Bayside Council
Serving Our Community

Part 4C
Apartment Buildings

Botany Bay Development Control Plan 2013

Contents

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 Developmen*t.

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.

The term 'Apartment' has replaced the term 'Residential Flat' in the SEPP. For the purposes of the Botany Bay Development Control Plan 2013 and the Bayside Local Environment Plan 2021, the terms have the same meaning.

This Part applies to residential flat buildings on land to which this DCP applies, which are a type of residential accommodation under Bayside Local Environmental Plan 2021, 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.**

This Part aims to create a high standard of residential amenity and encourage good urban design within Bayside. 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 1**).
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 2**).
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 1 - Street Continuity

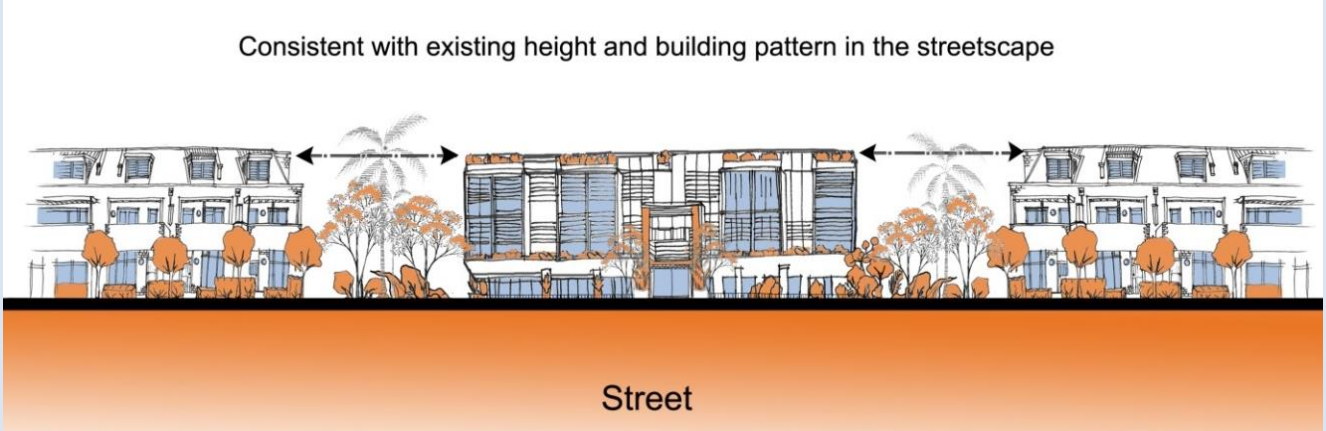
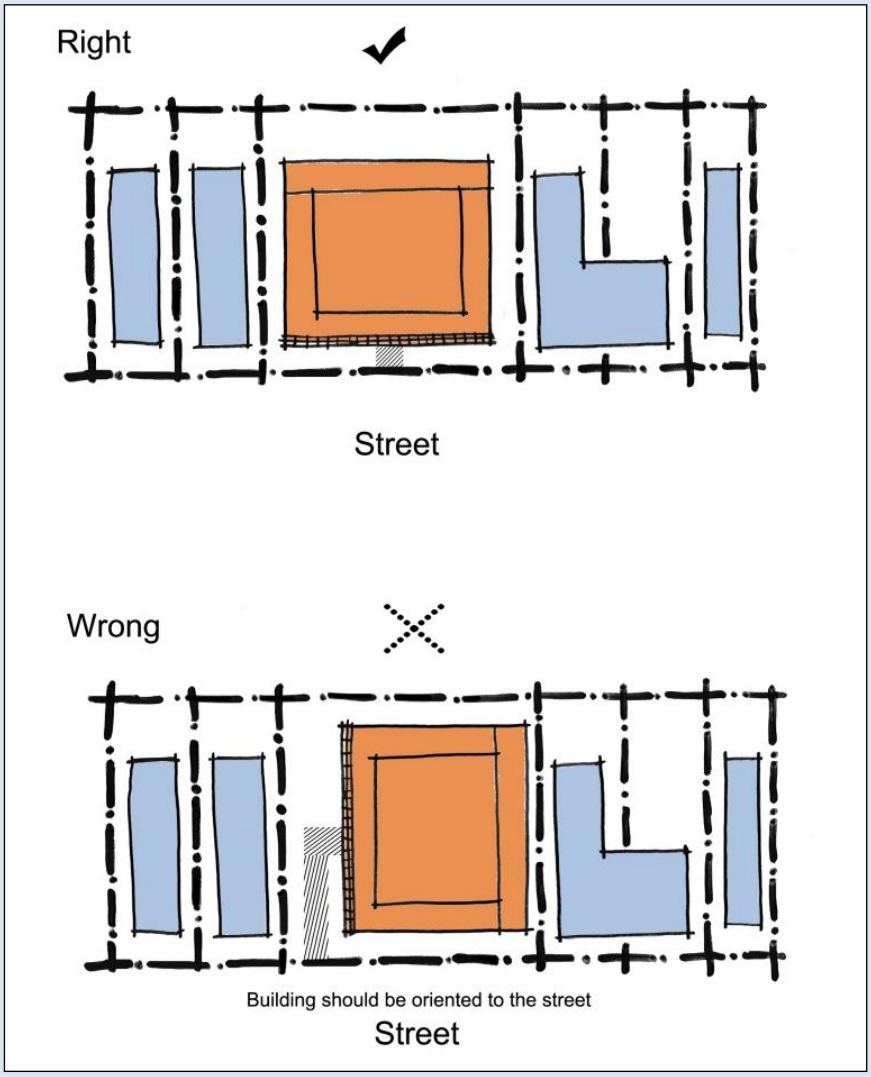


Figure 2 - Street Orientation



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;

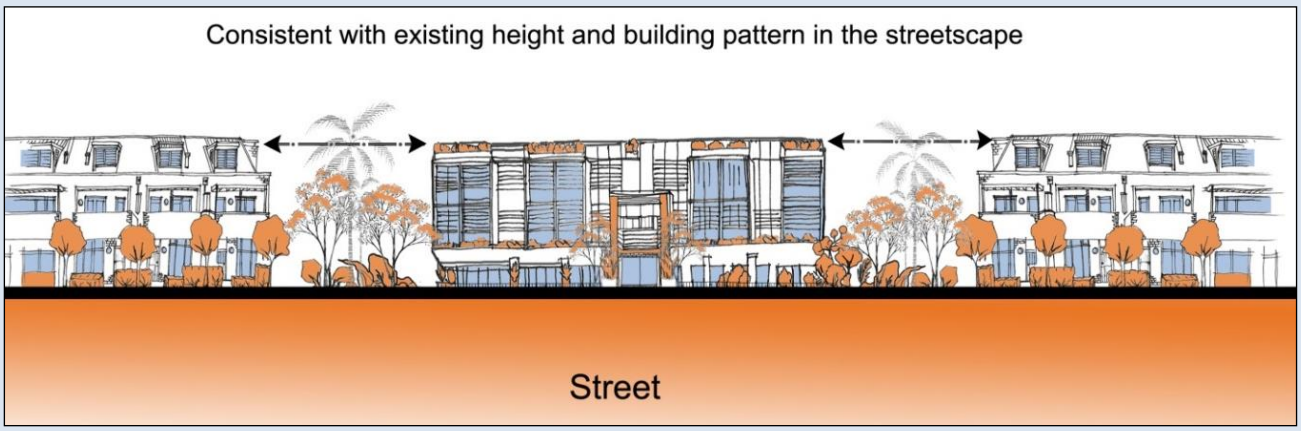
(iii) The design excellence of a building;

(iv) View loss; or

(v) The Obstacle Limitation Surface.

C4 Development will comply with the Civil Aviation Safety Authority (CASA) requirements.

Figure 3 - Characteristic Building Height



4C.2.4 Landscaped Area and Deep Soil Planting

Objectives

O1 To increase tree and landscape coverage within Bayside 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 ($^1/_3$) 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

C6 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.

C7 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

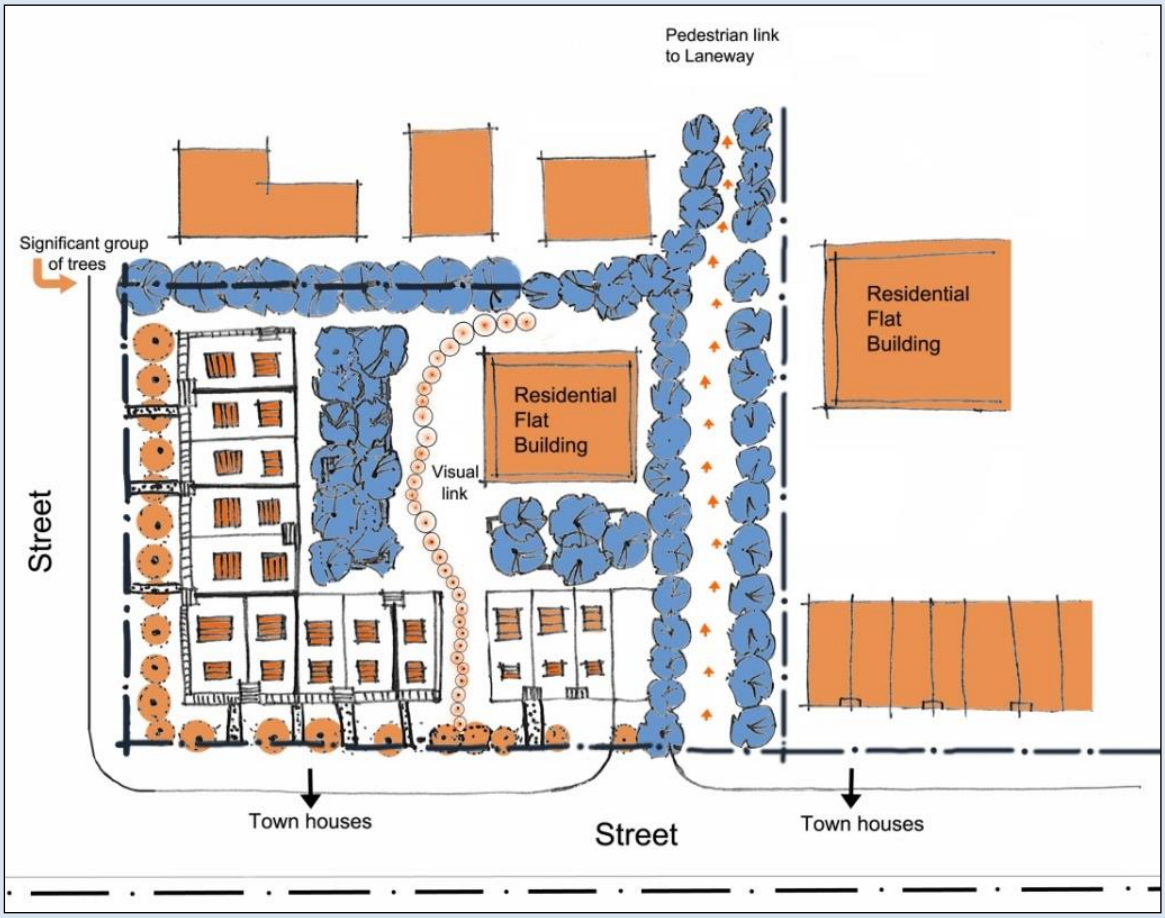
Objectives

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 4**).

Figure 4 - 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 5**).
- **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 off 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 5 - 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 6**). 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.

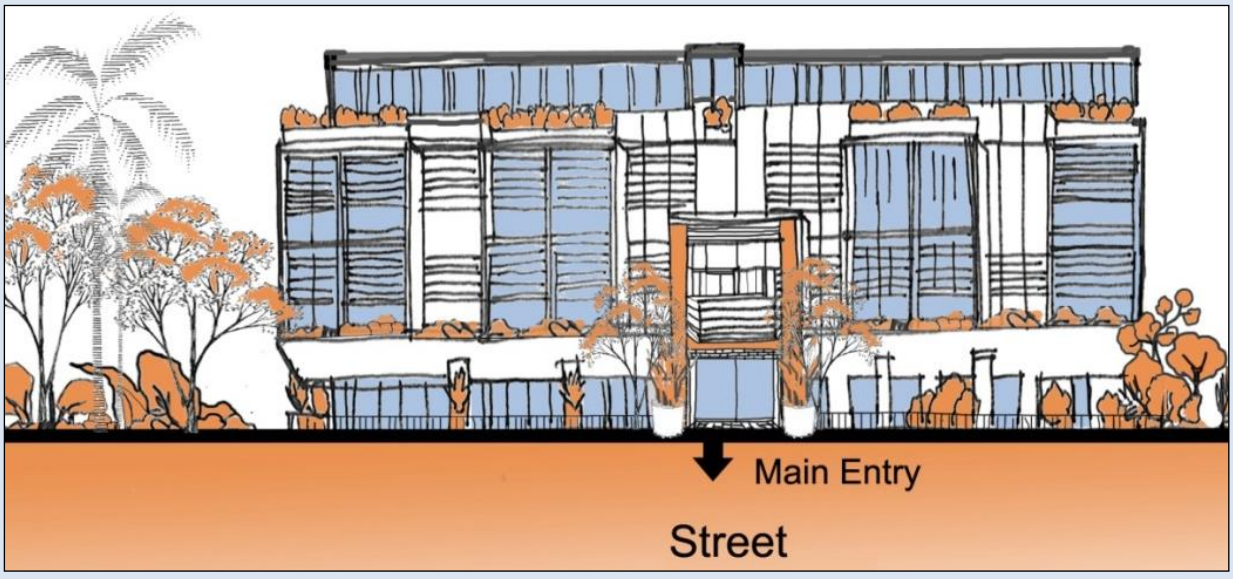
C3 Street numbering and mailboxes must be clearly visible from the primary street.

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 6 - Example of Building Entry Addressing the Street



4C.3.2 Fences

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

C3 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.
C4 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.
C5 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.
C6 Designs which utilise light corridors and saddle back bedroom designs are not acceptable.
C7 Kitchens are to be naturally ventilated.

4C.4.2 Family Friendly Apartment Buildings

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 1** 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 maybe 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 1 - 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

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**.

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 3I - 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

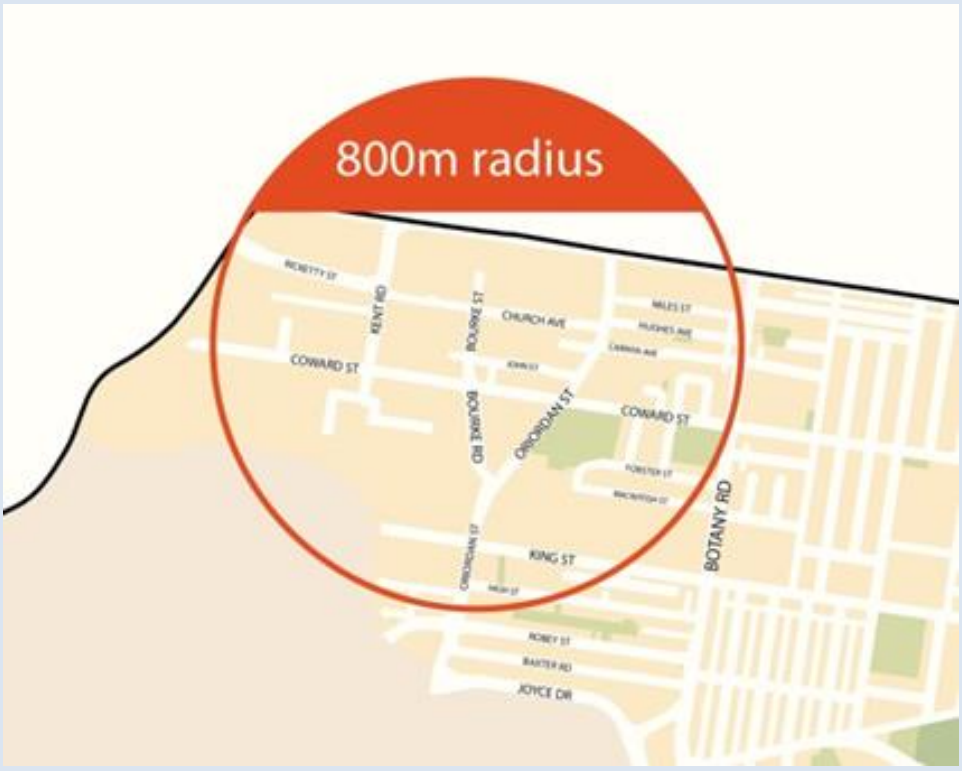
O1 To provide for safe vehicle and pedestrian access to and from the site;
O2 To ensure the provision of adequate on-site car parking and vehicle and pedestrian access;
O3 To ensure that on-site car parking does not dominate or detract from the appearance of the development and the local streetscape;
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 7)** 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 7 – 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.

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.**

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)

The Bayside Local Environmental Plan 2021 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 Bayside 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 Bayside; 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.

4C.6.2 Design and Siting

Objectives

O1 To ensure that new development is consistent with the Desired Future Character of the area; and

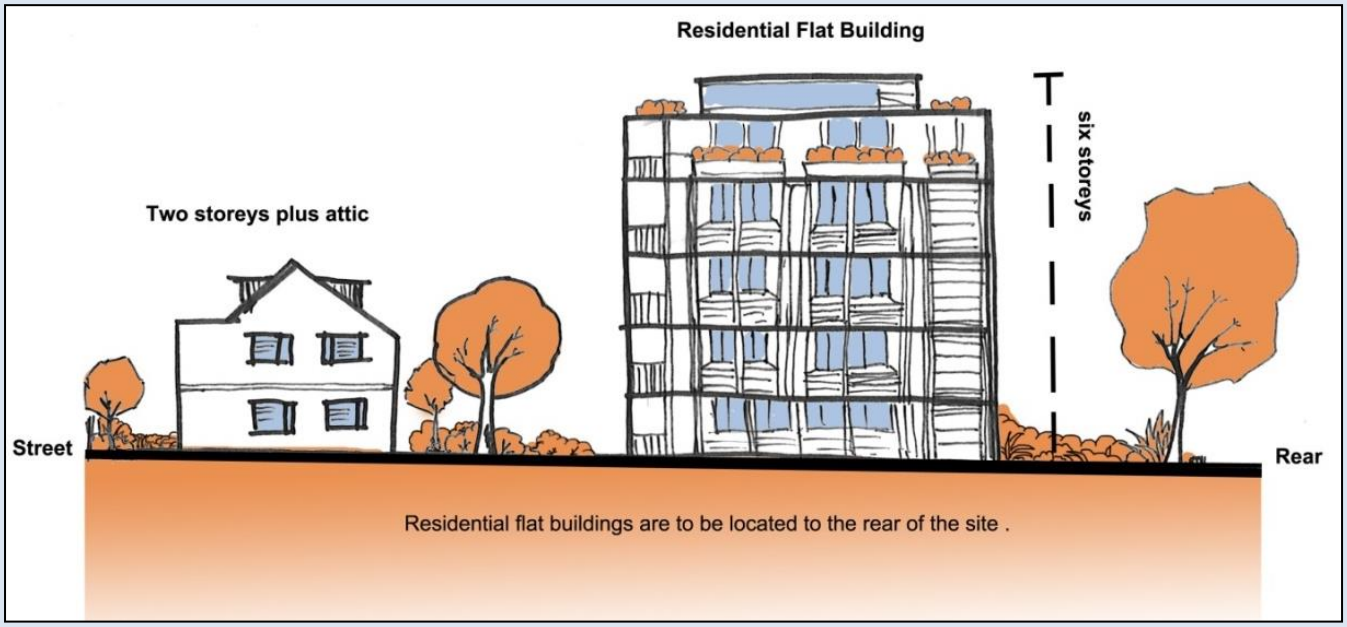
O2 To ensure the design and siting of development minimises impacts on neighbouring properties and the streetscape.

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.

Figure 8 - Design and Siting



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 34 Schedule 1 of the Bayside Local Environmental Plan 2021 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 Bayside Local Environmental Plan 2021. 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 Bayside Local Environmental Plan 2021, 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 34 Schedule 1** of the Bayside Local Environmental Plan 2021, 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.