street tree planting to Council specifications.
 - Note:**
 - Awnings and verandas along classified roads will be set back a minimum of 1.5 metres from the kerb;
 - Awnings and verandas along local roads that intersect with classified roads will be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the intersection with the classified road; and
 - At any signalised intersections (on local roads or classified roads), awnings and verandas will be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the signalised intersection.
- C3** Awnings must allow for continuous and contiguous street tree planting. Awnings (if required) are to be located and sized to adequately accommodate trees or deleted where not essential. Ground floor retail areas will be indented into the building so that awnings do not hinder street tree planting.



- C4 Outdoor dining areas must allow for safe pedestrian circulation and access and must not compromise or restrict the sight lines for motorists.
- C5 There must be a minimum clear passage width of 2 metres between the adjacent building and leased area for outdoor dining to allow for clear passage of pedestrian traffic at all times.
- C6 The number of tables and chairs that can be placed on a footpath for outdoor dining will be based upon the area and dimensions of the leased space.
- C7 No freestanding A-frame style advertisements will be allowed within outdoor dining areas.

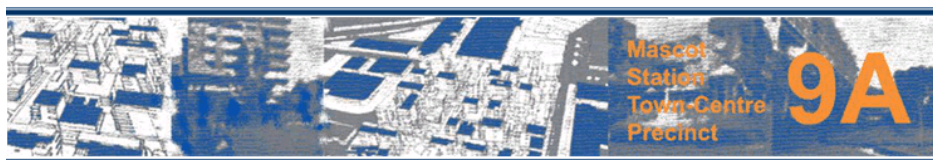


Figure 49 - Retail & Commercial Frontage - Urban Block 1





Figure 50 - Retail & Commercial Frontage - Urban Block 2

To be inserted at a later date

Figure 51 - Retail & Commercial Frontage - Urban Block 3

To be inserted at a later date

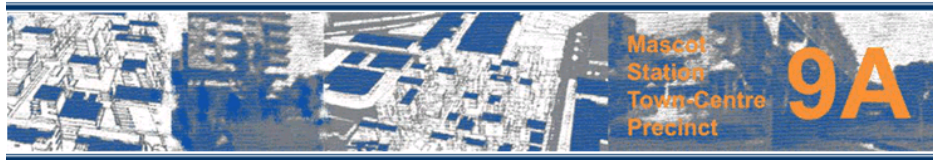


Figure 52 - Retail & Commercial Frontage - Urban Block 4



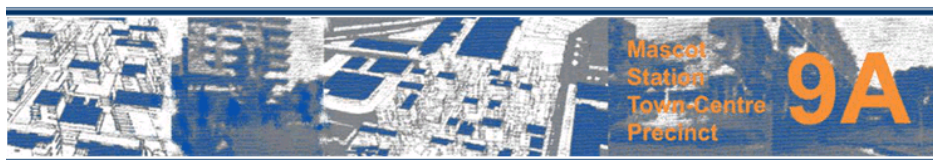


Figure 53 - Frontages with Awnings - Urban Block 1





Figure 54 -Frontages with Awnings - Urban Block 2

To be inserted at a later date

Figure 55 - Frontages with Awnings - Urban Block 3

To be inserted at a later date



Figure 56 -Frontages with Awnings - Urban Block 4





9A.4.4.5 Residential and Non Residential Interface

It is essential that an appropriate interface be created between residential and non-residential uses to ensure that there are no detrimental effects on residential amenity and that the built forms are complimentary.

Objectives

- O1** To minimise the impact of non-residential uses and buildings on neighbouring residential properties; and
- O2** To conserve the privacy, solar, access and overall amenity of neighbouring properties.

Controls

- C1** Clear boundaries between the public and private domain must be created to enhance security, privacy and safety.
- C2** Shadow diagrams must be provided for all development proposals for the summer and winter solstices. Shadow diagrams must show shadow impacts at 9am, 12 noon and 3pm for both solstices. Additional building setbacks may be required where internal site shadow impacts or impacts on adjoining properties are considered by Council to be unreasonable.
- C3** The design and positioning of all mechanical plant and equipment (i.e. air conditioning units, mechanical ventilation, duct work and exhausts) must be taken into account early on in the design process. The non-residential use must not have a negative influence on residential uses concerning noise or odour.



9A.4.4.6 Building Articulation

Facades are the external face of buildings and their composition and detailing of has an impact on its apparent scale as well as its appearance. Façade, proportions, modulation and design detailing are all important considerations in creating a good interaction between the private and public domain.

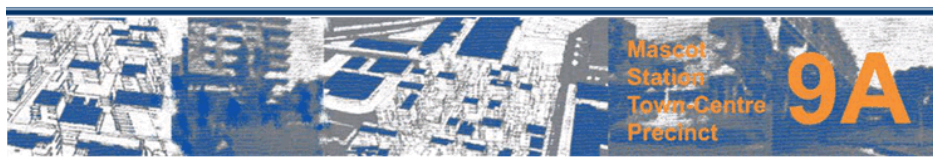
Articulation of elevations reduces the visual intrusion and bulk of buildings on adjoining properties and creates a visually interesting facade. Increasing the setback of buildings as the height and length of the elevation increases further reduces the impact of the building as well as making provision for areas of meaningful landscaping.

Objectives

- O1** To provide for new buildings that spatially define streets with well-articulated façades;
- O2** To incorporate architectural detailing and modulation to all elevations to minimize building bulk; and
- O3** To promote the design of facades that are responsive to the orientation of the site.

Controls

- C1** Corner buildings must address both street frontages.
- C2** Blank external walls of greater than 100m² must be avoided.



9A.4.4.7 Crime Prevention, Safety and Security

There are 3 key elements to safety and security, these include:

- (i) Security through crime risk prevention;
- (ii) Safety through building construction and installation of fire safety equipment within developments; and
- (iii) Consideration of the impacts of surrounding land uses (i.e adjoining rail corridors, major roads, dangerous good routes and hazardous industries).

Crime Prevention

The Crime Prevention and the Assessment of Development Applications Guideline details how local government is to consider Crime Prevention Through Environmental Design (CPTED) Principles. Before a decision can be made on a development application, council must consider the application under section 79C of the *Environmental Planning and Assessment Act 1979* including the consideration of the following:

- The likely impacts of that development, including the environmental impacts on the natural and built environments, and social and economic impacts on the locality; and
- The public interest.

Council has an obligation to ensure that a development provides safety and security to users and the community. If a development presents a crime risk, these guidelines can be used to justify modification of the development to minimise the risk of crime, or refusal of the development on the grounds that crime risk cannot be appropriately minimised.

Council will endeavor to support the minimisation of crime risk as part of all development applications. Council may if required for certain types of development refer to the development application to the NSW Police Local Area Command for assessment against CPTED principles where the proposed land use or design of the development poses a crime risk.

There are four key assessment principles within CPTED that will be applied. These include:

Surveillance - The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

Access control - Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

Territorial reinforcement - Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals.

Space management - Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.



To support the CPTED principles and assessment of the potential crime risks resulting from development applications the following controls are applied to all developments within the Botany Bay local government area.

Building Construction and Fire Safety

Another safety and security measure for the occupation of a building is compliance with Building Code of Australia requirements which relate to sound building construction and installation of fire safety equipment including smoke detectors, building sprinkler systems for certain types of land uses, hazard management systems, warning systems and emergency lighting. These elements ensure that the occupation of the building can be managed in a safe manner.

Consideration of Surrounding Land Uses

New developments must consider surrounding land uses to ensure that new developments are not presenting an adversely impact on safety and security of the adjoining land use. Surrounding land uses that will be considered include the freight rail corridor, major roads, the dangerous goods routes and potentially hazardous industry. Consideration of these surrounding land uses may result in changes to site boundary treatments, the development of risk management plans and changes to site access for safe vehicular movements.

Note: Applicants are to be aware that referral to the NSW Police for CPTED assessment may result in amendments being required to the design of the development or the installation of security devices.

Note: For further information applicants are to refer to Crime Prevention and the Assessment of Development Applications issued by the Department of Planning.

Objectives

- O1** To reduce opportunities for seclusion through the adoption of appropriate design of site boundary treatments (i.e. fencing, landscaping, driveways and open spaces);
- O2** To reduce opportunities for crime through the use of natural surveillance, building design and siting;
- O3** To promote definition between public and private spaces and management of these spaces to reduce crime risk; and
- O4** To support the safe occupation and use of buildings.

Controls

- C1** Any construction plans with the development application must show the location of smoke detectors, together with a specification on their installation in accordance with the Building Code of Australia (BCA).
- C2** Development must comply with **Part 31 - Crime Prevention, Safety and Security**.



- C3** Boundary fences will not provide opportunities for seclusion and are to be of a height that does not prevent the surveillance of streets.
- C4** Buildings and open space areas will be designed to:
- (i) Enable casual surveillance of streets, open space and entrances to buildings;
 - (ii) Minimise access between roofs, balconies and windows of adjoining developments; and
 - (iii) Ensure adequate lighting to access routes, car park areas and open space.
- C5** External lighting must be provided to mixed use developments, commercial developments and industrial areas where pedestrian ways, main building entries, driveways, communal areas and car parks require public access at night or after normal trading hours.
- C6** External lighting is to comply with the requirements of Section 9.21: Lighting in the Vicinity of Aerodromes, Manual of Standards, Part 139 – Aerodromes Version 1.1, February 2003. All lighting, regardless of location, which may affect the safe operation of aircraft operating at Sydney Airport are required to be compatible with the above requirements.
- C7** Access to car parks from common areas are to be secured by lockable doors.
- C8** An audio or video intercom system is to be provided at the entry or in the lobby for visitors to communicate with residents within mixed use developments.
- C9** Blank walls addressing the street frontage and other public places are to be avoided. Where it is unavoidable, planting for screening purposes or anti-graffiti paint are to be used.
- C10** Entry to basement parking areas will be through security access via the main building. This access is to be fitted with a one-way door from the foyer into the basement.
- C11** Provide clear signage and identification of buildings or dwellings, i.e: clear numbering. Location maps and directional signage will be provided for larger developments.
- C12** Access and egress routes and dark or sheltered areas is to be clearly illuminated. All lighting must comply with relevant Australian Standards.



9A.4.4.8 Loading and Unloading

On site loading and unloading areas are required to ensure that delivery and operational vehicles do not block roads and public domain areas resulting in reduced visual amenity and unnecessary safety issues.

Objectives

- O1** To ensure that vehicles do not stand on the road, footway or public domain; and
- O2** To maintain high quality, safe public domain areas.

Controls

- C1** Development must comply with **Part 3A - Car Parking**.
- C2** All commercial developments and mixed use developments must provide onsite loading and unloading areas.
- C3** Loading and unloading areas are to be well hidden or screened from the public domain and will be located underground where practical.
- C4** Loading docks must be located so that vehicles do not stand on any public road, footway, laneway or service road
- C5** Where possible vehicles using the loading and unloading areas are to enter and leave the site in a forward direction.
- C6** Loading docks will comply with AS 2890/2 (2002) – Off street commercial vehicle facilities.



9A.4.4.9 Car Parking Rates

Objectives

- O1** To provide an appropriate level of onsite parking for existing office, commercial and retail developments within the Mascot Station Precinct.

Controls

- C1** Existing developments must comply with the following car parking rates:

- Office development: 1 space per 80m² GFA
- Commercial and retail development: 1 space per 60m² GFA within 800m of Mascot Station
- Commercial and retail development: consistent with the recommendations of the Mascot TMAP

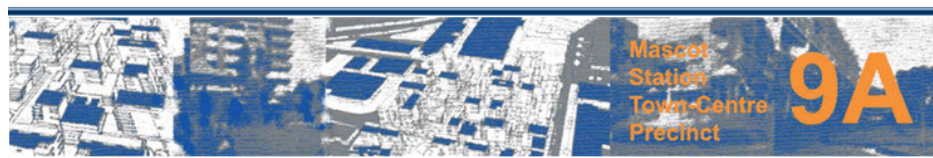
- C2** Where an inconsistency with the car parking rates outlined in **Part 3A - Car Parking** is identified; this Part will prevail for existing development only.

Comment [AQ1]: All car parking rates, including the rate of 1 space / 80m² GFA for office development removed from 9A.4.4.11 as part of blanket removal in BBDCP Amendment 3 to prevent conflict the residential parking rates specified by SEPP 65 / ADG. Currently, applicants are to refer to the car parking rates stipulated in Part 3A Car Parking for all developments within the Botany Bay LGA, which is generally 1 space / 40m² GFA for office developments.

For some of the older developments within the Mascot Station Precinct pre-date the ADG, any change of an existing development requires compliance with Part 3A, which specifies a higher parking rate than what was previously specified in Part 9A. This may not be physically possible for existing developments without proposing alterations to the existing building.

Comment [AQ2]: This matches previous DCP provisions.

Comment [AQ3]: The commercial and retail parking provision follows the rate recommended by the Mascot Centre Precinct Transport Management Accessibility Plan (TMAP).



9A.4.5 Environmental Management

9A.4.5.1 Acoustic Privacy

Acoustic privacy is an important factor to be taken into account when achieving satisfactory living environments, particularly in medium to high density environments. By considering layout, design and materials within the development proposal to acoustic impacts from noise sources can be minimized.

Objectives

- O1** To ensure new development provides adequate visual and acoustic privacy levels internally and externally for neighbours and residents;
- O2** To maximise outlook to the public domain whilst maintaining visual and acoustic privacy for residents;
- O3** To reduce the impact of ambient noise and overlooking by means of appropriate landscaping and architectural detailing; and
- O4** To minimize the impact of aircraft noise on residential environments.

Controls

- C1** Council staff may request an acoustic assessment report, prepared by a qualified consultant, be submitted with the development application. It must, at a minimum, address:
 - O1** Impacts on acoustic privacy of proposed residential uses from any surrounding noise sources such as aircraft noise, road traffic and commercial and retail uses; and
 - O2** Impacts on acoustic privacy of surrounding residential uses from any proposed commercial and retail uses; and
 - O3** The impact of the development on the surrounding area, through mechanical services, construction works and phases of development.
- C1** Communal walls and floors connecting buildings are to be designed in accordance with the noise transmission and insulation requirements of the Building Code of Australia (BCA).
- C2** New development adjacent to high noise sources (e.g. busy roads) are to generally locate habitable rooms and design private open spaces away from noise sources. Alternatively, if such spaces/rooms front a major noise source they must be protected by appropriate noise shielding devices to minimize noise intrusion.
- C3** Any residential accommodation on land within the Australian Noise Exposure Forecast (ANEF) contour of 20 or higher as advised by Council, need to be designed and constructed in accordance with Australian Standard AS2021 – Acoustics – Aircraft Noise Intrusion – Building,

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Part 9A - Mascot Station Town Centre Precinct

Botany Bay Development Control Plan 2013 (Amendment 8)
Endorsed XX/XX/XXXX



Siting and Construction.

Note: The implementation of acoustic measures to decrease aircraft noise must not detract from the streetscape value of individual buildings.

- C4** Where the height of the proposed development is higher than the existing height of the localised building stock (and the proposed development has a direct line of sight to the seaport and/or the airport) an acoustical assessment by an accredited acoustical consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport.



9A.4.5.2 Sustainable Building Design

Sustainable building design involves design, construction and operational practices that considerably decrease or eliminate the negative impact of development on the environment and its occupants.

Developing sustainably includes such aspects as promoting biodiversity, minimizing air pollution, conserving water quality and quantity, minimizing fossil fuel usage, minimizing site disturbance, decreasing waste and promoting recycling, selecting appropriate building materials and minimizing noise. Sustainable building design considers each of these aspects and endeavors to minimize the overall impact of buildings on the environment.

Council is dedicated to establishing an environmentally sustainable local government area. Significant opportunities exist to improve the sustainability within the Mascot Station Town Centre Precinct. It is critical sustainability initiatives are integrated and considered in the early planning and design stages of any development proposal, and relate it to the life of the development from design to construction to operation.

Objectives

- O1** To achieve sustainable building design through the design, construction and operation of buildings within the Mascot Station Town Centre Precinct;
- O2** To ensure the design and construction of development will minimize the adverse impacts on the environment;
- O3** To introduce continuous improvements in the quality of life in the area including amenity and health; and
- O4** To promote education about the environmental, social and economical benefits of improving the environmental quality of developments.

Controls

- C1** The development application must identify and explain how sustainable building design will be achieved in the development throughout the design, construction and operation stage. Development proposals will address the following:
 - (i) Energy efficiency (solar design, insulation, hot water, lighting, and ventilation systems);
 - (ii) Water resources;
 - (iii) Landscaping;
 - (iv) Construction materials;
 - (v) Finishing materials;
 - (vi) Waste management;
 - (vii) Indoor environment quality;
 - (viii) Stormwater management and Water Sensitive Urban Design; and



(ix) Ongoing building and site management.

C2 Development must comply with **Part 3H - Sustainable Design**.

C3 All residential development must comply with the provisions of SEPP (BASIX).

C4 Apartment buildings and Mixed Use Developments containing residential units are to comply with the principles and provisions of State Environmental Planning Policy No 65 (SEPP 65) and the **Apartment Design Guide** in relation to building performance.

C5 Multi dwelling housing must apply, where relevant, the principles outlined in the **Apartment Design Guide** in relation to building performance.



9A.4.5.3 Views

Local views contribute to the sense of place for the Mascot Station Town Centre Precinct. Preservation and, where possible, enhancement of public views to landmark and landscape features allow people to interpret and appreciate the special character of the area. It is also important to promote view sharing between properties to balance access to private views from properties.

Objectives

- O1** To preserve and enhance district and local views which reinforce and protect the precincts urban form and enhance legibility;
- O2** To encourage view sharing through complementary siting of buildings, responsive design and well-positioned landscaping; and
- O3** To ensure highly visible sites are designed in scale with the precinct's setting and encourage visual integration and connectivity between places.

Controls

- C1** Development is to preserve views of significant topographical features such as the urban skyline, landmark buildings and areas of high visibility.
- C2** Building design, location and landscaping is to encourage view sharing between properties.
- C3** Existing significant view corridors as viewed to and from public places must be protected.
- C4** The opportunity to create new view line corridors will be taken wherever possible and appropriate.



9A.4.5.4 Wind Mitigation

A windy environment may cause discomfort and become a hazard to pedestrians. Furthermore downdrafts from buildings can have a detrimental effect on the quality of street trees. Alternatively, light breezes that infiltrate the streets may enhance pedestrian comfort and disperse vehicle emissions and air conditioning plant exhausts more rapidly. It is vital the development considers the affects it will have on wind patterns that already exist in the area. This will maintain and enhance the aesthetic qualities of the built environment.

Objectives

- O1** To ensure new developments consider design features that cater towards managing wind patterns that infiltrate through the area to maintain comfortable conditions for pedestrians; and
- O2** To ensure light breezes are able to flow through the streets of the Mascot Station Town Centre Precinct.

Controls

- C1** All new buildings are to meet the following maximum wind criteria:
 - (i) 10 metres/second along commercial/retail streets;
 - (ii) 13 metres/second along main pedestrian streets, parks and public places; and
 - (iii) 16 metres/second in all other streets
- C2** Taller buildings must consider the shape, location and height of buildings to satisfy wind measurements for public safety and comfort at ground level. In addition, open terraces and balconies must not be detrimentally affected by wind.

Note: Council may request a Wind report be submitted with a Development Application.
- C3** Landscaping is to be utilised to ameliorate the impacts of wind tunnels and enhance the comfort of outdoor spaces.



9A.4.5.5 Reflectivity

Reflective materials used on building exteriors can result in undesirable glare for pedestrians, and potentially hazardous glare for motorists. Reflective materials can also transfer additional heat load to other buildings. Thus, the excessive use of highly reflective glass is discouraged.

Buildings with glazed roofs, facades or awnings are to be designed to minimise hazardous or uncomfortable glare arising from reflected sunlight.

Objectives

- O1 To limit sunlight reflection from buildings to neighbouring areas and other buildings; and
- O2 To ensure amenity and safety for pedestrians and motorists.

Controls

- C1 The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort or endangers safety of pedestrians or motorists.
- C2 The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort or decreases amenity to neighbouring commercial, residential areas or the public domain.
- C3 Visible light reflectivity from building materials use on new building facades must not exceed 20%.
- C4 A reflectivity report examining the effects of possible solar glare on pedestrians and motorists may be necessary, subject to the scope of a proposal and the nature of glazing and reflective materials.



9A.4.5.6 Stormwater Management and Flooding

Objective

- O1** To ensure development is designed to incorporate stormwater management and flooding.

Control

- C1** Development must comply with **Part 3G - Stormwater Management** and Council's **Stormwater Management Technical Guidelines in Part 10 – Technical Guidelines**.



9A.4.6 Other

9A.4.6.1 Maintenance

Long term maintenance of buildings is supported by detailed design and material selection. Ongoing maintenance ensures the longevity of quality architectural and landscape design, sustains and increases the value of property and minimises the life-cycle cost of a development to owners.

Objectives

- O1 To ensure long life and ease of maintenance for all development; and
- O2 To ensure that on site landscaping is maintained.

Controls

- C1 Windows must be designed to enable cleaning from inside the building, where possible.
- C2 The building must incorporate and integrate building maintenance systems into the design of the building form, roof and facade.
- C3 Materials must be durable and can be easily cleaned and are graffiti resistant.
- C4 Appropriate landscape elements and vegetation must be chosen along with suitable irrigation systems.
- C5 A maintenance schedule of works is to be included in all landscape plans to ensure landscape works will be maintained at all times to Council's satisfaction.



9A.4.6.2 Signage

Signage plays an important role in identifying retail and commercial uses, and in creating a lively retail and commercial streetscape. Signage is to be appropriate to the building form's geometry and architectural features, which facilitates in establishing the building's character and enhancing the broader character of the area.

Objectives

- O1** To ensure signage considers and complements the building form and character of the Precinct; and
- O2** To limit the overall quantity of signage in the precinct to avoid the creation of visual clutter on buildings and streetscapes.

Control

- C1** Signage must comply with **Part 3D - Signage**.



9A.4.6.3 Fencing

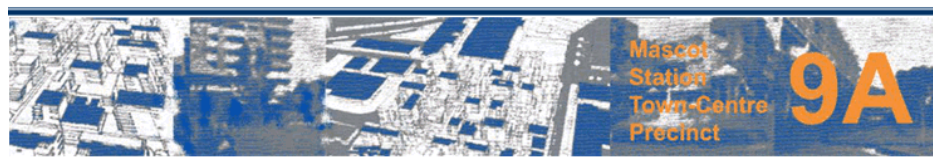
Fencing defines the boundary between one space and another. The design of fencing can have an important role in the visual amenity of a new development and can also have implications in terms of safety and security.

Objectives

- O1** To define the boundary between private land and public land;
- O2** To provide privacy and assist in creating a secure environment; and
- O3** To contribute positively to the public domain.

Controls

- C1** Where fencing of the front boundary is proposed for Multi dwellings and apartment buildings the design must consider the following:
 - (i) Solid metal panel fences (colourbond/sheet metal) of any height are not permitted along street frontages;
 - (ii) Masonry/brick fences over 600mm and timber/steel picket/palisade or plain picket fences over 1 metre high may be permitted. The design of fencing over 1 metre in height will take into consideration sightline issues when exiting this or adjacent properties. The design of the fence can be modified by setback or by using splays at least 1 metre x 1 metre in size;
 - (iii) A mixture of materials is preferable with a maximum of 60% solid material over the whole fence surface;
 - (iv) Design will consider the need for horizontal rhythms along the street such as vertical entry elements, boundary markers or fence post frequency;
 - (v) Where possible, the design will avoid the use of continuous lengths of fencing (a maximum of 6 metres without articulation) at the street frontage;
 - (vi) Access gates are to be hung so that the direction of swing is inward; and
 - (vii) Satisfactory provision is to be made for access to public utility installations.
- C2** The maximum height of side or rear fences is 1.8 metres. Where the fence/side returns are to be erected on or adjacent the common allotment boundary, the written consent of the adjacent property owner(s) is required.
- C3** The landscape documentation is to include details of all fencing to be used in a proposal – privacy, boundary, frontage, pool, dividing and so on. The details are to include style (manufacturer, product code, name), materials, colour/s and installation method.



9A.5 Public Domain Works

9A.5.1 Overview

The public domain is made up of streets, parks, and squares, and small incidental spaces that are formed through street closures, street widening and irregular geometries between buildings and curb alignments. All spaces have equal weight and provide particular amenity in the public domain. It is essential that the public domain is comfortable and safe; accommodating all measure of pedestrian ability, and that it forms a network of spaces that allow for a variety of uses.

Public space in the town centre will be made up of existing and new streets and parks, with the majority of parks being delivered through development. The Public Domain Strategy and Appendix A of the Mascot Town Centre Precinct Masterplan must be read in conjunction with this DCP and includes improvement to existing public space, and the addition and reworking of green space currently associated with the SWSOOS. The range of works to be carried out within the public domain are outlined in detail within the Masterplan document and conceptually in **Figures 57, 58, 59 and 60** within this Part.

Improvement and extension of the public domain offers opportunities for environmental initiatives including water sensitive urban design and reduction of urban heat loads.

The Public Domain Strategy and Appendix A of the Mascot Town Centre Precinct Masterplan presents concepts as an outline of design objectives. Copies of these documents are available on the Council's website – www.botanybay.nsw.gov.au Design development and documentation of all the illustrated spaces will be subject to consultation with Council, to determine appropriate use and furnishing.

Council's intention is that all parks and street closures will be public, with no barriers to public access.

Objectives

- 01** To increase the quantum of public space in the town centre, to cater for the needs of an increased population, and greater visitor numbers;
- 02** To create a diversity of space that accommodates different uses and that is flexible over time;
- 03** To provide a greater level of amenity in the most active areas, to support retail and commercial uses;
- 04** To improve the visual quality of the public domain, create a pleasant environment for pedestrians and encourage active street frontages;
- 05** To support the public transport hub through improved connections and pedestrian amenity;
- 06** To provide better connections to facilities and between streets, to make a walk-able town centre;
- 07** To encourage cycle use, through addition of a connecting cycleway on Bourke Street, and through better connectivity to the cycleway;



- O8** To introduce water sensitive urban design into the public domain, contributing to improved water quality in the catchment;
- O9** To reduce the effects of urban heat island through increased vegetation cover;
- O10** To improve public safety; and
- O11** To offset the minimal deep soil planning areas within the Town Centre Precinct redevelopment sites by providing parks comprising mainly deep soil planting.

Controls

- C1** Public Domain works are to be provided in accordance with **Figures 57, 58, 59 and 60**, the principles in the Public Domain Strategy and **Appendix A** of the Mascot Town Centre Precinct Masterplan. Applicants are to discuss any proposed public domain works to be undertaken in conjunction with a proposed development at Pre- Development Application stage. Council will advise on further detailed specifications of public domain items.
- C2** Widened footpaths, new street paving and pedestrian and cycle links must be provided in accordance with the principles of the Public Domain Strategy and Appendix A of the Mascot Town Centre Precinct Masterplan.
- C3** Continuous awnings must be provided within the Town Centre to provide weather protection for pedestrians in accordance with **Figures 53, 54, 55 and 56**, the principles in the Public Domain Strategy and Appendix A of the Mascot Town Centre Precinct Masterplan but must not compromise the planting of street trees.
- C4** New parks must be provided on key sites as identified in **Figures 57, 58, 59 and 60**, the Public Domain Strategy and Appendix A of the Mascot Town Centre Precinct Masterplan.
- C5** Street paving, lighting, bins, seating, bicycle racks and other street furniture must be provided in accordance with the principles of the Public Domain Strategy and Appendix A of the Mascot Town Centre Precinct Masterplan and any other Council Public Domain Plan. These works must be robust and easily cleaned and is to be designed and specified in consultation with Council's landscape officer to ensure a consistent design standard is implemented.
- C6** Street lighting must be provided throughout the public domain and provide for improved public safety.

Note: Any proposed street lighting must be in accordance with relevant Roads and Maritime Services standards, Austroads standards and Australian Standards.
- C7** Public art must be provided on key development sites in accordance with the principles of the Public Domain Strategy and Appendix A of the Mascot Town Centre Precinct Masterplan. The



provision of art works on these larger sites must be negotiated with Council, with details to be provided at Development Application stage.

C8 Key principles of Water Sensitive Urban Design (WSUD) must be taken into consideration in any proposed works to be undertaken within the public domain. Applicants are to discuss with Council all such proposed works to be carried out in conjunction with a development application at Pre-Development Application stage. In particular applicants must address the need to:

- (i) Protect natural systems;
- (ii) Integrate storm water treatment into the landscape;
- (iii) Protect water quality; and
- (iv) Reduce runoff and peak flows.

C9 All existing above ground service cables, including power lines, telecommunications cables and other similar services ("overhead service cables") in the streets adjacent to and within the confines of the development site will be placed underground at no cost to the Council. Applicants are to discuss with Council all such proposed works to be carried out in conjunction with a development application at Pre-Development Application stage.

C10 All work is to be in accordance with Council specifications, plans, details or the Urban Design Strategy. Please contact Council.



Figure 57 - Public Domain Work - Urban Block 1





Figure 58 - Public Domain Work - Urban Block 2

To be inserted at a later date

Figure 59 - Public Domain Work - Urban Block 3

To be inserted at a later date

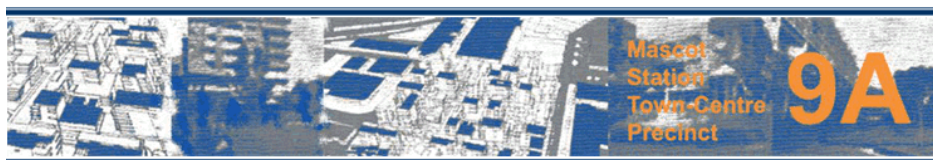


Figure 60 - Public Domain Work - Urban Block 4





9A.5.2 Streets

A high quality, considered, connected and comprehensive street network is integral to a successful public domain. Well designed streets provide a focus for pedestrian activity, and when combined with a considered private domain, create vibrant, lively and engaging environments. They not only serve as connections, but also as critical elements of the public open space network in themselves.

Successful streets encourage a diversity of use. Within the Botany Bay Council local government area, the Mascot Station Town Centre Precinct offers particularly unique and exciting opportunities to create a vibrant urbane public domain through the creation of new streets and the recognition and definition of regionally significant streets.

Opportunities exist to connect to the wider region through public transport networks, and through integrating with the Sustainable Sydney 2030 plan by targeting commercial and retail development on regionally significant streets. Through encouraging use of public transport, recognising and reinforcing street hierarchy, through the allocation of on street parking, providing opportunities for cycling, but overall providing an integrated, mixed use network of streets, lanes and pedestrian connections, the vitality of the town centre can be greatly improved.

Objectives

- O1** Design high quality streets with a pedestrian focus that are fully accessible including wide footpaths, encouraging slow vehicular traffic;
- O2** Increase street tree numbers and provide high quality paved finishes, street furniture and other public domain treatments and embellishments that are robust and fit for purpose;
- O3** Provide new low speed residential streets;
- O4** Reinforce the role of significant regional streets through street tree allocation, provision of footpaths where appropriate;
- O5** Incorporate portions of single lane traffic to discourage regional through traffic entering the town centre; and
- O6** Maximise opportunities for incorporating Water Sensitive Urban Design using techniques such as landscaped medians, tree pits and pocket parks to improve the quality of water entering Alexandra Canal and groundwater.

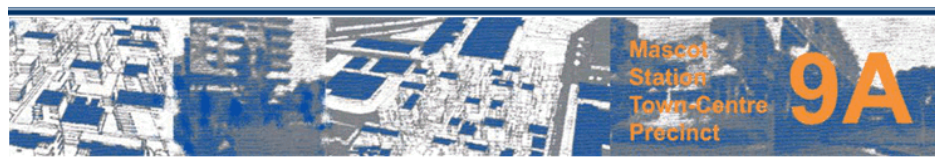
Control

- C1** New streets and changes to existing streets are to be provided in accordance with **Figures 57, 58, 59 and 60**, the Public Domain Strategy and **Appendix A** of the Mascot Town Centre Precinct Masterplan. Applicants are to discuss any proposed public domain works to be undertaken in conjunction with a proposed development at Pre- Development Application stage. Council will



advise on further detailed specification of public domain items in accordance with its Public Domain Strategy.

- C2** Paving and footpath treatments, utilities, street furniture, street tree planting and in-road planting and landscaping will be in accordance with Council's Public Domain Plan and Street Tree Masterplan.
- C3** Awnings must accommodate the planting of street trees and will be suitably designed.



9A.5.3 Parks

The requirements for public open space within the study area will be met through improvement to existing spaces, and the addition of new local and pocket parks through development of blocks. It is essential that a variety of open space is created, rather than replicating the same size and function in all parks across the area. Parks are to be robust, low maintenance and flexible in their use. The new parks also offer opportunities for provision of much needed green and planted spaces in the study area. New parks will be predominantly deep soil to facilitate planting of large scale trees. The size of planting is to consider the scale of adjacent buildings.

The range of parks includes possibility for many uses, including community gardens, playgrounds, urban parks for community activity, and environmental parks such as the SWSOOS land. It is essential that the use and character of each is considered in the context of those parks already created, to avoid replication of use, and to ensure a richness of design across the study area. Developers are to consult with Council before embarking on park design. Each park will be subject to detailed design development, to be approved by Council.

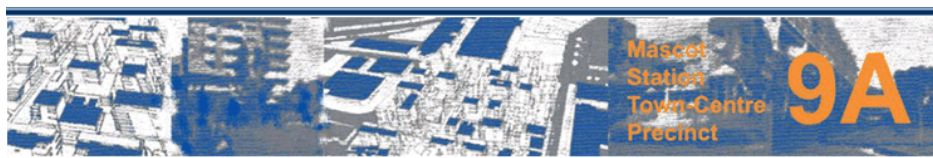
Objectives

- O1** To provide a diversity of parks across the study area, offering a variety of experiences for residents and visitors and recreational opportunities;
- O2** To create a rich design language that adds delight to the urban fabric;
- O3** To introduce large scale tree planting;
- O4** To ensure all parks are accessible from adjacent streets and residential development;
- O5** To minimize fencing within parks other than where required for community gardens or playgrounds;
- O6** To ensure the primary address of all parks is along the street frontage;
- O7** To ensure the design of parks maintain privacy to adjacent residential entrances without high screen walls or planting; and
- O8** To ensure tree planting and furniture is integrated into the public domain to provide high pedestrian amenity.

Controls

- C1** New parks and changes to existing open space areas are to be provided in accordance with **Figures 57, 58, 59 and 60**, the Public Domain Strategy and **Appendix A** of the Mascot Town Centre Precinct Masterplan.

Note: Applicants are to discuss any proposed public domain works to be undertaken conjunction



with a proposed development at Pre- Development Application stage. Council will advise on further detailed specification of public open space design and inclusions.

- C2** The applicant must submit a design for public open space adjoining their development to Council specifications.
- C3** Paving and footpath treatments, utilities, furniture, lighting, signage, tree planting and landscaping are to be in accordance with Council's Public Domain Plan and any other specification. Park design and recreational inclusions are to be undertaken in consultation with Council's Landscape Team.



9A.6 Development Contributions and Planning Agreements

A Public Domain Strategy for Mascot Station Town Centre Precinct was adopted by Council on _____ (Insert date) and identifies the essential infrastructure and public domain works necessary to support development of the Town Centre and which will result in a significant increase in residential and employment densities. The identified infrastructure and public domain works are essential to achieve public amenity and meet the basic needs to support higher density development anticipated within the Precinct.

There are two possible mechanisms to provide the required public domain works identified in the Public Domain Strategy. They are:

1. Section 94 Development Contributions; or
2. Voluntary Planning Agreement.

Section 94 Development Contributions Plan 2013

The City of Botany Bay Section 94 DCP _____ was approved by Council on _____ and came into force on _____. This contributions plan applies to development approved by the Consent Authority. Development contributions are payable for development that increases the worker and resident population and floorspace.

Voluntary Planning Agreements

The new works to occur within the public domain will be funded and implemented by developers as redevelopment occurs under Voluntary Planning Agreements between the Council and the land owner. This part of the DCP provides guidance on how the agreements will operate.

Planning Agreements are made in accordance with the requirements of the Act and are **voluntary agreements** between council and a landowner.

A Voluntary Planning Agreement (VPA) relates to the provision of 'public benefit' and may include infrastructure works and recurrent expenditure in relation to a public amenity, service or facility. A Planning Agreement specifies how it relates to any applicable Section 94 Contributions Plan, and may provide that a development be excluded from the requirements of that Plan in exchange for works in kind. Early contact is to be made with Council officers where Planning Agreements are envisaged for the provision of public facilities or the like outside of the requirements of the Section 94 Development Contributions Plan.

The Act relevantly requires that VPA's provide for the following:

- "(a) a description of the land to which the agreement applies,
- (b) a description of:
 - (i) the change to the environmental planning instrument to which the agreement applies, or
 - (ii) the development to which the agreement applies,



- (c) *the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,*
- (d) *in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 94, 94A or 94EF to the development,*
- (e) *if the agreement does not exclude the application of section 94 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 94,*
- (f) *a mechanism for the resolution of disputes under the agreement,*
- (g) *the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer."*

Where public domain works are proposed within a redevelopment site developers are to make early contact with Council officers to discuss the manner in which the works will be provided.

Council Meeting

9/08/2017

Item No	8.4
Subject	Housing Applications Policy
Report by	Alexandra Hafner, Development Assessment Planner
File	SF17/799

Summary

This report proposes a new Housing Applications Policy (the Policy) that is based on the Department of Planning and Environment Best Practice Guide (March 2017) (the Guide). The creation and adoption of a Policy shall streamline the assessment process by clarifying roles; responsibilities and communications around the DA Process for both applicants and Council representatives alike.

This Policy shall:

- Put the responsibility of submitting complete housing applications with the applicant.
 - Focus Council customer service support efforts at the pre-lodgement stage.
 - Commit to timeframes for the assessment officer to report back on housing applications.
 - Limit distractions to assessment officers during the assessment stage of a housing application.
-

Officer Recommendation

That the attached draft Housing Applications Policy be adopted by Council.

Background

This report proposes a new Housing Applications Policy (the Policy), informed by the Department of Planning and Environment *Best Practice Guide* (March 2017) and supports Council in achieving the NSW Premier's priority for *Faster Housing Approvals*, with a target of 90% of housing applications determined within 40 days of lodgement.

This policy establishes Council's position with respect to those identified as housing applications to:

- Encourage applicants to discuss proposals with Council's Development Advisory Services Unit, prior to lodgement, to achieve completeness and/or compliance with relevant Policies.
- Commit Council to providing clear and consistent pre-lodgement advice.
- Providing timely advice to applicants on any insufficient or non-compliant applications which will either be recommended for withdrawal or refusal.
- Commit Council to identifying planning matters in a timely and efficient manner.

- Advise applicants that Council will generally assess and determine the housing application in its original form.
- Commit Council to providing plain English information in a variety of mediums to assist in the understanding of the DA process.

The scope of this policy relates to all housing related applications submitted and considered by Bayside Council. It is particularly relevant for staff involved in the handling and assessment of applications as well as members of the public who lodge them.

Financial Implications

Not applicable



Community Engagement

Not required.

Attachments

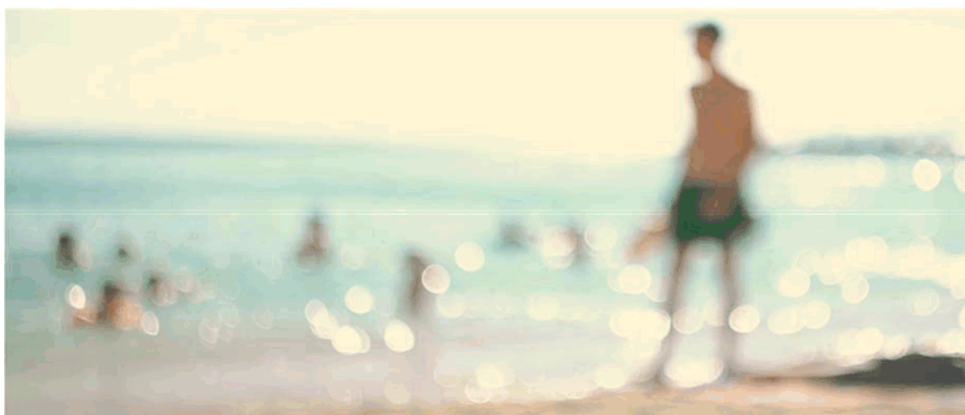
Draft Development and Building Application Policy

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Draft Housing Application Policy

Draft



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Housing Application Policy

File: SF17/799 Document: 17/55194

Class of document: Council Policy

Enquiries: Manager Development Assessment



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Housing Application Policy

2

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1 Introduction

1.1 Background

Council determines development and related applications in accordance with the delegations issued under Section 79C of the *Environmental Planning and Assessment Act*, 1979 (the Act), and *Environmental Planning and Assessment Regulation*, 2000 (the Regulations). Bayside Council aims to achieve seamless customer service delivery relating to development applications, and in particular, those identified as housing applications.

This Housing Application Policy (the Policy) streamlines the assessment process by clarifying roles; responsibilities and communications for the DA process by:

- Identifying the critical steps in the applications process and clarifying responsibilities at those points;
- Clarifying the Applicant's responsibility and information required for lodgement of complete applications;
- Focusing Council customer support efforts at the pre-lodgement stage;
- Committing to timeframes for assessments of housing applications;
- Limiting distractions to assessment officers during the assessment phase of a housing application;
- Identifying communication and awareness strategies to improve knowledge of the development assessment process.

1.2 Definitions

The definitions of certain terms are:

Council

The Council of a Local Government Area, in this Policy, being Bayside Council.

DA

A Development Application (DA) is a formal request for consent to carry out proposed forms of development.

DAS

Council's Development Advisory Unit.

Housing Application

Housing Applications are identified by the Office of Local Government as those which generate the net addition of one (1) dwelling house i.e. a new dual occupancy; semi-attached dwelling development and/or a secondary dwelling development.

1.3 Policy Statement

Council is committed to making the development assessment process efficient and to achieve the NSW Premier's priority for *Faster Housing Approvals*, with a target of 90% of housing applications determined within 40 days of lodgement.

This policy outcome is to be achieved by:

- Encouraging applicants to discuss proposals with Council's Development Advisory Services Unit, prior to lodgement, to achieve completeness and/or compliance with relevant Policies;
- Committing Council to providing clear and consistent pre-lodgement advice;
- Providing timely advice to applicants on any insufficient or non-compliant applications which will either be recommended for withdrawal or refusal;
- Committing Council to identifying planning matters in a timely and efficient manner;
- Advising applicants that Council will generally assess and determine the application in its original form;
- Committing Council to providing plain English information in a variety of mediums to assist in the understanding of the DA process.

1.4 Scope of policy

This policy relates to all housing applications submitted to and considered by Bayside Council.

2 Assessment Efficiency Partnership Agreement

Council and applicants alike, commit to the *Assessment Efficiency Partnership Agreement* (page 30) based on of the Department of Planning and Environment *Development Assessment Best Practice Guide* (March 2017).

The Agreement is included in Appendix 1.

3 Policy Implementation

3.1 Policy Roles and Responsibilities

The Director City Futures has overall responsibility for this Policy.

The Manager Development Assessment has responsibility for the implementation of this Policy.

Coordinators and Development Assessment staff have the responsibility for administering and maintaining procedural compliance with the Policy.

Customer Service staff have responsibility of receiving the completed DA once checked by DAS staff; receipting monies and providing a DA number.

3.2 Procedures

Procedures that support this Policy, may be approved by the General Manager from time to time and may address such issues as administrative workflow for approvals.

3.3 Breaches

Consequences of a breach of this Policy will cause confusion with applicants; the community and constituents with regard to Council's treatment of housing applications. Breaches may also effect Council's ability to successfully achieve the NSW Premier's target.

Breaches of this Policy by staff may lead to disciplinary action or the requirement to develop a performance improvement plan.

4 Document control

4.1 Review

In order to ensure currency this Policy should be reviewed at least every four (4) years or on changes to legislation, whichever occurs sooner.

The Director City Futures or Manager Governance & Risk may approve non-significant and/or minor editorial amendments that do not change the policy substance.

4.2 Act and Regulations

In the event of any inconsistency between this Policy and the Environmental Planning and Assessment Act, 1979, and the Regulations, the Act or the Regulations (as the case may be) prevails to the extent of the inconsistency.

4.3 Related documents

Department of Planning and Environment *Development Assessment Best Practice Guide – To assist Councils to improve delivery timeframes*, March 2017.

4.4 Version history

Version	Release Date	Author	Reason for Change
1.0	-	Alexandra Hafner	New document

Appendix – Assessment Efficiency Partnership Agreement

Days	Applicant	Council
Pre-Lodgement and Lodgement		
N/A	➤ The Applicant will commit to utilising pre-lodgement services and meetings (where appropriate).	➤ Council will provide clear and publicly available information on application requirements and pre-lodgement services.
N/A	➤ The Applicant will provide sufficient information 1-2 weeks prior to a pre-lodgement meeting.	➤ Council's Coordinator - DAS will schedule and coordinate pre-lodgement meetings upon request and when appropriate
N/A	➤ The Applicant will only lodge completed applications.	➤ Council's Coordinator - DAS will ensure all appropriate technical staff and state agencies (where necessary) are in attendance at pre-lodgement meetings
N/A		➤ Council will ensure a Duty Planner/DAS Officer is available during office hours to answer standard questions on development standards; controls; lodgement requirements and other related planning considerations.
Preliminary Assessment		
6 to 15	➤ Applicant allows the assessment officer to undertake the assessment without escalating issues or disrupting staff unnecessarily. ➤ Applicant commits to having a single member of the project team as a point of contact.	➤ The allocated assessment planner will contact the applicant within 15 days of receiving the application to: <ol style="list-style-type: none"> Advise that they have been allocated the application; Advise that a letter requesting further information has/will be sent (if relevant) and the applicant will have 14 days to submit the requested information. Commit to a report back date (generally at 25 calendar days since lodgement).
Stop the Clock		
15 to 29	➤ Applicant will only escalate an issue with more senior staff and/or Councillors following/after the report back date.	➤ The allocated assessment planner will report back to the Applicant to identify that: <ol style="list-style-type: none"> The application has been assessed and determined; or

Days	Applicant	Council
		<ul style="list-style-type: none"> b. The application has a recommendation but is yet to be determined; or c. Requested information has or has not yet been received by Council d. The application is at neither of these stages and the reasons for this.
	<ul style="list-style-type: none"> ➤ Applicant will respond to Council's letter requesting further information within 14 days from the date the letter is sent. <p>Please note, the 14 day request for further information extends to all applications received and determined by Council under the Act and Regulations.</p> <ul style="list-style-type: none"> ➤ Applicant submits all information mentioned in the letter and that any amendments are clearly shown and updated on all affected documentation and plans. 	<ul style="list-style-type: none"> ➤ The allocated assessment planner will report back to the Applicant to identify that: <ul style="list-style-type: none"> a. The requested information has been received and a final assessment will be undertaken b. The requested information has not been received and the applicant can either withdraw the application or submit the information in the remaining 1 day. ➤ If the information is not received or the application is not withdrawn (in writing) within 14 days from the date of the letter, the assessment officer must finalise assessment on the information before them.
		<ul style="list-style-type: none"> ➤ Where the application is yet to be determined, explains the reasons and commits to a determination timeframe.
		<ul style="list-style-type: none"> ➤ All staff to return applicant phone call/emails within 24 hours when made after the report back date.
Determination		
30 to 40	<ul style="list-style-type: none"> ➤ Once provided with a targeted determination date, the Applicant agrees not to contact assessment officers for further updates or discussions around the merits of the application. 	<ul style="list-style-type: none"> ➤ The application will be determined based on the information available after 14 days of council's letter. The application will be refused should the information available be insufficient or unsatisfactory (if application not withdrawn).

Days	Applicant	Council
		➤ Assessment officer to advise applicant within one (1) business date of decision and/or of any change to decision timing (e.g. if matter is deferred or doesn't make agenda).

Council Meeting

9/08/2017

Item No	8.5
Subject	Bayside Procurement Policy - Procurement Methods and Thresholds
Report by	Bobbi Mayne, Manager Procurement
File	SF16/455

Summary

The Purpose of this report is to present the proposed *Procurement Methods and Thresholds* framework for Council's consideration. The framework will become an appendix to the Bayside Procurement Policy as recommended by Council on 12 July 2017.

Officer Recommendation

That Council adopts the proposed *Procurement Methods and Thresholds* framework for Bayside Council and attaches it as an appendix to the Bayside Procurement Policy.

Background

At the Bayside Council Meeting held on 12 July 2017, the Bayside Procurement Policy was adopted *subject to the 'Methods of Procurement and Financial Thresholds' being attached to the policy as an appendix.*

The proposed Methods of Procurement and Financial Thresholds have been reviewed and are now attached as an appendix to the Bayside Procurement Policy for Council's consideration and endorsement.

The proposed Method of Procurement and Financial Thresholds were informed by:

- Local Government Legislation and Guidelines relating to procurement
 - Procurement methods and thresholds of the former Botany and Rockdale Councils
 - Procurement methods and thresholds used by other NSW Councils
-

Financial Implications

Not applicable ☒

Community Engagement

Not applicable

Attachments

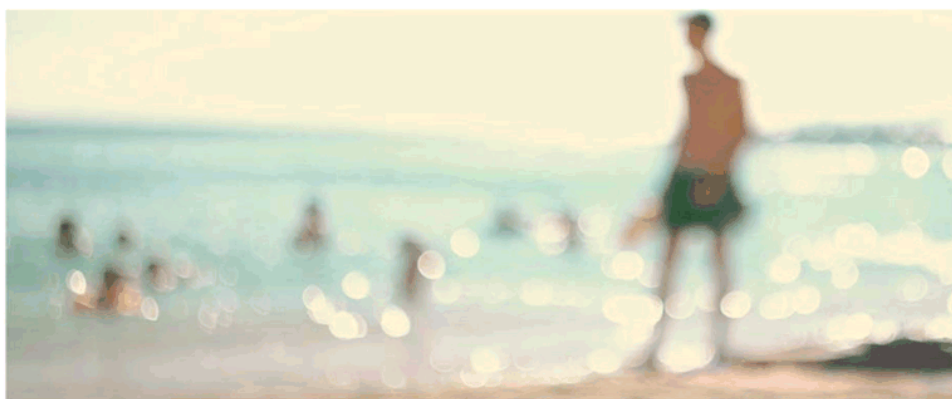
PDF - Procurement Policy - Bayside Council - July 2017 - V2 Final

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Procurement Policy

July 2017



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Procurement Policy

File: SF16/455 Document: 17/86129

Class of document: Council Policy

Enquiries: Manager Procurement



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1 Introduction

1.1 Background

This outlines the legislative and administrative framework that applies to all Procurement activities undertaken by the Council.

1.2 Definitions

The definitions of certain terms are:

Council

Bayside Council NSW

GST

Goods and Services Tax (GST)

Procurement

The act of obtaining and buying goods and services. The process includes preparation and processing of a demand as well as the end receipt and approval of payment. *Reference:*

<http://www.businessdictionary.com>

Procurement Methods

Procurement methods include but are not limited to Expression of Interest, Selective Tendering, Request for Quotations, Request for Tender and Direct Negotiation.

Regulations

Refers to Local Government Regulations General (2005)

The Act

Refers to the Local Government Act 1993

Value for Money

Considers all non-price and price factors when determining the procurement of a good, material and/or service.

1.3 Policy statement

Council is committed to procuring value for money goods, materials and services in a lawful, commercial, consistent, open, fair and transparent manner that ensures the application of appropriate standards of efficiency, risk management, probity and ethics.

1.4 Scope of policy

The Policy is applied from when Council has identified a need for procurement through to the receiving and completion of that procurement activity.

This Policy will apply to Council, Council staff and all persons undertaking procurement on behalf of Council.

2 Legislation

2.1 Tendering

The procurement of goods, services and materials by Council is governed by the NSW Local Government Act 1993, NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government.

Councils must tender for goods, services and materials with an estimated of the amount specified in Clause 163 of the Local Government Regulations (General) 2005. Exceptions apply in certain circumstances as listed in Section 55 of the Local Government Act 1993.

Procurement requirements below the amount specified in the Regulations is governed by Council's administrative policies and guidelines.

3 Council's Values

Council is committed to providing a positive customer experience to our community and customers. In collaboration with our staff, the leadership team will refresh our values to reflect the new organisation and vision for the future.

The guiding principles of respect, trust, accountability, leadership, innovation, collaboration and excellence in customer service define how Bayside Council strengthens its working environment to deliver on aspirations of our community.

4 Statement of Business Ethics

Council partners with and engages the private sector to implement many of its responsibilities. Appropriate working relationships with the private sector enhance the efficiency and effectiveness of Council's many and varied services.

This *Statement of Business Ethics* clarifies the relationship between the private sector and Council. It provides, in one document, important information about Council's values, business principles, expectations of staff and private sector entities, and how to report unethical behaviour.

Council's *Statement of Business Ethics* is to be read in conjunction with the Procurement Policy. The Statement can be viewed on Council's website.

5 Procurement Principles

5.1 Ethics and Fair Dealing

In order to achieve ethical and fair procurement practices, Council will:

1. Respect and comply with *Council's Code of Conduct, Statement of Business*
2. *Ethics* and other policies and procedures, and abide by the law;
3. Maintain principles of probity including fairness, honesty, integrity and professionalism;
4. Be accountable and act in the public interest;
5. Promote fair and open competition, seeking the best value for money;

6. Approach potential market sources with consistent factual information;
7. Ensure purchases are not split for the purposes of avoiding statutory or other mandatory government purchasing requirements;
8. Only conduct procurement activities for Council related business;
9. Identify and report any pecuniary or non-pecuniary interests without delay, in accordance with the Code of Conduct;
10. Maintain and protect the confidentiality of commercial information and intellectual property, as agreed to under terms and conditions with the supplier/provider;
11. Comply strictly with the Gifts and Benefits policy by not soliciting or accepting any gift or benefit from suppliers;
12. Use Council resources effectively and efficiently;
13. Apply a 'No Purchase Order, No Purchase' practice to procurement activities with the exception of exemptions outlined in procurement administrative policies and guidelines.

5.2 Value for Money

Council will seek the best value for money in procuring goods, materials and services taking into account price and non-price factors.

Value for money does not mean Council is obliged to accept the lowest price. Council will apply careful and objective consideration of all value factors to the procurement decision to achieve the best value for money outcome. Value factors include but are not limited to: Price, quality, fit for purpose, sustainability, serviceability, delivery, whole of lifecycle costs and disposal methods and costs.

5.3 Risk Management

Procurement practices have inherent risks including financial and reputational risks for Council.

Risk assessment and management will be applied at all stages of procurement process in accordance with Council's Enterprise Risk Management Framework and guidelines.

5.4 Sustainability

Council will apply sustainable procurement principles and practices with the aim to generate benefits to our business and community whilst minimising damage to the environment and human health.

5.5 Best Practice

Council will apply a continuous improvement approach to procurement ensuring that policies, procedures and business processes are regularly updated to meet contemporary standards and current legislative requirements.

Council embraces Innovation and technological initiatives that enhance, improve and support procurement activities.

5.6 Buy Local Considerations

Council will seek to utilise local suppliers and/or Australian-made products where possible taking price, quality and other relevant best 'value for money' considerations into account.

5.7 Disability Considerations

In accordance with Office of Local Government Circular 12-02, councils will encourage the procurement of goods, materials and services where possible from organisations that employ people with disabilities.

6 Policy implementation

6.1 Delegations

Responsibility for the acceptance of tenders, quotations, expressions of interest, and the like is governed by the Act, Regulations, Council's Policies and Procedures, and the General Manager's Sub-delegations to staff.

6.2 Policy responsibilities

The General Manager has the overall responsibility for this Policy. The Manager Procurement is responsible for the administration of the Policy.

6.3 Procedures

The Methods of Procurement and Financial Thresholds attached as Appendix 1 to this Policy sets out the procurement requirements based on the value of good, service and/or works to be procured by Council

This and other administrative policies and procedures that support this Procurement Policy, may be approved by the General Manager from time to time and cover such matters as:

- Bayside Purchase Cards
- Financial Delegations of Authority
- Petty Cash
- Internal controls
- Emergency work
- e-procurement
- Contract management
- Standard Terms and Conditions

6.4 Breaches

Non-compliance of this policy by Council, Council staff and all persons undertaking procurement on behalf of Council will be addressed in accordance with the Code of Conduct and relevant legislation.

Breach in the policy by an existing or potential supplier may result in disqualification of doing business with Council. It may also result in the disqualification of the supplier from being engaged by Council to perform future procurement activities.

7 Document control

7.1 Review

This policy is to be reviewed every 4 years or when relevant legislation changes. The General Manager may approve non-significant and/or minor editorial amendments that do not change the policy substance.

7.2 Related documents

- Local Government Act NSW 1993
- Local Government Regulation (General) 2005
- NSW Government Tendering Guidelines 2010
- Bayside Council Code of Conduct
- Bayside Council Statement of Business Ethics
- Bayside Council Procurement Guidelines
- Bayside Council Contract Management Guidelines
- OLG Circular 12-02 Procurement from Disability Employment Organisations
- OLG Circular 11-37 Council Procurement and Contract Management Practices
- NSW Procurement Policy Framework for NSW Government Agencies 2015
- OLG Circular 10-34 Capital Expenditure Guidelines
- Australian Government Sustainable Procurement Guide 2013.

8 Version history

This document is based on policies of the former Rockdale City Council and former City of Botany Bay.

Version	Release Date	Author	Reason for Change
1.0	12/07/17	Bobbi Mayne	Harmonised document from former Councils
2.0	TBC	Bobbi Mayne	Addition of an Appendix on <i>Methods of Procurement and Financial Thresholds</i> as requested by Council on 12/7/17.

9 Appendix 1: Method of Procurement and Financial Thresholds

Bayside Council

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PROCUREMENT METHODS AND FINANCIAL THRESHOLDS

Bayside Council is required to procure goods, services and/or works in accordance with the procurement methods and financial thresholds outlined below.

Value (Incl GST) <i>Goods or Services or Works</i>	1. Preferred Supplier Panels established by Bayside Council	2. Preferred Supplier Panels established by Prescribed Entities and/or Industry Joint Ventures or Partnerships	3. Non-Preferred Suppliers
Less than \$500	<ul style="list-style-type: none"> Documented evidence of suppliers' quoted price, <i>eg screenshot of price displayed in supplier's catalogue or website</i> 	<ul style="list-style-type: none"> Documented evidence of suppliers' quoted price, <i>eg screenshot of price displayed in supplier's catalogue or website</i> 	<ul style="list-style-type: none"> Documented evidence of suppliers' quoted price, <i>eg screenshot of price displayed in supplier's catalogue or website</i>
\$501-\$5000	<ul style="list-style-type: none"> 1 written quotation 	<ul style="list-style-type: none"> 1 written quotation 	<ul style="list-style-type: none"> 2 written quotations
\$5001-\$50,000	<ul style="list-style-type: none"> 1 written quotation 	<ul style="list-style-type: none"> 1 written quotation 	<ul style="list-style-type: none"> 3 written quotations
\$50,001-\$149,000	<ul style="list-style-type: none"> 2 written quotation 	<ul style="list-style-type: none"> 2 written quotations 	<ul style="list-style-type: none"> 3 written quotations received via a formal RFQ process
\$150,000 or greater	<ul style="list-style-type: none"> 3 written quotations received via a formal RFQ process 	<ul style="list-style-type: none"> 3 written quotations received via a formal RFQ process 	<ul style="list-style-type: none"> Formal Request for Tender process in accordance with NSW Local Government Legislation

Preferred supplier panels are established by Council and/or Prescribed Entities under Local Government Legislation and/or Industry Partners through an open market via a formal quotation and/or formal tender process. A panel of preferred suppliers for the provision of specific goods, services and/or works is established under contract terms and conditions including an agreed pricing model for a fixed period. Council will procure from suppliers on the panel for the specific goods, services and/or works in accordance with the contract terms and conditions.

Bayside Council will engage suppliers for the provisions of goods, services and/or works in the following priority order;

1. Preferred Supplier Panels established by Bayside Council
2. Preferred Supplier Panels established by Prescribed Entities in accordance with Local Government Legislation and/or established through industry joint ventures or partnerships
3. Non- Preferred Suppliers

Council Meeting

9/08/2017

Item No	8.6
Subject	ICAC Operation Ricco - Recovery of Monies
Report by	Fausto Sut, Manager Governance and Risk
File	F17/634

Summary

The ICAC handed down its report on 26 July 2017 on its investigation into the alleged conduct of Mr Goodman and others in relation to the misappropriation of monies from the then City of Botany Bay Council. The ICAC has made corrupt conduct findings against a number of individuals and believes that consideration should be given to obtaining the advice of the Director of Public Prosecutions with the respect to prosecuting 10 individuals for a ranging of offences including fraud and giving false and misleading evidence to ICAC, and one offence of misconduct in public office. Council is providing the necessary assistance to progress this matter to a successful outcome.

The ICAC has made a number of corruption prevention recommendations to Bayside Council. Similarly the NSW Audit Office, in its audit of the financial accounts of the former City of Botany Bay Council has raised serious concerns about the financial and other practices of the former Council. It has made a number of recommendations to Bayside Council.

Council is preparing an Action Plan to address the recommendations of both bodies and will present that Plan to the next meeting of the Risk and Audit Committee meeting. Council had commenced its own internal investigation in matters arising out of the ICAC investigation. Council has commenced strengthening its governance systems.

The ICAC Report conservatively identifies the amount of misappropriation to be in the vicinity of \$6M with notations that in some cases while there has been fraud the amounts have not been established. Council places the level of misappropriation to be over \$16M. Council's insurers have been notified and Council is awaiting a decision in respect of the claim and the quantum.

Council commenced legal proceedings to recover the monies misappropriated including securing freezing orders and undertakings on the disposal of assets. The General Manager is being advised by Sparke Helmore Lawyers and Senior Counsel Arthur Moses and Counsel, Jaye Alderson. They are providing prudent advice in the recovery proceedings. The General Manager is taking all reasonable efforts to recover public monies misappropriated in the public interest having regard to the cost of litigation and the likelihood of recovery, in consultation with Council's legal advisors and Council's Insurers.

Confidential legal advice in respect of those proceedings is provided in a confidential attachment to this report.

Officer Recommendation

1 That the report be received and noted.

- 2 That Council supports the continuance of legal proceedings for the recovery of monies misappropriated by Mr Goodman and others.
- 3 That Council affirms the General Manager's authority to take all reasonable efforts to recover public monies misappropriated in the public interest having regard to the cost of litigation and the likelihood of recovery, in consultation with Council's legal advisors and Council's Insurers.
- 4 That an Action Plan be developed to address the recommendations made by the ICAC and the NSW Audit Office and referred to the Risk and Audit Committee for consideration.
- 5 That attachments 2 and 3 to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10A(2) (g) of the Local Government Act 1993, the attachments contain advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is considered that if the matters were discussed in an open Council meeting, they would, on balance, be contrary to the public interest due to the issues they deal with.

Background

ICAC Investigation

On 8 October 2015 ICAC attended the premises of the former City of Botany Bay Council ("Botany") and executed a search warrant. This publicly commenced Operation Ricco being the investigation into the allegations that Gary Goodman, as chief financial officer (CFO) of Botany misused his position to financially benefit himself and others. The Investigation also examined allegations into the conduct of other staff including Ms Cullinane, the then Director of Corporate & Community Services.

Subsequently the ICAC held a Public Inquiry between 29 February 2016 and 16 March 2016 and 3 June to 8 June 2016.

Upon becoming aware of the ICAC's investigation, the then City of Botany Bay Council commenced its own internal investigation in order to ascertain the alleged conduct by staff and the extent of the misconduct and related matters. Council engaged Sparke Helmore Lawyers and SINC Solutions Pty Ltd to assist in investigating the matters and responding to matters arising from the ICAC investigation.

The ICAC handed down its report on 26 July 2017. The ICAC has made corrupt conduct findings against a number of then City of Botany Bay Council staff and others. It has formed the view that consideration should be given to obtaining the advice of the Director of Public Prosecutions with the respect to prosecuting 10 individuals for one or more of the following offences: fraud, soliciting and receiving a corrupt commission or reward, corruptly giving a benefit to a Council employee, giving false and misleading evidence to ICAC, and/or offence of misconduct in public office.

The ICAC has also made 9 corruption prevention recommendations of which 8 are to Bayside Council and one to the NSW Government. The investigation articulates the

systematic failures which allowed or facilitated the corrupt conduct of Mr Goodman and others. In summary these may be described as such:

- Mr Goodman exercised extra-ordinary influence over Council's financial operations with few controls and little oversight. He was employed with Botany Council from 1997 to 2015.
- The finance division had overwhelming control over Council finances and related processes including budgets and expenditure, use of charge cards, vendor master file, and the absence of critical financial segregation of duties
- Loose processes that were vulnerable to corruption in areas such as procure to pay, fleet management and credit card control
- Lack of relevant skills and experience of key Council staff
- Ineffective governance mechanisms
- Lack of independence of the internal audit function and failure to implement its recommendations
- Council's external auditor did not consider it its responsibility or obligation to raise control deficiencies mentioned in its management letters to the audit committee and elected body
- The elected body and the audit committee failed to seek external audit management letters and consider external audit reports concerning systematic weaknesses in the financial processes
- The audit committee operating in a manner that vastly deviated from the State Government's Internal Audit Guidelines for Local Government.

Bayside Council has three (3) months to inform the ICAC whether it proposes to implement any plans of action in response to the recommendations and if so of the plan of actions. Council will then be required to report to the ICAC after 12 months on its progress in implementing the plan and if not fully implemented will be required to provide another progress report 12 months after that.

Audit Office Concerns

In a similar vein to ICAC's corruption prevention findings and recommendations, the NSW Audit Office by letter dated 25 July 2017 has formally drawn to Council's attention concerns related to its audit of the former City of Botany Bay Council's financial statements for the period 1 July 2015 to 9 September 2016 (refer to Attachment 1 to this report).

It should be noted that the new Council was required to close off the two former councils' individual financial statements for financial year 2015/16 by December 2016 and provide accurate and reliable opening balances for financial year 2016/17 for Bayside Council. To date, the former Rockdale Council's financial statements have been finalised, submitted to the Minister for Local Government and have received an unqualified audit report.

Due to the state of the financial information available at the former City of Botany Bay Council, the deadline of December 2016 could not be met and an extension to perform the audit and complete the statements was requested and granted to June 2017. A further extension has been sought from the Minister of Local Government and granted to 31

December 2017. The completion of this work is critical to the audit of the financial statements to 30 June 2017 for Bayside Council.

The Audit Office has communicated to Council numerous issues concerning the state of affairs of the former City of Botany Bay financial and other practices. The Audit Office's formal letter of 25 July 2017 outlines the following observations:

- Deficiencies in procure to pay processes including: no purchase orders; no evidence of goods or services received; payments on copies of invoices; no evidence of duplicate payment checking; and missing supporting documentation
- The absence of accounting policy and procedures manuals to guide staff
- Procurements not always supported by tenders or quotations
- No delegation listings with specimen signatures
- Deficient segregation of duties at the former Botany Council
- System administrators with super user access who can create or amend the system and transactions without the activity being logged
- Community and staff functions were held without tenders being used to competitively select suppliers and to demonstrate an efficient cost was achieved
- 1,240 water rebate payments were made without sufficient supporting documentation
- Over \$25,000 was paid to Councillors during 1 July 2015 and 9 September 2016 for reimbursement of expenses without the required supporting reconciliations.

In its letter, the Audit Office has recommended some immediate improvements particularly to the system of internal control namely:

- Payments to suppliers being supported by purchase orders
- Only officers with the delegated authority approving purchase orders
- Payments to suppliers should not be made unless the receipt of the goods or services has been confirmed
- Supporting documentation retained for all transactions
- Requirements for obtaining quotations and tenders should be reinforced
- Appropriate system access controls implemented with super users activity being logged
- The accounts payable vendor Masterfile should be reviewed to ensure its validity.

It should be noted that the Audit Office had provided a draft letter outlining interim findings from its audit into the former City of Botany Bay Council and proposed recommendations to assist with the resolution of issues identified. That draft was presented to the Risk and Audit Committee meeting held on 18 May 2017. The formal letter of 25 July 2017 is in more broader terms than the original draft letter but in any case the matters raised will be addressed and reported to the Risk and Audit Committee.

An Action Plan

As a result of the merge of the two former Council's to form Bayside Council, significant work is being undertaken to develop and implement a sound governance model with strong policy, processes and systems to provide community confidence in the decision making process of Bayside Council. Bayside Council has been cognisant of the weaknesses of the previous governance model operating at former City of Botany Bay Council. These have been at the forefront of Council's deliberations in setting the governance model for Bayside Council. Some foundation stones include the establishment of an Audit and Risk Committee in accordance with the NSW Government's Internal Audit Guidelines, the creation of a separate Procurement Business Unit with appropriately skilled and experienced staff, the formulation of a new Procurement Policy and associated procedures, the appointment of the NSW Auditor General to undertake the Council's external audit, the implementation of the Bayside Planning Panel, training and awareness of all staff on Council's Code of Conduct and Council's Values.

Now that the ICAC report has been issued, the Council is working on a detailed action plan to address the recommendations of both the ICAC and the NSW Audit Office. Once endorsed by the Executive, they will be presented to the Risk and Audit Committee in August for consideration as to whether it believes the Action Plan is an appropriate response to the recommendations of both external bodies.

Recovery of Monies

The ICAC Report conservatively identifies the amount of misappropriation to be in the vicinity of \$6M with notations that in some cases, while there has been fraud, the full amount has not been established.

Council commenced proceedings in the Supreme Court of NSW to recover monies misappropriated by employees and contractors of the former City of Botany Bay Council. Asset freezing orders and undertakings have been obtained against Mr Goodman and others. Council places the level of misappropriation to be over \$16M.

The financial situation of some defendants in the proceedings is such that they may not have sufficient assets to meet any judgment against them for the full amount of money that has been stolen or diverted.

Currently the General Manager is being advised by Sparke Helmore Lawyers and Senior Counsel Arthur Moses and Counsel, Jaye Alderson. They are providing prudent advice in the recovery proceedings. Currently Council's insurers are deliberating as to whether to accept the insurance claims and the quantum.

Private mediation has been undertaken with some of the defendants and further mediation will be undertaken at the end of the month. The situation is fluid and continues with fine judgments required to be made on a timely basis. Accordingly the General Manager is best placed to continue to manage the recovery proceedings in consultation with Council's legal advisors.

A copy of the mediation advice and a private mediation report are provided in a Confidential attachment to this report.

The criminal proceedings recommended by the ICAC are separate matters and will be between the ICAC and the Department of Public Prosecutions. Council and its legal advisors

are providing whatever assistance is required to bring these matters to a successful conclusion. These may take a number of years to resolve.

Financial Implications

Not applicable ☐

Included in existing approved budget ☐

Additional funds required ☒

The cost of legal proceedings will be funded from existing legal budgets subject to the the outcome of the insurance claims and a quarterly budget variation request to meet any shortfall.

Community Engagement

Not applicable.

Attachments

- 1 Audit Office Letter
- 2 Bayside Council Mediation Advice - Final - Moses Alderson (confidential)
- 3 Email - Summary of Mediation Outcomes (confidential)



Mr Greg Wright
Administrator
Bayside Council
PO Box 21,
Rockdale NSW 2216

Contact: David Nolan
Phone no: 02 9275 7377
Our ref: D1707871

25 July 2017

Dear Mr Wright

**Matters of governance interest arising
from the audit of
City of Botany Bay
for the period 1 July 2015 to 9 September 2016**

The purpose of this letter is to draw to your attention, and to others charged with governance, concerns related to my audit of the City of Botany Bay's (Botany Council) financial statements and some of the implications this has for the Bayside Council's financial statements and audit.

Audit Progress

First, while our audit engagement has commenced, I have not been presented with Botany Council's financial statements for the period 1 July 2015 to 9 September 2016. Accordingly, no estimate can be made of when our audit will be finalised.

Officers of the Bayside Council have orally advised that reconciliations, records and supporting documentation for Botany Council's transactions during this period are missing or inadequate. This, in combination with considerable staff turnover, has delayed the preparation of financial statements for Botany Council. Naturally, the delay in establishing the opening balance position will impact the audit of the new Bayside Council for the period ending 30 June 2017.

Second, I note that officers of the former City of Botany Bay Council have been the subject of investigation by the ICAC. The ICAC has estimated suspected material fraud at more than \$4.2 million but has not handed down its final report. The existence of suspected material fraud, particularly by finance staff, increases audit risk and limits reliance that can be placed on internal controls.

In light of the matters raised above I am not confident I will be able to form an unmodified audit opinion in respect of the financial statements of the City of Botany Council for the period ending 9 September 2016.

Observations - Internal Control Deficiencies

In the course of my ongoing audit activity, I would also like to draw your attention to further emerging issues, as follows:

- Deficiencies in procure to pay processes including: no purchase orders; no evidence of goods or services received; payments on copies of invoices; no evidence of duplicate payment checking; and missing supporting documentation
- The absence of accounting policy and procedures manuals to guide staff
- Procurements not always supported by tenders or quotations
- No delegation listings with specimen signatures
- Deficient segregation of duties at the former Botany Council
- System administrators with super user access who can create or amend the system and transactions without the activity being logged
- Community and staff functions were held without tenders being used to competitively select suppliers and to demonstrate an efficient cost was achieved
- 1,240 water rebate payments were made without sufficient supporting documentation
- Over \$25,000 was paid to Councillors during 1 July 2015 and 9 September 2016 for reimbursement of expenses without the required supporting reconciliations.

Recommendations – Internal Control Deficiencies

While the matters above will be fully examined as part of our audit, we consider some immediate improvements could be made.

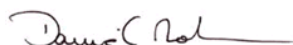
An appropriate system of internal controls should be developed with due consideration to:

- Payments to suppliers being supported by purchase orders
- Only officers with the delegated authority approving purchase orders
- Payments to suppliers should not be made unless the receipt of the goods or services has been confirmed
- Supporting documentation retained for all transactions
- Requirements for obtaining quotations and tenders should be reinforced
- Appropriate system access controls implemented with super users activity being logged
- The accounts payable vendor Masterfile should be reviewed to ensure its validity.

The Local Government Act requires the Auditor-General to report to the Minister for Local Government on significant matters that come to light as part of my audit. I will be providing the Minister with a copy of this correspondence. During my audit I will also refer any transactions of interest to the ICAC.

I would like to thank the new finance team for their assistance in the conduct of this audit.

Yours sincerely



David Nolan
Director, Financial Audit Services

Cc:

Ms Meredith Wallace
Interim General Manager
Bayside Council
PO Box 21,
Rockdale NSW 2216

Council Meeting

9/08/2017

Item No 8.7
Subject **Statutory Financial Report – June 2017**
Report by John Maunder, Acting Manager Finance
File F09/605

Summary

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5, paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report, and the Statutory Financial Reports are presented as follows:-

- Investment Performance Against Benchmark
- Statement of Bank Balances
- Restricted and Unrestricted Cash Balances
- Schedule of Investments

As at 30 June 2017, Bayside Council had \$334.3 m in cash and investments with an adjusted portfolio yield of 2.77%.

- Income from Operating Activities \$30.8mil due to the Chapel Street sale, grants and s.94 contributions.
- Expenses from Operating Activities \$13.8mil due to payments for waste and the Ramsgate Beach thriving centre project.

Details of individual investments held are tabled in the body of this report.

Officer Recommendation

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Background

The balance of the report is attached.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

Not applicable.

Attachments

Statutory Financial Report – June 2017

REPORT HEADER

Subject: STATUTORY FINANCIAL REPORT- 30 June 2017
File Number: F09/605
Report By: John Maunder- Acting Manager Finance
Contributors:
Community Engagement: No
Financial Implications: No

Officer Recommendations

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

Precis

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5 paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report, and the Statutory Financial Reports are presented as follows:-

- Investment Performance Against Benchmark
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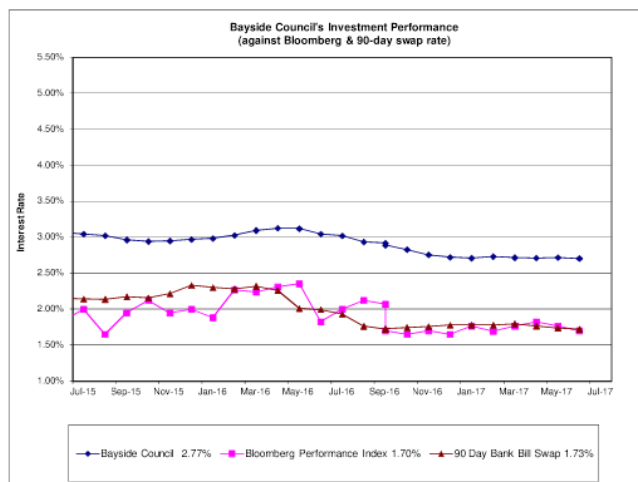
As at 30 June 2017, Bayside Council had \$334.3m in cash and investments with an adjusted portfolio yield of 2.77%. Details of individual investments held are tabled in the body of this report.

REPORT BACKGROUND**Legislative Reporting Requirements**

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer must provide Council with a report detailing Council's investments under s625 of the Local Government Act 1993. This is to be reported to Council on a monthly basis.

Investment Performance

The table below shows the performance of Council's investments since July 2015. The Bloomberg (former UBS) Index is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance. For the current period, Council outperformed the market by 107 basis points. As demonstrated by the following graph, investment returns are stable and consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



Statement of Bank Balances

The table below shows details of movements in Council's cash at bank for the month of June.

STATEMENT OF BANK BALANCES AS AT 30 JUNE 2017		
GENERAL FUND		
Cash at Bank (Overdraft) as per Bank Statement as at:	31/05/2017	\$14,404,361
Add:		
Income from Operating Activities for the Period		
- Rates and other receipts*	\$5,448,279	
- Sundry Debtors	\$1,092,087	
- DA Fees & FCDs	\$108,532	
- Interest	\$237,516	
- GST Refund	\$665,257	
- Parking and Other Infringements	\$381,824	
- Grants	\$3,607,355	
- Other Deposits (cash, cheques & eftpos)	\$3,978,238	
- Chapel Street Sale	\$10,766,365	
- S.94 Contributions	\$4,489,872	
Total Income from Operating Activities for the Period	\$30,785,325	
Less:		
Expenses from Operating Activities for the Period		
Accounts Paid for Period (includes urgent cheques & refunds)	-\$9,076,050	
Direct Payroll	-\$3,814,437	
Presented Cheques	-\$260,258	
Dishonoured Cheques	-\$550,598	
Miscellaneous Expenses	-\$9,804	
Bank Charges (including Agency Fees)	-\$27,038	
Total Expenses from Operating Activities for the Period	-\$13,738,185	
Total Net Movement from Operating Activities:		\$17,047,140
Investment Activities for the Period		
- Investments redeemed	\$0	
- Transfer from Short-Term Money Market	\$10,370,000	
- Transfer to Short-Term Money Market	-\$23,450,000	
- New Investments	-\$7,000,000	
- Investments transfer from Bayside East to West*	\$0	
Net Investment Flows for the Period	-\$20,080,000	
Funding Activities for the Period		
Loan Repayments	-\$105,837	
Net Funding Flows for the Period	-\$105,837	
Total Net Movement from Investment & Funding Activities:		-\$20,185,837
Cash at Bank (Overdraft) as per Bank Statement as at:	30/06/2017	\$11,265,664
Limit of overdraft arranged at Bank for: Bayside West \$350,000 & Bayside East \$540,000		
* other receipts include Australia Post & Bank Tape		

Restricted Cash

Council has established various Internal Cash Reserves as a financial strategy to provide funds for future expenditure that could not otherwise be financed during a single financial year. External reserves (s.94 Developer Funds) are quarantined for a specific purpose and are not to be reallocated to other programs.

THE INVESTED FUNDS ARE HELD FOR:-	BALANCE 31/05/2017	NET MOVEMENTS	BALANCE 30/06/2017
Bayside East General Funds and Reserves Internal and External Restricted Funds are yet to be dissected and awaiting finalisation of accounts.	\$89,241,339	\$7,701,342	\$96,942,681
Bayside West Unrestricted General Funds	\$64,156,847	\$9,522,497	\$73,679,344
Bayside West Internal Restrictions			
CASH RESERVES			
- Employee Liability Reserve	\$4,953,800	\$0	\$4,953,800
- Office & IT Reserve	\$1,958,499	\$0	\$1,958,499
- Plant Reserve	\$800,000	\$0	\$800,000
- S.94 Obligation Reserve	\$1,508,609	\$0	\$1,508,609
- Arncliffe Youth Centre Reserve	\$2,969,690	\$0	\$2,969,690
- Public Liability Reserve	\$345,869	\$0	\$345,869
- Workers Compensation Reserve	\$115,870	\$0	\$115,870
- Council Election Reserve	\$569,750	\$0	\$569,750
- Strategic Priorities Reserve	\$39,211,584	\$0	\$39,211,584
- Street Lighting Reserve	\$597,534	\$0	\$597,534
- Brighton Bath Amenities Build Reserve	\$2,295,391	\$0	\$2,295,391
Bayside West Total Internal Restrictions	\$55,326,596	\$0	\$55,326,596
Bayside West External Restrictions			
LOCAL AREA FUNDS			
- Arncliffe	\$113,687	\$0	\$113,687
- Banksia	\$23,024	\$0	\$23,024
- Bexley	\$377,045	\$0	\$377,045
- Brighton	\$281,532	\$0	\$281,532
- Kingsgrove	\$1,097,847	\$0	\$1,097,847
- Ramsgate	\$499,358	\$0	\$499,358
- Ramsgate Beach	\$262,621	\$0	\$262,621
- Rockdale	\$5,460,646	\$0	\$5,460,646
- West Botany Street	\$4,643,097	\$0	\$4,643,097
Bayside West Total Local Area Funds	\$12,758,857	\$0	\$12,758,857
- Domestic Waste Reserve	\$6,567,144	\$0	\$6,567,144
- Stormwater Levy Reserve	\$662,683	\$0	\$662,683
- Unexpended Grants	\$3,396,666	\$0	\$3,396,666
- Infrastructure Levy Reserve	\$7,225,915	\$0	\$7,225,915
- s94 Developer Contributions	\$77,235,352	\$0	\$77,235,352
- Community Levy Reserve	\$529,482	\$0	\$529,482
Bayside West Total External Restrictions (Incl Local Area Funds)	\$108,376,099	\$0	\$108,376,099
Total for all Reserves and Unrestricted Cash	\$317,100,881	\$17,223,839	\$334,324,720

Please Note: Cash Reserve Balances @30.06.2017 will be updated upon completion of the Financial Statements.

Schedule of Investments Held

Bayside West Branch currently holds \$237.4m and Bayside East Branch currently holds \$96.9m in investments and cash at call as detailed in the table below. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF BAYSIDE COUNCIL AS AT: 30/06/2017								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Bayside West Branch Term Deposits:								
Bank of Western Australia	A1	\$1,180,715	27/04/2017	23/01/2018	271	0.56%	2.60%	\$1,180,715
Bank of Western Australia	A1	\$2,058,530	30/11/2016	29/08/2017	272	0.97%	2.60%	\$2,058,530
Bank of Western Australia	A1	\$5,020,959	20/02/2017	20/09/2017	212	2.37%	2.60%	\$5,020,959
Bank of Western Australia	A1	\$5,052,747	22/05/2017	21/02/2018	275	2.38%	2.55%	\$5,052,747
Bank of Western Australia	A1	\$1,168,619	26/05/2017	27/02/2018	277	0.55%	2.55%	\$1,168,619
Bank of Western Australia	A1	\$1,200,248	04/04/2017	04/10/2017	183	0.57%	2.60%	\$1,200,248
Bank of Western Australia	A1	\$1,108,009	11/04/2017	28/09/2017	170	0.52%	2.60%	\$1,108,009
Bank of Western Australia	A1	\$1,082,632	13/04/2017	10/10/2017	180	0.51%	2.60%	\$1,082,632
Bank of Western Australia	A1	\$1,254,540	18/05/2017	22/11/2017	188	0.59%	2.55%	\$1,254,540
Bank of Western Australia	A1	\$1,065,437	06/06/2017	06/03/2018	273	0.50%	2.45%	\$1,065,437
Bank of Western Australia	A1	\$1,063,228	04/05/2017	13/02/2018	285	0.50%	2.60%	\$1,063,228
Bank of Western Australia	A1	\$1,314,414	12/04/2017	19/10/2017	190	0.62%	2.60%	\$1,314,414
Bank of Western Australia	A1	\$1,120,077	23/05/2017	05/12/2017	196	0.53%	2.55%	\$1,120,077
Bank of Western Australia	A1	\$2,276,170	16/05/2017	16/11/2017	184	1.07%	2.55%	\$2,276,170
Bank of Western Australia	A1	\$1,141,340	03/05/2017	07/02/2018	280	0.54%	2.60%	\$1,141,340
Bank of Western Australia	A1	\$1,320,441	25/05/2017	10/01/2018	230	0.62%	2.55%	\$1,320,441
Bank of Western Australia	A1	\$1,314,449	15/02/2017	15/11/2017	273	0.62%	2.60%	\$1,314,449
Bank of Western Australia	A1	\$1,166,585	11/01/2017	12/07/2017	182	0.55%	2.55%	\$1,166,585
Bank of Western Australia	A1	\$1,176,968	24/05/2017	12/12/2017	202	0.56%	2.55%	\$1,176,968
Bank of Western Australia	A1	\$1,171,710	02/05/2017	30/01/2018	273	0.55%	2.60%	\$1,171,710
Bank of Western Australia	A1	\$2,017,466	14/12/2016	12/09/2017	272	0.95%	2.60%	\$2,017,466
Bank of Western Australia	A1	\$1,268,965	16/02/2017	14/09/2017	210	0.60%	2.60%	\$1,268,965
Bank of Western Australia	A1	\$1,277,969	09/05/2017	15/02/2018	282	0.60%	2.60%	\$1,277,969
Bank of Western Australia	A1	\$2,000,000	02/06/2017	14/12/2017	195	0.94%	2.50%	\$2,000,000
						18.79%		
Illawarra Mutual Building Society	A2	\$1,249,194	8/06/2017	07/12/2017	182	0.59%	2.65%	\$1,249,194
Illawarra Mutual Building Society	A2	\$1,167,671	13/04/2017	25/10/2017	195	0.55%	2.60%	\$1,167,671
Illawarra Mutual Building Society	A2	\$1,542,893	20/06/2017	16/01/2018	210	0.73%	2.65%	\$1,542,893
Illawarra Mutual Building Society	A2	\$2,000,000	2/03/2017	31/08/2017	182	0.94%	2.60%	\$2,000,000
Illawarra Mutual Building Society	A2	\$1,387,199	21/06/2017	17/01/2018	210	0.65%	2.65%	\$1,387,199
Illawarra Mutual Building Society	A2	\$1,376,008	5/04/2017	05/10/2017	183	0.65%	2.60%	\$1,376,008
Illawarra Mutual Building Society	A2	\$1,098,820	17/01/2017	18/07/2017	182	0.52%	2.55%	\$1,098,820
Illawarra Mutual Building Society	A2	\$1,168,808	14/02/2017	16/08/2017	183	0.55%	2.60%	\$1,168,808
Illawarra Mutual Building Society	A2	\$1,336,141	7/03/2017	05/09/2017	182	0.63%	2.60%	\$1,336,141
Illawarra Mutual Building Society	A2	\$1,733,500	14/06/2017	11/12/2017	180	0.82%	2.65%	\$1,733,500
Illawarra Mutual Building Society	A2	\$1,268,893	18/01/2017	20/07/2017	183	0.60%	2.55%	\$1,268,893
Illawarra Mutual Building Society	A2	\$3,000,000	2/06/2017	30/11/2017	181	1.42%	2.65%	\$3,000,000
Illawarra Mutual Building Society	A2	\$1,231,517	30/03/2017	26/09/2017	180	0.58%	2.60%	\$1,231,517
						9.23%		
Newcastle Permanent Build Society	A2	\$1,254,127	16/06/2017	17/01/2018	215	0.59%	2.50%	\$1,254,127
Newcastle Permanent Build Society	A2	\$1,273,221	13/06/2017	17/10/2017	126	0.60%	2.50%	\$1,273,221
Newcastle Permanent Build Society	A2	\$1,172,795	28/06/2017	27/03/2018	272	0.55%	2.50%	\$1,172,795
Newcastle Permanent Build Society	A2	\$1,333,157	31/05/2017	02/11/2017	155	0.63%	2.60%	\$1,333,157
Newcastle Permanent Build Society	A2	\$1,202,923	08/03/2017	06/09/2017	182	0.57%	2.50%	\$1,202,923
Newcastle Permanent Build Society	A2	\$1,103,084	14/02/2017	14/11/2017	273	0.52%	2.60%	\$1,103,084
Newcastle Permanent Build Society	A2	\$1,213,032	02/02/2017	02/08/2017	181	0.57%	2.60%	\$1,213,032
Newcastle Permanent Build Society	A2	\$1,293,554	07/06/2017	13/12/2017	189	0.61%	2.50%	\$1,293,554
Newcastle Permanent Build Society	A2	\$1,166,203	08/02/2017	09/08/2017	182	0.55%	2.60%	\$1,166,203
						5.20%		
ME Bank	A2	\$1,000,000	10/03/2017	07/12/2017	272	0.47%	2.60%	\$1,000,000
ME Bank	A2	\$1,000,000	09/02/2017	09/11/2017	273	0.47%	2.70%	\$1,000,000
ME Bank	A2	\$2,000,000	02/03/2017	29/11/2017	272	0.94%	2.60%	\$2,000,000
ME Bank	A2	\$2,000,000	24/03/2017	19/12/2017	270	0.94%	2.60%	\$2,000,000
ME Bank	A2	\$2,000,000	09/03/2017	06/12/2017	272	0.94%	2.60%	\$2,000,000
ME Bank	A2	\$1,000,000	07/02/2017	08/11/2017	274	0.47%	2.70%	\$1,000,000
ME Bank	A2	\$1,000,000	06/04/2017	11/01/2018	280	0.47%	2.65%	\$1,000,000
ME Bank	A2	\$1,000,000	22/02/2017	23/08/2017	182	0.47%	2.67%	\$1,000,000
						5.19%		
AMP Bank	A1	\$3,000,000	14/03/2017	12/12/2017	273	1.42%	2.75%	\$3,000,000
AMP Bank	A1	\$2,000,000	15/02/2017	15/08/2017	181	0.94%	2.75%	\$2,000,000
						2.36%		

Schedule of Investments cont'd								
National Australia Bank	A1	\$2,000,000	12/04/2017	11/07/2017	90	0.94%	2.52%	\$2,000,000
National Australia Bank	A1	\$1,000,000	10/03/2017	10/08/2017	153	0.47%	2.50%	\$1,000,000
National Australia Bank	A1	\$1,000,000	28/02/2017	29/08/2017	182	0.47%	2.50%	\$1,000,000
National Australia Bank	A1	\$1,000,000	21/02/2017	22/08/2017	182	0.47%	2.56%	\$1,000,000
National Australia Bank	A1	\$1,000,000	16/11/2016	15/08/2017	272	0.47%	2.70%	\$1,000,000
National Australia Bank	A1	\$2,000,000	08/03/2017	05/09/2017	181	0.94%	2.51%	\$2,000,000
National Australia Bank	A1	\$2,000,000	02/03/2017	30/08/2017	181	0.94%	2.50%	\$2,000,000
National Australia Bank	A1	\$3,000,000	02/03/2017	28/11/2017	271	1.42%	2.50%	\$3,000,000
National Australia Bank	A1	\$2,000,000	17/11/2016	17/08/2017	273	0.94%	2.70%	\$2,000,000
National Australia Bank	A1	\$2,000,000	23/05/2017	23/11/2017	184	0.94%	2.42%	\$2,000,000
National Australia Bank	A1	\$1,000,000	15/06/2017	14/12/2017	182	0.47%	2.43%	\$1,000,000
National Australia Bank	A1	\$2,000,000	09/03/2017	08/08/2017	152	0.94%	2.50%	\$2,000,000
National Australia Bank	A1	\$2,000,000	21/06/2017	21/03/2018	273	0.94%	2.43%	\$2,000,000
National Australia Bank	A1	\$1,000,000	14/03/2017	13/09/2017	183	0.47%	2.50%	\$1,000,000
National Australia Bank	A1	\$3,000,000	30/05/2017	01/03/2018	275	1.42%	2.41%	\$3,000,000
National Australia Bank	A1	\$5,000,000	22/03/2017	19/09/2017	181	2.36%	2.50%	\$5,000,000
National Australia Bank	A1	\$5,000,000	20/06/2017	20/03/2018	273	2.36%	2.46%	\$5,000,000
National Australia Bank	A1	\$2,000,000	26/04/2017	24/08/2017	120	0.94%	2.50%	\$2,000,000
						17.93%		
ING Direct	A2	\$4,000,000	03/03/2017	31/08/2017	181	1.89%	2.70%	\$4,000,000
ING Direct	A2	\$1,000,000	01/06/2017	05/12/2017	187	0.47%	2.70%	\$1,000,000
ING Direct	A2	\$1,000,000	15/03/2017	14/09/2017	183	0.47%	2.68%	\$1,000,000
ING Direct	A2	\$3,000,000	14/03/2017	13/09/2017	183	1.42%	2.70%	\$3,000,000
ING Direct	A2	\$3,000,000	07/03/2017	12/09/2017	189	1.42%	2.70%	\$3,000,000
ING Direct	A2	\$1,000,000	06/06/2017	06/06/2018	365	0.47%	2.67%	\$1,000,000
ING Direct	A2	\$3,000,000	16/03/2017	15/09/2017	183	1.42%	2.70%	\$3,000,000
						7.55%		
Bayside West Branch Direct Investments (Floating Rate & Fixed Rate Term Deposits - TDs)								
Westpac Bank Fixed Term Deposit	A1+	\$1,000,000	04/05/2017	04/11/2017	184	0.47%	2.69%	\$1,000,000
CBA- ME Bank FRN	BBB	\$3,000,000	09/08/2016	18/07/2019	1073	1.42%	3.22%	\$3,029,418
CBA- Greater Bank FRN	BBB+	\$2,000,000	30/08/2016	30/08/2019	1095	0.94%	3.29%	\$2,011,180
CBA- Bank of QLD FRN	A-	\$2,000,000	23/02/2016	06/11/2019	1352	0.94%	2.81%	\$2,014,362
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	26/02/2016	18/08/2020	1635	0.94%	2.84%	\$2,009,282
CBA - Rabobank FRN	A+	\$2,000,000	04/03/2016	04/03/2021	1826	0.94%	3.23%	\$2,052,458
CBA FRN	AA-	\$3,000,000	17/01/2017	17/01/2022	1826	1.42%	2.88%	\$3,053,829
CBA- Greater Bank FRN	BBB-	\$3,000,000	07/06/2016	07/06/2019	1095	1.42%	3.34%	\$3,018,900
CBA- Greater Bank Floating Rate Deposit	BBB-	\$4,000,000	24/02/2017	24/02/2020	1095	1.89%	3.19%	\$4,016,760
CBA- Police Bank FRN	BBB+	\$1,000,000	09/09/2014	21/08/2017	1077	0.47%	2.84%	\$1,003,810
CBA- Credit Union Australia FRN	BBB+	\$2,000,000	01/04/2016	01/04/2019	1095	0.94%	3.40%	\$2,012,056
CBA- Credit Union Australia FRN	BBB+	\$2,750,000	20/03/2017	20/03/2020	1096	1.30%	3.02%	\$2,742,688
CBA- Rabobank FRN	A+	\$2,000,000	03/03/2017	03/03/2022	1826	0.94%	2.81%	\$2,018,486
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	09/08/2016	17/09/2019	1134	0.94%	2.65%	\$2,002,722
CBA Suncorp FRN	A+	\$2,000,000	12/10/2016	12/10/2018	730	0.94%	2.52%	\$2,012,580
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	21/11/2016	21/02/2020	1187	0.94%	2.84%	\$2,011,930
CBA- ME Bank FRN	BBB+	\$3,000,000	06/04/2017	06/04/2020	1096	1.42%	3.04%	\$2,995,617
CBA- Greater Bank FRN	BBB-	\$2,000,000	29/05/2017	29/05/2020	1096	0.94%	3.14%	\$1,999,800
ANZ - Heritage Bank FRN	BBB+	\$1,450,000	04/05/2017	04/05/2020	1096	0.68%	3.04%	\$1,448,956
ANZ Bank Fixed Term Deposit	A1+	\$1,174,997	01/03/2017	01/09/2017	184	0.55%	2.53%	\$1,174,997
ANZ Bank Fixed Term Deposit	A1+	\$1,163,823	21/03/2017	21/09/2017	184	0.55%	2.40%	\$1,163,823
ANZ Bank Fixed Term Deposit	A1+	\$5,000,000	03/03/2017	03/10/2017	214	2.36%	2.54%	\$5,000,000
Commonwealth Bank Fixed Rate Term Deposit	A1+	\$2,000,000	05/01/2017	05/07/2017	181	0.94%	2.65%	\$2,000,000
Commonwealth Bank Fixed Rate Term Deposit	A1+	\$2,000,000	21/06/2017	18/12/2017	180	0.94%	2.50%	\$2,000,000
Commonwealth Bank Fixed Rate Term Deposit	A1+	\$2,000,000	21/12/2016	21/09/2017	274	0.94%	2.68%	\$2,000,000
Commonwealth Bank Fixed Rate Term Deposit	A1+	\$2,000,000	15/02/2017	15/08/2017	181	0.94%	2.59%	\$2,000,000
Commonwealth Bank Fixed Rate Term Deposit	A1+	\$5,000,000	13/03/2017	13/07/2017	122	2.36%	2.54%	\$5,000,000
Commonwealth Bank Fixed Rate Term Deposit	A1+	\$5,000,000	13/03/2017	13/10/2017	214	2.36%	2.60%	\$5,000,000
Commonwealth Bank Fixed Rate Term Deposit	A1+	\$2,000,000	01/06/2017	30/10/2017	151	0.94%	2.47%	\$2,000,000
Bendigo and Adelaide Bank	A2	\$2,000,000	19/06/2017	16/03/2018	270	0.94%	2.50%	\$2,000,000
						33.75%		
FRN= Floating Rate Note								
Unlisted Community Bank Shares								
Bendigo Bank	A2	\$5,000				0.01%		
Total Investments		\$211,938,775				100.00%		
CASH ACCOUNT (at call)		\$25,443,264						
Total Investments and Cash for Bayside West Branch		\$237,382,039						

	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Bayside East Branch Term Deposits:								
AMP Bank	A1	\$1,000,000	09/08/2016	08/08/2017	364	1.41%	2.80%	\$1,000,000
						1.41%		
National Australia Bank	A1	\$4,000,000	04/10/2016	04/07/2017	273	5.65%	2.65%	\$4,000,000
National Australia Bank	A1	\$4,000,000	29/11/2016	19/09/2017	294	5.65%	2.70%	\$4,000,000
National Australia Bank	A1	\$5,000,000	27/09/2016	03/10/2017	371	7.07%	2.65%	\$5,000,000
National Australia Bank	A1	\$4,000,000	04/10/2016	10/10/2017	371	5.65%	2.67%	\$4,000,000
National Australia Bank	A1	\$2,000,000	11/10/2016	17/10/2017	371	2.83%	2.70%	\$2,000,000
National Australia Bank	A1	\$4,000,000	31/10/2016	02/11/2017	367	5.65%	2.75%	\$4,000,000
National Australia Bank	A1	\$2,000,000	26/07/2016	23/01/2018	546	2.83%	2.75%	\$2,000,000
National Australia Bank	A1	\$2,000,000	29/07/2016	30/01/2018	550	2.83%	2.73%	\$2,000,000
National Australia Bank	A1	\$2,000,000	02/08/2016	06/02/2018	553	2.83%	2.75%	\$2,000,000
National Australia Bank	A1	\$2,000,000	11/08/2016	13/02/2018	551	2.83%	2.60%	\$2,000,000
						43.82%		
ME Bank	A2	\$2,000,000	10/11/2016	17/08/2017	280	2.83%	2.65%	\$2,000,000
ME Bank	A2	\$2,000,000	06/09/2016	06/03/2018	546	2.83%	2.65%	\$2,000,000
ME Bank	A2	\$4,000,000	08/09/2016	13/03/2018	551	5.65%	2.65%	\$4,000,000
ME Bank	A2	\$2,000,000	13/09/2016	20/03/2018	553	2.83%	2.65%	\$2,000,000
						14.13%		
Rural Bank	A2	\$4,000,000	10/11/2016	09/11/2017	364	5.65%	2.75%	\$4,000,000
						5.65%		
Bendigo Bank	A2	\$3,000,000	31/08/2016	20/02/2018	538	4.24%	2.70%	\$3,000,000
Bendigo Bank	A2	\$3,000,000	31/08/2016	27/02/2018	545	4.24%	2.70%	\$3,000,000
						8.48%		
MyState Banking	A2	\$4,000,000	31/10/2016	03/08/2017	276	5.65%	2.75%	\$4,000,000
						5.65%		
Bayside East Branch Direct Investments (Floating & Fixed Term Deposits -TDs)								
Bank of China FRN	A	\$1,000,000	09/04/2015	09/04/2018	1096	1.41%	3.03%	\$1,010,620
Bank of QLD FRN	A	\$1,000,000	29/10/2015	29/04/2019	1278	1.41%	2.90%	\$1,009,626
AMP FRN	A	\$750,000	11/12/2015	11/06/2019	1278	1.06%	2.90%	\$754,080
Bank of QLD FRN	A	\$2,000,000	05/02/2016	05/02/2018	731	2.83%	2.74%	\$2,013,782
NAB FRN	AA	\$2,000,000	25/02/2016	25/02/2019	1096	2.83%	2.72%	\$2,021,224
Westpac FRN	AA	\$1,000,000	11/03/2016	10/05/2019	1155	1.41%	2.77%	\$1,009,310
Newcastle PBS FRN	BBB+	\$2,000,000	22/03/2016	22/03/2019	1095	2.83%	3.32%	\$2,012,775
Suncorp FRN	A	\$2,000,000	12/04/2016	12/04/2021	1826	2.83%	3.09%	\$2,041,546
Bank of QLD FRN	A	\$1,000,000	18/05/2016	18/05/2021	1826	1.41%	3.26%	\$1,013,110
CBA FRN	AA	\$2,000,000	12/07/2016	12/07/2021	1826	2.83%	2.98%	\$2,046,102
						20.85%		
Total Investments		\$70,750,000				100.00%		
CASH (at call & 31 day notice account)		\$26,192,681						
Total Investments and Cash for Bayside East Branch		\$96,942,681						
TOTAL INVESTMENTS FOR BAYSIDE COUNCIL		\$334,324,720						

Investment and Cash Flows for Bayside Council:

	May-17			Jun-17			
	Bayside West	Bayside East	Total	Bayside West	Bayside East	Total	Total Net Movement
Total Investments	\$204,798,431	\$70,750,000	\$275,548,431	\$211,938,775	\$70,750,000	\$282,688,775	\$7,140,344
Operating Account	\$11,382,774	\$3,021,587	\$14,404,361	\$566,240	\$10,693,951	\$11,260,191	-\$3,144,170
Cash/Short Term Money Market	\$11,678,337	\$5,318,728	\$16,997,065	\$24,877,024	\$5,329,170	\$30,206,194	\$13,209,129
AMP 31 Day Notice Account	\$0	\$10,151,024	\$10,151,024	\$0	\$10,169,560	\$10,169,560	\$18,536
TOTAL Investments and Cash:	\$227,859,542	\$89,241,339	\$317,100,881	\$237,382,039	\$96,942,681	\$334,324,720	\$17,223,839
NOTE: In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.							

I hereby certify in accordance with Clause 212 of the Local Government (General) Regulation 2005 that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Council's investment policies.

JOHN MAUNDER
RESPONSIBLE ACCOUNTING OFFICER

Investment Translation

The following investment information is provided as translation of what the types of investments are:

- * A Term Deposit is a short term deposit held at a financial institution for a fixed term and attracts interest at the prevailing market rate.
- * A Bank Bill is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.
- * A Floating Rate Note is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months are tied to a certain money-market index such as the Bank Bill Swap Rate (BBSW).
- * A CDO (Collateralised Debt Obligation) is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Council does not invest in CDOs.
- * A Capital Guaranteed Note is a longer term investment issued by a financial institution with a fixed coupon that is paid contingent on the performance of the underlying investments, being equities, property bonds etc. In addition, this form of investment also can attract capital growth. The issuer of the note has provided a guarantee that the capital is guaranteed at maturity.
- * A Floating Term Deposit and Variable Rate Deposits are exactly the same as term deposits except they automatically roll over (reinvest) at the end of the 90-day period for up to 2 years.
- * Money Market Call Account refers to funds held at a financial institution and can be recalled by Council either same day or overnight.
- * Unlisted Community Bank Shares refer to bank shares not listed on the Australian Stock Exchange. The local community owns and operates the Bendigo Bank branch which assists the bank in providing banking infrastructure and community support.

Credit Ratings

- * AAA - Extremely strong capacity to meet financial commitments (highest rating).
- * AA - Very strong capacity to meet financial commitments.
- * A - Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances.
- * BBB - Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments.
- * BB - Less vulnerable in the near term, but faces uncertainties and exposures to adverse business, financial and economic conditions.
- * B - More vulnerable to non-payment than obligations rated 'BB', but the obligor has the capacity to meet its financial commitment on the obligation.
- * CCC - Currently vulnerable, dependent upon favourable business, financial and economic conditions to meet its financial commitments.
- * CC - Currently highly vulnerable.
- * C - Highly likely to default.

Council Meeting

9/08/2017

Item No	8.8
Subject	Bexley Oval Amenities Tender
Report by	Karin Hartog, Major Projects Unit Director
File	F17/311

Summary

Bayside Council is providing an upgrade to the amenities at Bexley Oval. The amenities building houses 4 unisex toilets, 1 accessible toilet with baby change table, 1 ambulant toilet, canteen and storage areas and external hand wash facilities and bubblers and a new gardener's shed.

Officer Recommendation

- 1 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Camporeale Holdings Pty Ltd for Contract F17/311 being for the construction of the Bexley Oval Amenities for the amount of \$ 565,400.00 exclusive of GST.
- 2 That Council resolves for an additional \$320,000.00 exclusive of GST to be transferred from the SRV reserve to the Bexley Oval amenities budget to pay for the construction of the Bexley oval amenities and associated cost.
- 3 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10A(2) (d)(i) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council meeting, it would, on balance, be contrary to the public interest due to the issue it deals with.

Background

The request for tender was released on 27 June 2017 with tender submissions closing at 3.00 pm on 18 July 2017.

Six (6) tender submissions were received from the following companies, in alphabetical order:

- Camporeale Builders PTY LTD;
- Castlereagh Group Industries PTYLTD;
- Cooper Commercial Constructions PTY LTD;
- Forefront Commercial Interiors PTY Limited;

- Kellyville Building PTY LTD; and
- 2020 Projects PTY LTD.

Camporeale Holdings Pty Ltd is identified as offering best value based on Evaluation Matrix Scoring under following criteria:

- Price offered (including exclusions and qualifications);
- Non price capabilities, past experience, track records and proposed delivery program and work methodologies that demonstrate their understanding of the challenges and risks specific to the project.

Camporeale Holdings Pty Ltd provided written referees reports on projects and personnel with relevant and similar project experience to the Bexley Oval Amenities project and have also recently successfully completed the Scarborough Park Central sporting amenities for Council.

As part of the tender assessment a detailed Financial and Performance Assessment was undertaken by Corporate Scorecard.

Financial Implications

The financial implications are outlined in the confidential Bexley Oval Amenities tender assessment attachment.

Community Engagement

Community engagement was completed at the design stage of the project.

Attachments

Bexley Oval Amenities Tender Assessment (confidential)

Council Meeting

9/08/2017

Item No	8.9
Subject	Scarborough Park (Production Avenue) and Tonbridge Reserve Sporting Amenities Tender
Report by	Karin Hartog, Major Projects Unit Director
File	F16/1046

Summary

Bayside Council is providing upgrades to the sporting amenities at Scarborough Park (Production Avenue) and Tonbridge Reserve.

Scarborough Park:

The project includes the construction of a new sporting amenities building in Scarborough Park, Kogarah. The proposed amenities building will house 2 change rooms with showers, 6 toilets, 1 accessible toilet with baby change table, 1 ambulant toilet, store room, meeting room and a kiosk with undercover area.

The existing building is to be demolished and the new building to be constructed on the same site.

Tonbridge Reserve:

The project includes the construction of a new sporting amenities building in Tonbridge Reserve Scarborough Park, Kogarah. The existing building is to be demolished. A new location has been selected guided by the flood levels for the park. The new amenities building will house 2 change rooms with showers, 6 toilets, 1 accessible toilet with baby change table, 1 ambulant toilet, meeting room and operational area, store room and a kiosk with undercover area.

Officer Recommendation

- 1 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from 2020 Projects Pty Ltd for Contract F16/1046 being for the construction of the Scarborough Park (Production Avenue) and Tonbridge Reserve Sporting Amenities for the amount of \$2,686,052.73 exclusive of GST.
 - 2 That Council note that the current balance of the construction budget is \$1,815,000, leaving a shortfall of \$1,280,000 excluding GST to complete the project.
 - 3 That Council resolves for an additional \$1,280,000.00 exclusive of GST to be transferred from the SRV reserve to the Scarborough Park (Production Avenue) and Tonbridge Reserve Sporting Amenities budget to pay for the construction of the Scarborough Park (Production Avenue) and Tonbridge Reserve Sporting Amenities and associated cost.
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- 4 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10A(2) (d)(i) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council meeting, it would, on balance, be contrary to the public interest due to the issue it deals with.

Background

The request for tender was released on 20 June 2017 with tender submissions closing at 3.00 pm on 18 July 2017.

Six (6) tender submissions were received from the following companies, in alphabetical order:

- Camporeale Builders PTY LTD;
- Carfax Commercial Constructions PTY LTD;
- Castlereagh Group Industries PTYLTD;
- Forefront Commercial Interiors PTY Limited;
- Project 8; and
- 2020 Projects PTY LTD.

2020 Projects Pty Ltd is identified as offering best value based on Evaluation Matrix Scoring under the following criteria:

- Price offered (including exclusions and qualifications);
- Non price capabilities, past experience, track records and proposed delivery program and work methodologies that demonstrate their understanding of the challenges and risks specific to the project.

2020 Projects Pty Ltd provided written referees reports on projects and personnel with relevant and similar project experience to the Scarborough and Tonbridge Reserve Amenities projects and have recently completed the Mascot Childcare Centre for Council.

A detailed financial assessment was undertaken by Corporate Scorecard.

Financial Implications

The financial implications are outlined in the confidential attachment: Scarborough Park (Production Avenue) and Tonbridge Reserve Sporting Amenities tender assessment.

Community Engagement

Community engagement was completed at the design stage of the project.

Attachments

Scarborough Park (Production Avenue) and Scarborough Park (Production Avenue) and
Tonbridge Reserve Sporting Amenities Tender Assessment (confidential)

Council Meeting

9/08/2017

Item No	8.10
Subject	Peter Depena Amenities Budget
Report by	Karin Hartog, Major Projects Unit Director
File	F12/152

Summary

Council's Special Rate Variation Program (SRV) includes a number of upgrades and replacements of public amenities and community buildings across the City.

The program includes the refurbishment of the Peter Depena Reserve Amenities, Dolls Point.

Additional SRV funding is required for what is proposed.

Officer Recommendation

- 1 That Council approves an additional \$400,000 to be allocated to the Peter Depena amenities project from Council's SRV Reserve.
 - 2 That Council allocates the \$340,000 provided for in the draft Voluntary Planning Agreement for 177 Russel Ave, Dolls Point for upgrades in Peter Depena Reserve to the Peter Depena Amenities Project.
-

Background

Council's Special Rate Variation Program (SRV) includes a number of upgrades and replacements of public amenities and community buildings across the City.

The program includes the refurbishment of the Peter Depena Reserve Amenities, Dolls Point. The budget available only envisaged the refurbishment of one of the buildings.

There currently are three amenities buildings in Peter Depena Reserve, all three amenities are in a bad condition with one closed due to safety concerns and the other due to vandalism.

After assessing the buildings currently in Peter Depena Reserve, it is recommended to consolidate the three amenities buildings into one building and demolish the other two buildings.

One of the existing buildings has four walls with mosaic art works, which are worthwhile keeping, and incorporating into the new building, it is therefore proposed to extend and refurbish this amenities building to include the same amount of toilets that are in the current three buildings.

A concept design and Quantity Surveyor cost estimate has been prepared for this new extended building and based upon this cost estimate it is clear that additional funding is required to be allocated to the project.

Financial Implications

Budget currently allocated in 2017/2018 program: \$498,820

Budget required for one consolidated building and demolition of the two other buildings:

Consultants \$ 95,000
(Architect, Structural, Hydraulics, electrical and lighting, geotechnical, environmental, planning, Quantity Surveyor)

Construction estimate: \$ 1,075,000

Project Management: \$ 30,000

Demolition \$ 40,000

Total Budget required \$ 1,240,000

Additional budget required: \$ 740,000

Not applicable	<input type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input checked="" type="checkbox"/>

Community Engagement

Not applicable at this stage.

Attachments

Nil

Council Meeting

9/08/2017

Item No	9.1
Subject	Minutes of the Bayside Traffic Committee Meeting - 2 August 2017
Report by	Pat Hill, Administrative Support Officer - City Infrastructure
File	SC17/28

Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 2 August 2017 be received and the recommendations therein be adopted.

Present

Jeremy Morgan, Manager City Infrastructure, Bayside Council (Convenor)
Traffic Sergeant Frank Gaal, St George LAC (9.53am arrived)
Andrew Willison, Leading Senior Constable, Botany Bay Police
James Suprain, representing Roads and Maritime Services
Les Crompton, representing State Member for Kogarah
Edward McDougall, representing State Members for Rockdale and Heffron

Also present

Lyn Moore, NSW Pedestrian Council
Joe Scarpignato, St George Cabs
Kathee Quirk, St George Bicycle User Group
Peter Whitney, State Transit Authority
Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council
Mark Kannengiesser, Regulations Inspector, Bayside Council
Michael Lee, Traffic Engineer, Bayside Council
Agasteena Patel, Traffic Engineer, Bayside Council
Pat Hill, Traffic Committee Administration Officer, Bayside Council

The Convenor opened the meeting in the Rockdale Town Hall, Level 1 - Pindari Room, 448 Princes Highway, Rockdale at 9:15 am.

1 Apologies

The following apologies were received:

Representative for the State Member for Maroubra

2 Disclosures of Interest

There were no disclosures of interest.

3 Minutes of Previous Meetings

Refer to Item BTC17.108

4 Reports

A Ratification of Electronic Recommendations

Nil

B Major Traffic Issues

BTC17.108 Minutes of Bayside Traffic Committee – 5 July 2017

Committee Recommendation

That the Minutes of the Bayside Traffic Committee held on 5 July 2017 be confirmed.

That the recommendations of the Bayside Traffic Committee of 5 July 2017 were adopted by Council on the 12 July 2017 with the exception of BTC17.99 – Kooreela Street Parking Issues.

BTC17.109 31 Baxter Road Mascot - proposed conversion of existing 3P parking to No Parking

Committee Recommendation

That this item to be deferred to the next Bayside Traffic Committee meeting.

BTC17.110 Bay Street west of The Grand Parade, Brighton Le Sands Proposed 'No Right Turn, between 8 pm and 5 am, Fri, Sat and Sun' restriction between Friday 29 September 2017 and Monday 2 April 2018

Committee Recommendation

- 1 That concurrence be given to the proposed installation of "No Right Turn, 8pm - 5am, Fri, Sat and Sun" restrictions for the summer weekend nights between Friday 29 September 2017 and Monday 2 April 2018 to prevent the right turn movement from Bay Street into The Grand Parade, Brighton Le Sands.
- 2 That the above concurrence be forwarded to Roads and Maritime Services for approval, supply, installation and maintenance the three gates, locks and associated signs in Bay Street, and the Grand Parade, Brighton Le Sands to prevent the right turn movement from Bay Street into The Grand Parade, Brighton Le Sands.

- 3 That subsequent to recommendation 2, Council undertake to close the gates at Bay Street, Brighton Le Sands from 8pm and open the gates by 5am between Friday 29 September 2017 and Monday 3 April 2018.
- 4 That the State Transit Authority, St George Cabs, affected private bus companies and public authorities be advised of Council's decision.
- 5 That the St George Police be advised of Council's decision.

BTC17.111 47-49 Bonar Street; 8-10 Martin Avenue; and, 9 Bidjigal Road, Arncliffe - Proposed 'Works Zone, 7am – 6:30pm, Mon – Fri and 8:30am- 3:30pm, Sat' restriction

Committee Recommendation

That approval be given to the installation of 43m of 'Works Zone, 7am- 6:30pm, Mon – Fri and 8:30am- 3:30pm, Sat' restriction in Bonar Street for Nos. 47-49 Bonar Street; 8-10 Martin Avenue; and, 9 Bidjigal Road, Arncliffe, for a duration of 30 weeks, subject to relevant conditions.

BTC17.112 Evans Avenue, Eastlakes – Proposed No Stopping Restrictions – near intersection of Florence Avenue

Committee Recommendation

That the existing Bus Zone in Evans Avenue, Eastlakes located west of the Florence Avenue intersection be converted to 'No Stopping

BTC17.113 John Street, Mascot – Review of Turn Restrictions – Traffic Management Plan

Committee Recommendation

That turn restrictions affecting John Street, Mascot be reviewed in conjunction with the traffic management plan for the proposed traffic direction changes in Church Avenue and referred to the RMS for comment.

BTC17.114 Kooreela Street, Kingsgrove, cul-de-sac end near the M5– Proposed 6m 'No Parking' signs in cul-de-sac

Committee Recommendation

That approval be given for the installation of 6m "No Parking" signs in Kooreela Street cul-de-sac end, Kingsgrove, to ensure clear and safe access to the shared bike and pedestrian route along M5 Corridor and Council reserve.

**BTC17.115 McPherson Street and Coal Pier Road, Banksmeadow
Proposed STOP priority intersection control and 'No
Parking'**

Committee Recommendation

That approval be given to the installation of 12m of 'No Parking' along the southern kerb line of McPherson Street opposite Coal Pier Road to facilitate turning movements for large vehicles exiting Coal Pier Road.

Note: The intersection priority control is to be further reviewed.

**BTC17.116 MS Ride from Sydney to Wollongong on Sunday 5 November
2017 Proposed Traffic Management Plan and traffic control
plan**

Committee Recommendation

- 1 That approval be granted for the Multiple Sclerosis Society of NSW Outdoor to conduct the annual bicycle ride from Sydney to Wollongong through Arncliffe, Kyeemagh, Banksia, Brighton Le Sands, Ramsgate and Sandringham, on Sunday 5 November 2017 commencing from 6:15am.
- 2 That concurrence be given to RMS for the establishment of a temporary "Clearway, 4 am - 11am" restriction on Sunday 5 November 2017:
 - a. along the northern kerb side of Bestic Street between Jacobson Avenue and General Holmes Drive
 - b. along the western kerb side of The Grand Parade between Bestic Street and Sellwood St.
 - c. to remove and reinstate the removable bollards in The Grand Parade (The little Grand Pde) at General Holmes Drive
- 3 That concurrence be given to event organisers/police/RMS to install the temporary restrictions at the following locations:
 - a. "No Left Turn" from Princes Highway into West Botany Street in the southbound direction
 - b. "No Left Turn" from Flora Street into West Botany Street in the southbound direction
 - c. "No Right Turn" from West Botany Street to Bestic Street in the eastbound direction between 6am and 7am due to the sun glare.
 - d. "No Entry" along Bestic Street from Jacobson Avenue to General Holmes Drive in the eastbound direction.
- 4 That the event organisers be requested to allow State Transit Authority and Veolia Transport's buses exiting from Malua Street to the Grand Parade to travel northbound, as there is no alternative route for the buses.
- 5 That the organisers of the event advise affected local residents of Bestic Street and The Grand Parade where the proposed "Clearway" and the proposed road

closure restriction will be imposed and that the removable bollards in The Grand Parade be temporarily removed by RMS.

- 6 That the organisers of the event comply with all requirements of public authorities for the event.
- 7 That Council authorise the bike riders and Multiple Sclerosis Society to use Cook Park at the corner of The Grand Parade and Carruthers Drive, Sans Souci as a minor water, bike repair and first aid stop and assist them in removing the bollards in the The (Little) Grand Parade with General Holmes Drive for the event on Sunday 5 November 2017.
- 8 That the event organiser note that the car park in Carruthers Drive, opposite Alice Street, is now oneway west-bound and appropriate traffic management measures will need to be established at this location.
- 9 That the event organiser be notified that the event is a Class 1 Special Event requiring notification to the Transport Management Centre.

BTC17.117 Queen Victoria Street east of Gladstone Street, Bexley - Proposed conversion of part of bus zone with 'No Stopping' zone by 5m

Committee Recommendation

That approval be given to the re-arrangement of parking restrictions along the northern kerbline of Queen Victoria Street, east of Gladstone Street, Bexley, as follows:

- 1 from 0m to a point 11.5m – retain existing 'No Stopping'
- 2 from 11.5m to 30m – retain bus zone
- 3 from 30m to 35m – proposed 'No Stopping'
- 4 from 35m eastward – retain existing '1/4P, 6:30am-9:30am and 4pm- 6:30pm, Mon - Fri'.
- 5 a bus J pole be installed at the concrete waiting pad.

BTC17.118 Rawson Street, between Botany Road and Rawson Lane, Mascot - Proposed conversion of 8P 8am-6pm Permit Holders Exempted to '1P, 8am- 6pm' Parking

Committee Recommendation

That the matter be deferred for further consultation with effected residents and local businesses.

BTC17.119 27-29 Robey Street, Mascot - Proposed 'Works Zone, 7am – 5pm, Mon – Fri and 8am- 1pm, Sat'

Committee Recommendation

That approval be given to the installation of a 15m 'Works Zone, ;7am- 5pm, Mon – Fri and 8am- 1pm, Sat' restriction in front of Nos. 27-29 Robey Street, Mascot, for a duration of 25 weeks, subject to relevant conditions.

BTC17.120 Willison Road and Bent Street, Carlton – Proposed statutory 10m 'No Stopping' signs on all approaches of the intersections

Committee Recommendation

That approval be given for the installation of "No Stopping" signs to reinforce the statutory 10m 'No Stopping' restrictions at intersection of Bent Street and Willison Road, Carlton.

C Minor Traffic Issues

Nil

5 General Business**BTC17.121 New items for next meeting**

Committee Recommendation

That the matters raised be investigated.

- a) Matter raised by the Member for Rockdale representative to investigate a request for the provision of disabled parking space in front No. 4 Bruce Street, Brighton Le Sands.
- b) Matter raised by the Member for Rockdale representative review the loading zone in Production Avenue Kogarah.
- c) Matter raised by the Member for Rockdale representative to investigate traffic calming in Ferrier Street Rockdale at the intersection of Parker Street, Rockdale.
- d) Matter raised by the Member for Heffron representative to review the parking in the vicinity of the Mascot Senior Citizens Centre.

The Convenor closed the meeting at 11:15 a.m.