



Bayside Council

Serving Our Community

Part 9C

Wilson Pemberton Street Precinct

Botany Bay Development Control Plan 2013





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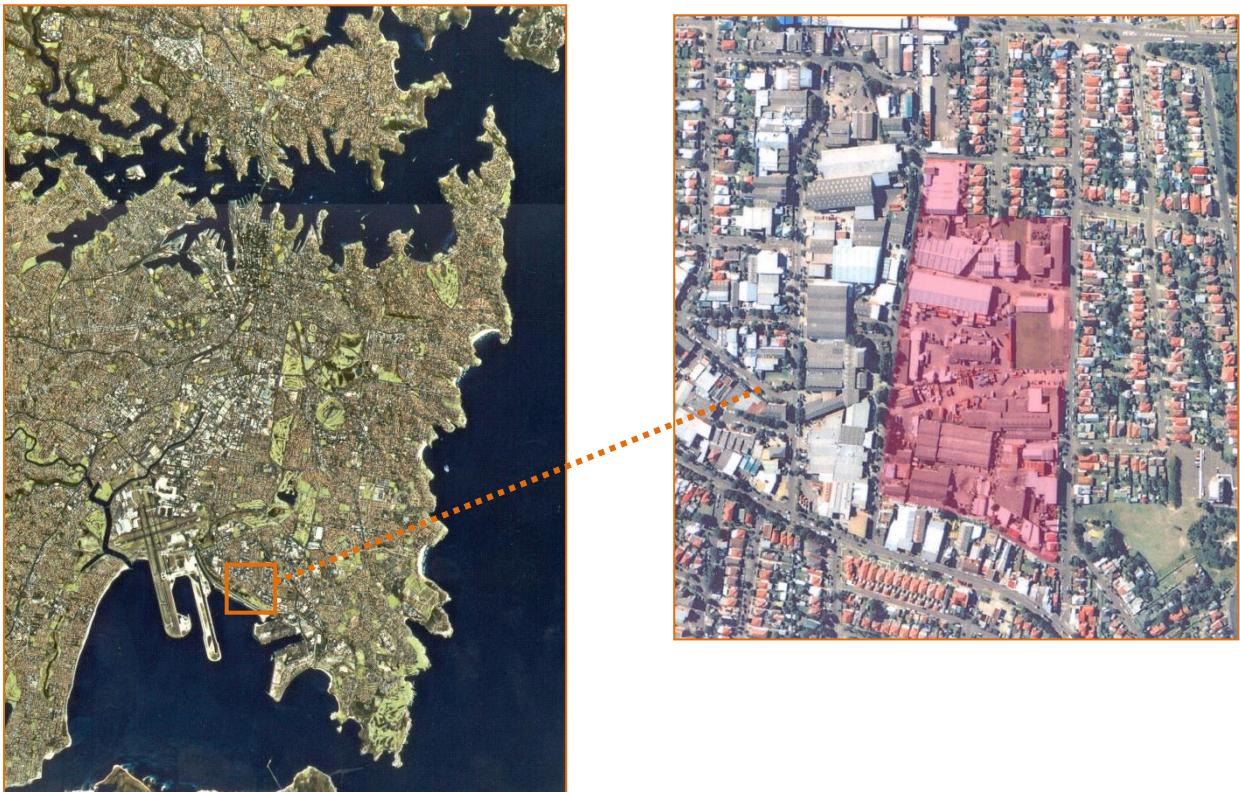


9C. 1 Introduction

9C.1.1 Characteristics of the Precinct

The Wilson-Pemberton St Precinct is 8.5 ha in area and is located in the southeast of the Bayside local government area. It is strategically located 20km south of the Sydney CBD, 2km from Sydney Airport and 2 km from Port Botany. It forms the eastern edge of an industrial area, which is characterised by a mixture of low rise, large and small-scale industrial units and warehouses. The aerials below illustrate the location and built character of the Precinct.

Figure 1 - Location and Built Character of the Precinct



To the immediate north and east of the Precinct are one and two storey residential properties developed in the 1950's. Residential development extends to Stephen Road to the east, which forms a boundary to heavy industry in Banksmeadow. To the east is also the Banksmeadow Public School. To the west is the Botany South Precinct (refer to **Part 9B - Botany South**).

Immediately to the south of the site are the Banksmeadow local shops, which form a distinct barrier between the Precinct and Botany Road. Located further south is the historic Sir Joseph Banks Park, a regional park running parallel to Foreshore Drive. From the park to the south are Port Botany, the shores of Botany Bay and Sydney Airport to the southwest.

The Precinct has had an industrial past with the dominate use in the 1940's being agricultural uses (market gardens) in the north and wool scourers and tanneries in the south. By the late 1950's industrial uses were



emerging as the most dominant occupier taking over the properties once utilised for market gardens. It was the excellent ground water supply in the area that attracted many of the industries to this area of Botany. By the 1970's Bayer and a number of more noxious industries moved out. In recent years the Precinct has been used by various industries for general storage, warehousing, container storage, and manufacturing or is vacant land.

There are no Heritage Items and items of potential heritage significance in the Precinct.

The site is predominately flat with minimal changes in the elevation across the Precinct. There is a 5 metre fall across the Precinct from an AHD 9m at Warrana Street to AHD 4m at Botany Road. A slight ridge to the east along Stephens Road fringes the Precinct

The Precinct is part of a low-lying area characterised by permeable sandy soils (Botany Sands). The groundwater for the Precinct is approximately 1.5 metre natural ground level, which is subject to seasonal and tidal ground water level fluctuations. Ground water levels are likely to impose constraints on basement parking and effective groundwater drainage to ground levels. Contaminated groundwater may be an issue, which may need to be managed.

Given the long industrial history of the Precinct and associated uses there will be a need for future developers to investigate the soils and groundwater contamination before developing sites in the Precinct.

Due to the industrial nature of the Precinct, the building pattern and existing road layout there is a poor level of east-west pedestrian accessibility in the Precinct. Large buildings and relatively few north-south streets impede pedestrian movements towards Botany Road and the Banksmeadow local shops. The pedestrian access across Botany Road is serviced by a zebra crossing, which is poorly located and considered unsafe. In the short term there will be improvements made to the zebra crossing, which will be replaced with new pedestrian signals on Botany Rd at a new location in the future.

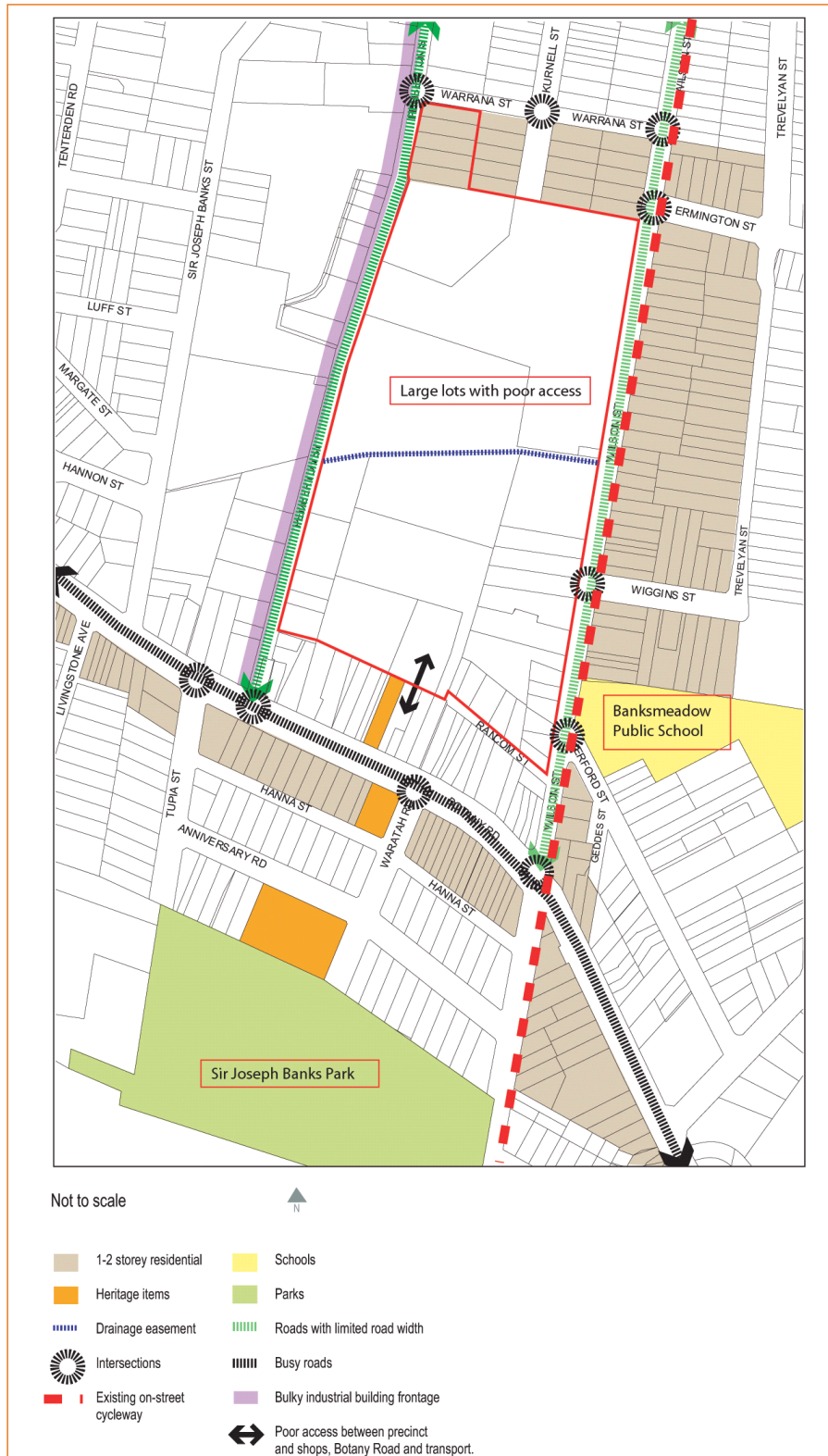
Existing cycle access is on street down Wilson Street and across the existing zebra crossing on Botany Rd as per Council's Bike Plan.

In summary the key characteristics of the Precinct (and as illustrated in **Figure 2**) are:

- Residential scale of Wilson and Kurnell Streets with 1-2 storey housing. There is a poor relationship and amenity between the Precinct uses and the residential uses to the east and north;
- industrial buildings to the west of the Precinct have various set backs, lots sizes and building footprints;
- No public pedestrian access through the Precinct. The large block sizes prevent pedestrian movements;
- Drainage easement through the centre of the Precinct (east-west);
- Predominately three large development parcels with smaller land holdings in the south east of the Precinct;
- Poor connections and integration between the Precinct and adjoining land uses;
- Rancorn Street servicing only half of the businesses along Botany Road;
- Limited carriageway along Pemberton Street creating conflict between parked cars and through traffic;
- Poor pedestrian movement north-south and east-west; and
- Poor connection and access from the Precinct to the Banksmeadow local shops and public transport.



Figure 2 - Key Characteristics of the Precinct





9C. 1.2 Land to which this Part Applies

This Part applies to land bounded in red in **Figure 2**. The land is known as the Wilson-Pemberton Street Precinct.

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 6 - Employment Zones
- Part 7 - Other Development Types and Land Uses
- Part 10 – Technical Guidelines

Note: Development within the Precinct must comply with all other applicable Parts of the DCP. If there is a discrepancy between Part 9C and other Parts, the Vision Statement and Controls of **Part 9C** will always prevail.

The land is zoned partly B4 Mixed use and R3 Medium Density Residential under the Bayside Local Environmental Plan 2021.

9C. 1.3 Lodging a Development Application

9C.1.3.1 General Requirements

In developing the design for a development, the applicant should read the contents of this Plan and review the relevant planning documents that will affect the development.

Applicants are encourage to make an appointment with a Council Development Assessment Officer to discuss the master plan and development proposal and issues relating to the site and the design, prior to preparing detailed drawings of the proposal or submitting a master plan and/or development application.

Pre-DA meetings should be arranged with Council for larger developments to assist in highlighting potential issues at an early stage in the assessment process.

Also refer to Council's **Development Application Guide** for general details on the submission requirements of a Development Application for this Precinct.



9C.1.3.2 Specific DA Requirements for the Pemberton-Wilson Street Precinct

Council requires that the Development Application process be as follows:

Development Application	Requirements
<p>Site Suitability Study (Pre Stage 1 DA)</p>	<p>Applicants are required to undertake an assessment on the suitability of the site for development (permissible within the zone of the site) before progressing to a master plan.</p> <p>This Study will address contamination issues in terms of Part 3K - Contamination. The study is to be submitted to Council before the master plan stage.</p>
<p>Master Plan (Stage 1 DA)</p>	<p>A master plan is required where the site area of the development consists of more than 2,000m² in area.</p> <p>A master plan is a document (consisting of written information, maps and diagrams) that broadly outlines the development proposal for a site.</p> <p>A master plan must be consistent with the planning framework, principles and development controls contained in this DCP.</p> <p>A master plan is to address, illustrate and explain, where appropriate, the following range of matters (but is not limited to them):</p> <ul style="list-style-type: none"> ▪ Design and planning principles; ▪ Departure from planning principles and controls in LEP and DCP; ▪ Phasing/staging of development; ▪ Distribution of land uses, including public open space; ▪ Subdivision pattern; ▪ Building envelopes and built form controls, ▪ Heritage conservation, including both Aboriginal and European heritage; ▪ Infrastructure provision; ▪ Remediation of the site; ▪ Pedestrian, cycle and road access and circulation network, with particular regard to public transport servicing; ▪ Parking provision; ▪ Provision of public facilities; ▪ Impact on, and improvements to, the public domain, including the immediate environment and receiving waters; ▪ Provision of open space, its function and landscaping;



Development Application	Requirements
	<ul style="list-style-type: none"> ▪ Identification and conservation of native flora and fauna habitat on the site, including any threatened species populations or ecological communities; ▪ The principles of ecologically sustainable development; ▪ Management of stormwater quality and quantity; ▪ The identification and assessment of the impacts and/or the relationship of the development on the community and existing services and facilities; and ▪ Interface issues between different uses on a site, within a development, or on adjoining land. <p>The Stage 1 DA will be publicly exhibited.</p>
Detailed Development (Stage 2 DA)	This DA requires details of the approved master plan.



9C.2 Vision Statement

The Wilson-Pemberton Street Precinct will be a predominately residential neighbourhood that integrates with the suburb of Botany and Banksmeadow. It will be a place where people can live, work and play in a safe and comfortable environment.

The area will offer a diversity of housing types of a high design standard, and good quality communal open spaces and local public open spaces to meet the needs of the Bayside local community. The public open spaces will be places where residents can meet and interact with one another.

Residents will have access to public transport along Botany Road, as well, as having good walking access through the Precinct to the historic Sir Joseph Banks Park and the Banksmeadow shopping village along Botany Road. The Precinct will encourage people to cycle and walk through the area by providing safe and well-presented streets and public open spaces.

The Precinct will help to support and improve the Banksmeadow village shops along Botany Road by increasing the population who can use these services.

Employment in the precinct will be maintained by providing the opportunity for new and emerging businesses along Pemberton Street. The businesses will be compatible with residential and provide residents with a buffer to the industry to the west. In addition, this strip of businesses will provide an opportunity for a live and work environment.

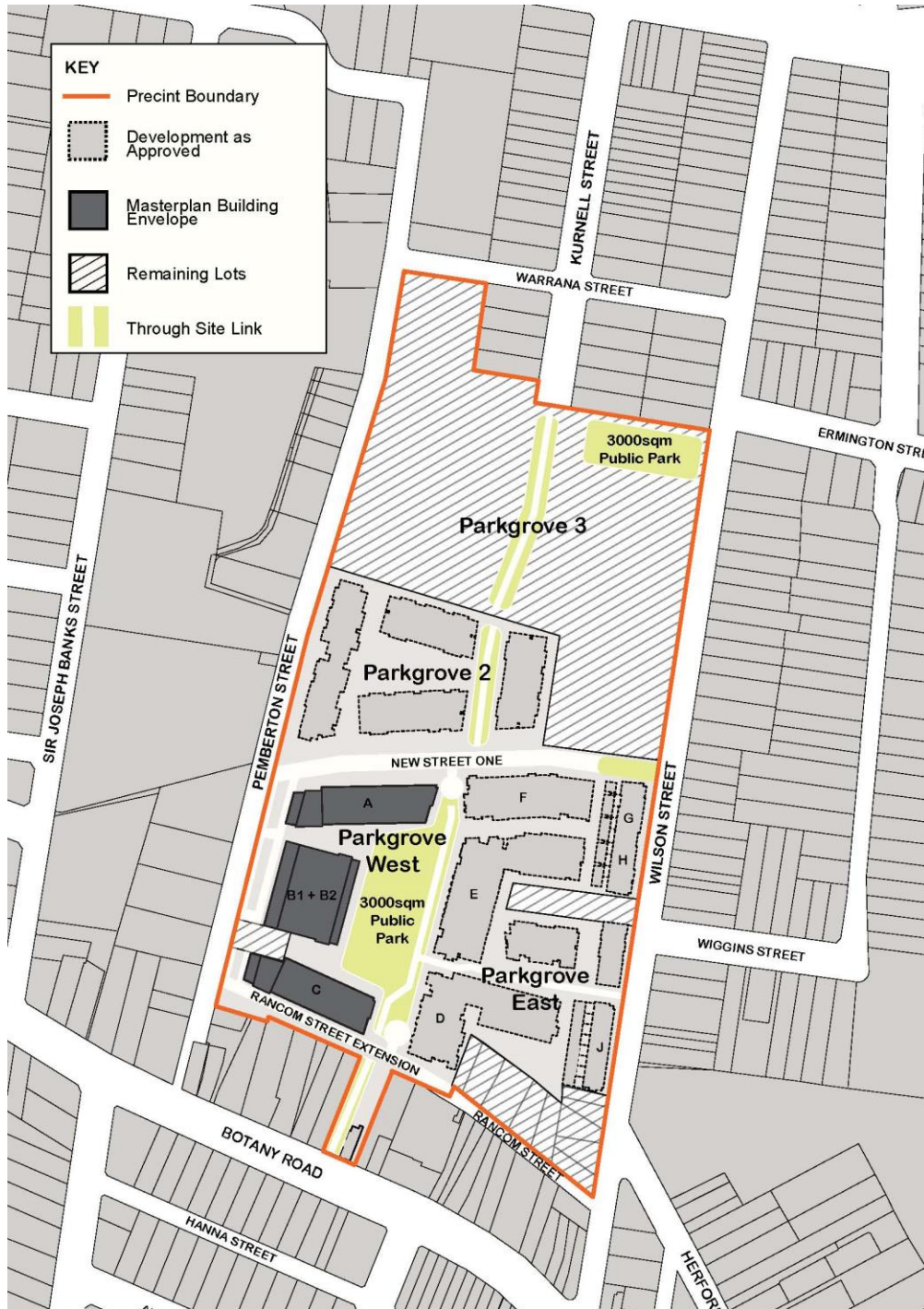
The road and pedestrian system through the Precinct is intended to act as a structuring element that will integrate the development with the surrounding areas and the existing street network. New streets through the Precinct, the extension of Rancom Street to Pemberton Street and the widening of Pemberton Street will improve the overall transport management of the area ensuring residents and businesses better access to Botany Road and surrounds, as well as, servicing the businesses along Botany Road. A north-south off street cycle path from Kurnell Street through the Precinct is proposed which will provide safer cycle access for the community and will link into the wider regional cycle route in Botany.

9C 2.1 Planning Framework

The Planning Framework for the Precinct is illustrated in **Figure 3**.



Figure 3 - Planning Framework





9C.2.2 Planning Framework Principles

The Precinct is zoned to permit predominately residential to the east, with a light industrial/commercial at ground and first floors and live work above in the west along Pemberton Street.

The planning principles for the Precinct are:

P1 To provide for adequate and legible vehicular, pedestrian and cycle circulation through and within the Precinct.

- Pedestrian and cycle links are to be provided along new and existing streets and through public open spaces to improve circulation and provide breaks in built form.
- To create an east-west street from Wilson St to Pemberton St, an extension of Rancom St and a north-south pedestrian and cycle route from Kurnell St to Rancom St.
- As a minimum create pedestrian linkages in both the south and north of the Precinct from Pemberton St to Wilson St to improve permeability across the Precinct.
- The road system is to be progressively implemented, as dedicated by landownership and development staging.

P2 To provide high quality public open spaces which are accessible to new and existing residents.

- To provide two public open spaces at a minimum of 3,000m² each in the Precinct; one to the north of New Street 1 and the other south of New Street 1.
- All public open space provided must have a public road frontage.
- The public open spaces must have good solar access and therefore adjoining development especially to the north must be designed to minimise overshadowing.
- Developments within the vicinity of and/or adjoining the proposed public open spaces are to have strong through site connections to the public open space and should provide natural surveillance of the open space.

P3 To achieve an integrated development and good quality design.

- Developments in Wilson and Rancom Streets and in the vicinity of Kurnell Street are to be designed (with regard to height, setbacks, footprint, spacing and landscaping) to ensure a complementary and clear relationship to the existing scale and character of the streets. Housing should be of villa and terrace/townhouse style.



- Commercial/industrial development within ground and first floor levels and live/work above along Pemberton St will buffer the residential development from the industry to the west of Pemberton St.
- The commercial/industrial development within ground and first floor levels and live/work above along Pemberton St will need to integrate seamlessly with the residential landuses in the Precinct.
- Issues of solar access and overshadowing, visual privacy, ventilation and acoustic privacy need to be considered generally and in transition in land uses and heights.
- The provision of on site car parking is not to dominate or detract from the appearance of the development and the streetscape.
- Low scale/light industry and commercial uses within ground and first floor levels and live/work above located along Pemberton St, should have shared driveways, so that the number of driveways crossings Pemberton St is minimised.
- All car access, parking and deliveries associated with development along Pemberton St should be from Pemberton St.
- Landscaping in developments is to be provided as a screen, to assist in softening buildings and creating comfortable and useable open space areas.
- Developments are to provide an adequate absorption area for stormwater and for deep root zones for tree planting.

P4 To encourage a live and work environment in the west of the Precinct

- Studio workshops are encouraged to provide a mixed residential and employment environment. The studio workshops are to provide adequate amenity, privacy and facilities for the occupants.

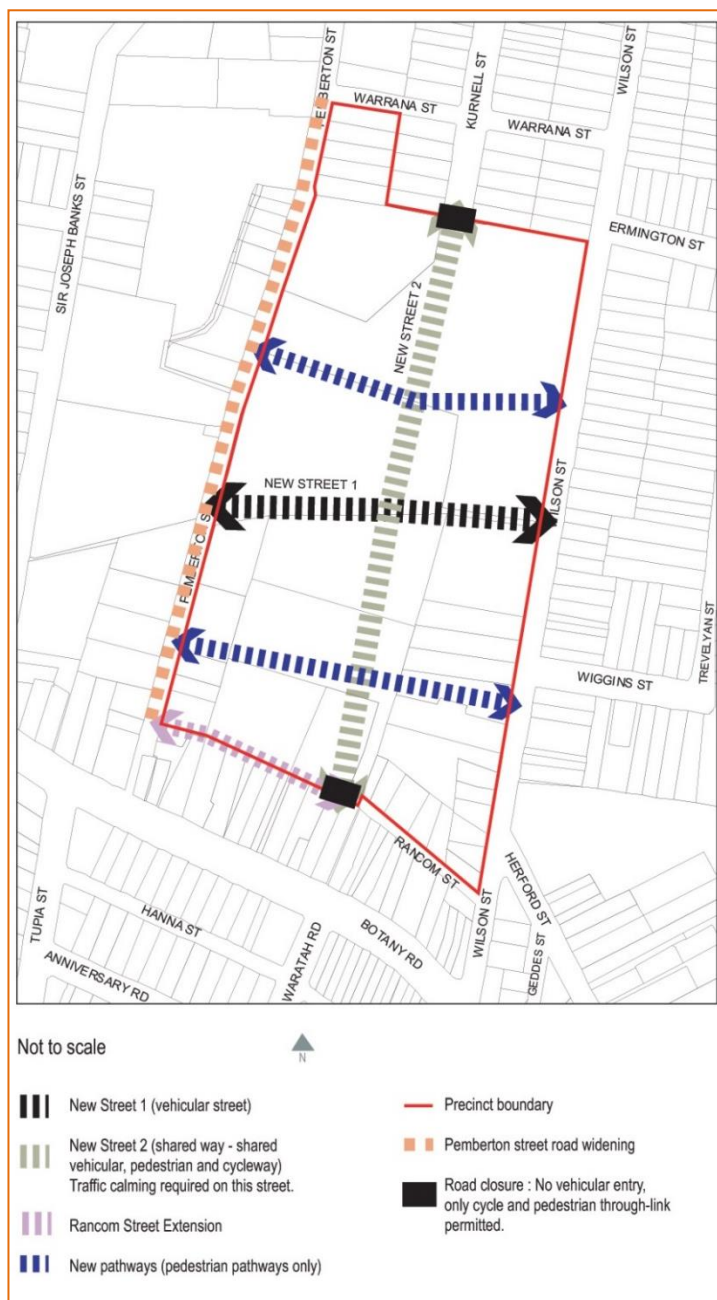


9C.3 Public Domain

9C.3.1 Road, Pedestrian and Cycle Network

Figure 4 illustrates the requirements for the road, pedestrian and cycle network.

Figure 4 - Circulation Network





Objectives

- O1** To develop a road, pedestrian and cycle system to facilitate internal circulation and integration/connection with surrounding road, pedestrian and cycle networks;
- O2** To provide a movement system, which facilitates access to public open spaces, the local shopping facilities, public transport, and the local school; and
- O3** To encourage the location of new roads along the existing property boundaries wherever possible so as to minimise impacts to property owners.

Controls

Road Construction

- C1** All road widening, extensions and new public streets proposed are to be constructed and dedicated to Council free of any cost. Remediation of the site is to be in accordance with **Part 3K - Contamination**.
- C2** Road construction and widening is to be carried out in accordance with the AUS-SPEC's standards.

New Roads, Road Widening and Pedestrian Links

- C3** New roads, road widening and pedestrian links must be created and constructed in accordance with **Tables 1 to Table 8**.

Footpaths

- C4** All footpaths are to be provided with kerb ramps at intersections, to facilitate access for the less mobile and disabled.

Street Furniture

- C5** All street furniture including, bins, bollards, seating and drinking fountains, are to be coordinated throughout the Precinct and to Council's City identity specification.
- C6** Street furniture should be located in a one-metre zone along the kerb line, that is, out of the main line of pedestrian traffic.



Street Signage

- C7** Street name signs as per Council's Graphics Standard Manual are to be located at all street intersections.
- C8** Detail plans for the traffic control signage and line markings should be submitted to Council for approval. All traffic signage and line marking must conform to the Australian Road Rule 1999 and the NSW Road Transport (Safety and Traffic Management) Regulation 1999.

Street Lighting

- C9** Street lighting is to be coordinated and standardised throughout the precinct, with appropriate pedestrian lighting provided on the pedestrian and cycle routes.
- C10** Street lighting should be evenly spaced and meet the relevant requirements of AS/NZS1158 – Public Lighting Code.

Undergrounding of Overhead Wires

- C11** All existing and new aboveground power lines and telecommunication cables are required to be located below ground.



Table 1 - New Street 1 (Public Street)

Role	<ul style="list-style-type: none"> ▪ New Street 1 will serve as the main east-west street within the Precinct. ▪ New Street 1 will be a public street. It will require dedication to Council from properties within the Precinct. ▪ The street is to be developed with a distinctive character and landscaped treatment, with avenues of trees and is a central focus of the new residential development. ▪ Traffic calming measures at Pemberton St and Wilson St intersections will discourage heavy vehicle movements and the street will carry car traffic only.
Location	The street will be located along the existing drainage easement (a width of 3.5m) traversing the Precinct.
Road Reservation	20 metres wide
Carriageway	12.8 metres wide
Footpath	<ul style="list-style-type: none"> ▪ Footpaths on both sides on the street - 1.5m wide footpaths and 2.1m wide verges. ▪ Footpaths to be paved to Council specification.
Street Tree	To Council Specification. May include in-road planting.
Traffic Capacity	Two-way traffic (closed at Wilson Street) and designed to carry car traffic only.
Parking	Parking on both sides of street.
Traffic Management	Traffic management devices are to be incorporated in the design to discourage heavy vehicle traffic movements on this street.



Table 2 - New Street 2 (Private Street/Corridor)

Role	<ul style="list-style-type: none"> ▪ New Street 2 will be the main north - south street/corridor within the Precinct and meet with the existing Kurnell St and Rancom St. New Street 2 will be a private street. ▪ This street will permit internal car access/circulation and will be closed from vehicular traffic at Rancom and Kurnell St. The area closed at Rancom St and Kurnell St must be landscaped. ▪ The street will have a strong landscaped amenity with avenues of street trees lining a dedicated shared cycleway and pedestrian path connecting to Kurnell and Rancom Streets
Location	Along the central north-south axis of the Precinct. The exact location of the street/corridor will be determined in the master plan (as required by this Part of the DCP).
Road Reservation	18.2 metres wide The width & layout of this street/corridor may vary as a result of the master plan.
Carriageway	11 metres wide The carriageway of this street may vary as a result of the master plan.
Footpath	<ul style="list-style-type: none"> ▪ A shared cycleway/pedestrian path on one side of the street and footpath on the other side. ▪ The required shared way must be a minimum of 3m wide. The verge must be a 1.5m wide. On the other side of the street a 1.2m footpath and 1.5m verge must be provided. A public right of way should be provided. ▪ The footpath and shared way must be paved to Council specifications
Street Tree	To Council specifications. May include in-road planting.
Traffic Capacity	Road/corridor to be designed to carry car traffic only.
Parking	Parking on both sides of street.
Important Note	The master plan process outlined in this DCP will determine the exact location, width of the road and associated footpath and shared way.



Table 3 - Rancom Street (Extension)

Role	<ul style="list-style-type: none"> ▪ Rancom St is to be extended from Wilson St through to Pemberton St for the purposes of servicing existing commercial developments on Botany Road and future development within the Precinct. It will also enable more efficient flow of traffic in the area. ▪ The extension of Rancom St will be a public street. It will require dedication to Council from properties within the Precinct.
Location	The extension of Rancom St is to be located at the rear of the existing properties fronting Botany Road.
Road Reservation	7.5 metres wide
Carriageway	6 metres wide
Footpath	<ul style="list-style-type: none"> ▪ Footpath on the northern side of street – 1.2 metres wide. ▪ Kerb and gutter on southern side of street – 0.3 metres wide ▪ Footpath to be brushed concrete
Traffic Capacity	To carry car and delivery traffic.
Parking	There will be no parking permissible on this street.
Important Note	<ul style="list-style-type: none"> ▪ 7.5 metres is to be dedicated from the Pemberton-Wilson St Precinct. ▪ Sydney Water owns an existing 225mm sewer main along the proposed route of the Rancom St extension. Any development over/or adjacent to this main will need to comply with Sydney Water's Guidelines for Building Over or Adjacent to Sydney Water's Assets



Table 4 - Pemberton Street (Widening)

Role	<ul style="list-style-type: none"> ▪ Pemberton St is to be developed as the main interface between the Precinct and the Botany South Precinct in the west (refer to Part 9B - Botany South). ▪ Pemberton St is to be widened by 4 metres to create a road reserve of 20 metres. The road widening is to be taken from the existing road reserve in the east at a width of 4 metre for the entire length of Pemberton St. ▪ Driveways from Pemberton St are to be minimised and development is encouraged to share driveways.
Location	Forms the western boundary of the Precinct.
Road Reservation	20 metres Note: The existing 16m road width will be widened by 4m along the eastern side of Pemberton Street to achieve the required road reservation.
Carriageway	12.8 metres
Footpath	<ul style="list-style-type: none"> ▪ Footpaths on both sides on the street - 1.5m wide footpath and 2.1m wide verge. ▪ To Council specifications
Street Tree	To Council specifications. May include in-road planting.
Traffic Capacity	Two-way traffic and designed to carry all standard vehicles.
Parking	Parking on both sides of street.



Table 5 - Wilson Street

Role	<ul style="list-style-type: none"> ▪ Wilson Street is to be retained as a low density residential street, interspersed with one cross street (New Street 1) and two pedestrian links to Pemberton St to improve the permeability of development within the Precinct. ▪ New Street 1 will be closed to vehicular traffic at Wilson Street. ▪ The street is to retain its existing residential character and primarily serve local residential traffic requirements. ▪ Driveways from developments within the Pemberton-Wilson St Precinct are to be minimised, with the development fronting Wilson St having access via a communal driveway.
Location	Forms the eastern boundary of the Precinct.
Road Reservation	15 metres
Carriageway	10.2 metres (as existing)
Footpath	<ul style="list-style-type: none"> ▪ Footpaths on both sides on the street. The eastern side of the street, which currently has a footpath will required no changes. On the western side of the street there will be a 1.2m wide footpath and 1.2m wide verge. ▪ To Council specifications
Street Tree	To Council's specifications. May include in-road planting.
Traffic capacity	All standard vehicles.
Parking	Parking on both sides of street.



Table 6 - Pedestrian Link : North of New Street 1 (Private)

Role and Location	<ul style="list-style-type: none"> ▪ A pedestrian and cycle link is to be provided between Pemberton and Wilson Streets to facilitate internal circulation within the Precinct and access through the Precinct. It is to be located north of New Street 1 (generally in line with Salisbury St in the west). ▪ The link is to be a public access link. ▪ The link may be shared with a private driveway into the Precinct.
Specification	<ul style="list-style-type: none"> ▪ 3 metre wide, paved to Council specification.

Table 7 - Pedestrian Link: South of New Street 1 (Private)

Role and Location	<ul style="list-style-type: none"> ▪ A pedestrian and cycle link is to be provided between Pemberton and Wilson Streets to facilitate internal circulation within the Precinct and access through the Precinct. It is to be located south of New Street 2 (generally in line with Wiggins Street). ▪ The link is to be a public access link. ▪ The link is to join and go through the public open space located in the southern section of the Precinct (south of New Street 1). ▪ The link could be shared with a private driveway into the Precinct.
Specification	<ul style="list-style-type: none"> ▪ 3 metre wide, paved to Council's specification.

Table 8 - Lethen Lane (Private)

Role and Location	To link the Precinct to Botany Rd (the Banksmeadow shops, public transport and Sir Joseph Parks), a pedestrian and cycleway access will be provided in Lethen Lane. Any development on this site should ensure that this access is provided (a public right of way).
Specification	<ul style="list-style-type: none"> ▪ The shared way must be a minimum of 3 metre wide and have good natural surveillance. ▪ Exact location, landscaping treatment and interface treatment with development will be provided in the master plan.
Important Note	There will be no vehicular access from Lethen Lane to Botany Rd.



9C.3.2 Public Open Space

Private landowners will be required to provide public open recreational spaces upon redevelopment of their properties. The general location of the public open spaces is indicated in the Precinct Planning Framework in **Part 9C.2.1 - Planning Framework**.

The costs associated with the dedication of public open space within their development sites will be offset by:

- Allowing the public open space to be utilised in the communal open space calculations for the site;
- Ensuring that the public open space areas will be embellished from Section 94 Contributions funds; and
- Allowing contributing land owners to pay reduced Section 94 Contributions for public open space.

Objectives

- O1** Provide public open spaces, which are well connected to the circulation network; and
- O2** Provide an appropriate treatment and standard of public open spaces in the Precinct.

Controls

- C1** The approval of development within the site shall, where required, will be conditional on the dedication of public open space to Council without cost.
- C2** The land to be provided as public open space is to be at ground level and unconstrained by roofs, building overhangs or underground parking, that is, they are to be ground deep natural soil zones.
- C3** The land to be dedicated for public open space if required, must be remediated in accordance with **Part 3K - Contamination**.
- C4** All furniture including, bins, bollards, seating, tables and drinking fountains, are to be to Council's City identity specification.
- C5** Irrigation must be installed and must comply with AS/NZS 3500 National Plumbing and Drainage Set.
- C6** Public open space must be allocated, designed and constructed in accordance with **Tables 9** and **Table 10**.
- C7** Detailed design is required to be lodged with the DA.



Table 9 - Public Open Space north of New Street 1

<p>Location and Size</p>	<ul style="list-style-type: none"> ▪ The indicative location of this public open space is shown on the Precinct Planning Framework in Part 9C.2.1 – Planning Framework. ▪ Must have a street frontage with Wilson St. Must be integrated and linked with the public pathways and cycleway in the Precinct. ▪ The size of the proposed public open space will be a minimum of 3,000 m². ▪ This public open space will be created from dedication of land arising from the redevelopment of sites in which they are located. ▪ The deep soil requirement is 100% - no basement carparking is to be located under the public open space.
<p>Intent and Character</p>	<ul style="list-style-type: none"> ▪ The public open space is to promote street life activity and provide a relaxation area. ▪ The public open space should have good solar access, provide seating and playground equipment for young children (in accordance with the Australian Standard) with shading (shade cover or structure). There is a need to ensure that the overall design of the Precinct considers natural surveillance of the open space.
<p>Planting</p>	<ul style="list-style-type: none"> ▪ The applicant must provide a Landscape Plan in the Stage 2 DA for the public open space, which illustrates the layout of open space, landscaping materials, paving, furniture, lighting and planting species. ▪ Council requires that 70% of the planting in the public open space be native species. ▪ All trees proposed shall be no less than 100 litre container size, minimum of 2.4m in height and with a calliper of 45mm at 300mm above ground level. ▪ Applicants should consult with Council’s Landscaping Section prior to submitting the Stage 2 DA.
<p>Furniture</p>	<ul style="list-style-type: none"> ▪ Fixed bench seating should be provided and confined to the edges of the public open space. Tables should also be considered in the design of the public open space. ▪ Bins should be provided. ▪ Bicycle racks should be provided. ▪ All furniture to Council specification ONLY.
<p>Lighting</p>	<ul style="list-style-type: none"> ▪ Design/fitting to Council’s specification. ▪ Solar/LED lighting may be required. ▪ Lighting should be adequately spaced and sited to allow the illumination of the public open space and paths at night, to ensure good visibility at night and increase safety. ▪ The spacing of the lighting should be calculated based on light spill for the particular light unit selected. Up-lighting can also be used to highlight landscape features or design features (eg, trees or public art). ▪ Lighting should not have an adverse impact on the amenity of the surrounding area through light overspill. Lighting should comply with AS 4282:1997 – Control of the Obstructive Effects of Outdoor Lighting and Energy Australia requirements.
<p>Paving</p>	<ul style="list-style-type: none"> ▪ Footpaths should be paved and wide enough for wheel chair and pram access. ▪ The Landscape Plan to be provided by the applicant should specify paving details. ▪ Applicants should consult with Council’s Landscaping Section prior to submitting the Stage 2 DA.



Public Artwork	<ul style="list-style-type: none"> Art works and water features (for example, sculpture, fencing design, plaques, mosaics, paving, fountains, metal stencilling and bollard design) are encouraged in this public open space. Public art themes may include the history of the area (example, market gardens and past industry), the local environment and ecosystem of Botany Bay, and fishing and water theme and everyday life.
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Table 10 - Public Open Space south of New Street 1

Location and Size	<ul style="list-style-type: none"> The indicative location of this public open space is shown on the Precinct Planning Framework in Part 9C.2.1 - Planning Framework. Must have street frontage to a public road. Must be integrated and linked with the public pathways and cycleway in the Precinct. The size of the proposed open space will be a minimum of 3,000 m². This public open space will be created from dedication of land arising from the redevelopment of sites in which they are located. The deep soil requirement is 100% - no basement carparking is to be located under the public open space.
Intent/Character	<ul style="list-style-type: none"> This public open space will provide local open space for new residents and workers to relax and meet. It could also assist in improving the amenity of the shop top housing located on Botany Rd and facing north into the Precinct. The public open space could be used to close New Street 2 and should integrate the north-south shared cycle and pedestrian path in the design of the open space. A physical and visual link from the public open space to Botany Rd, through Lethen Lane is encouraged. The public open space should have good solar access, provide seating and playground equipment for young children (in accordance with the Australian Standard) with shading (shade cover or structure). There is a need to ensure that the overall design of the Precinct considers natural surveillance of the open space The public open space is to provide an area of dedicated public car parking off Rancom St for use by visitors to the Banksmeadow local Shops and public open space. A minimum of 4 car spaces should be provided and should be integrated into the overall design of the public open space with adequate landscaping treatment.
Planting	<ul style="list-style-type: none"> The applicant must provide a Landscape Plan in the Stage 2 DA for the public open space, which illustrates the layout of open space, car parking, landscaping materials, paving, furniture, lighting and planting species. Council requires that 70% of the planting in the public open space be native species. All trees proposed shall be no less than 100 litre container size, minimum of 2.4 m in height and with a calliper of 45mm at 300mm above ground level. Applicants should consult with Council's Landscaping Section prior to submitting the Stage 2 DA.
Furniture	<ul style="list-style-type: none"> Fixed bench seating should be provided and confined to the edges of the public open space. Tables should also be considered in the design of the public open space. Bins should be provided. Bicycle racks should be provided All furniture to Council specification ONLY.



<p>Lighting</p>	<ul style="list-style-type: none"> ▪ Design/fitting to Council specification. ▪ Solar/LED lighting may be required. ▪ Lighting should be adequately spaced and sited to allow the illumination of the public open space and paths at night, to ensure good visibility at night and increase safety. Good lighting needs to be provided in the car park area. ▪ The spacing of the lighting should be calculated based on light spill for the particular light unit selected. Up lighting can also be used to highlight landscape or design features (eg, trees or public art). ▪ Lighting should not have an adverse impact on the amenity of the surrounding area through light overspill. Lighting should comply with AS 4282:1997 – Control of the Obstructive Effects of Outdoor Lighting and Energy Australia requirements.
<p>Paving</p>	<ul style="list-style-type: none"> ▪ Footpaths should be paved and wide enough for wheel chair and pram access. ▪ The Landscape Plan to be provided by the applicant should specify paving details. ▪ Applicants should consult with Council’s Landscaping Section prior to submitting the Stage 2 DA.
<p>Public Artwork</p>	<ul style="list-style-type: none"> ▪ Art works and water features (for example, sculpture, fencing design, plaques, mosaics, paving, fountains, metal stencilling and bollard design) are encouraged in this public open space. Public art themes may include the history of the area (example, market gardens and past industry), the local environment and ecosystem of Botany Bay, and fishing and water theme and everyday life.



9C.4 R3 Medium Density Residential Zone

This Part of the DCP applies to the area zoned R3 Medium Density Residential within the Precinct.

Objectives

- O1** To encourage residential development that co-exists and provides a transition from non-residential uses to low scale residential and provides a safe and livable environment;
- O2** To encourage improvements to the Public Domain;
- O3** To ensure there is no land use conflicts on the interface between the non-residential and residential uses;
- O4** To ensure that future development contributes to the creation of a high quality landscape environment in the Precinct;
- O5** To retain existing trees both inside and outside the site and provide suitably proportioned areas of well designed landscaping on each development site;
- O6** To ensure proposed development is designed to minimise the impact of noise and vibration from uses with the B7 zone;
- O7** To promote and encourage a high design quality of buildings; and
- O8** To ensure the drainage of the Precinct is not detrimentally impacted and property is protected.

Controls

- C1** Development in this area is to be for residential purposes.
- C2** Development must comply with **Part 4 - Residential Development**.
- C3** Residential development shall be designed and demonstrate that it will not be detrimentally impacted by any non-residential uses in the adjoining B4 Mixed Use Zone.
- 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 measures 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'.
- C7** 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.

Flooding

- C8** No structures shall be built over Sydney Water or Council stormwater drainage system/easements.
- C9** Foundations of development shall extend to at least 1m below the invert of the existing public stormwater drainage assets.
- C10** Finished floor levels of the habitable buildings/structures and non-habitable buildings/structures (including garage, ramps to the basement car parking area, etc.) shall be minimum 500mm and 300mm above the 1 in 100 year flood level respectively.
- C11** Structures/filling shall not be placed within the floodways or overland flow paths unless suitable and adequate mitigation measures have been proposed and implemented. A flood study may be required to be lodged with the DA to support the mitigation measures.
- C12** No structures/filling shall be allowed to obstruct the 1 in 100 year flood level.
- C13** Flood storage within the site shall be maintained before and after the development.



9C.5 B4 Mixed Use Zone along Pemberton Street

The B4 zone within the Wilson/Pemberton Street Precinct is anticipated to develop into a high quality area of mixed uses featuring medium density housing, low impact commercial and business uses and creative industries. New works in the public domain along Pemberton Street will be required such as landscaping and pedestrian pathways to improve the amenity of the Street and encourage pedestrian movement and live/work opportunities.

The redevelopment of the B4 Zone is to provide a transition from non-residential in the B7 Zone in the Botany South Precinct to surrounding residential uses with the intention of buffering any adverse amenity issues created within the B7 zone.

The Objectives and Controls for the Desired Future Character for the B4 Mixed Use Zone are as follows:

Objectives

- O1** To encourage live/work opportunities;
- O2** To encourage improvements to the Public Domain;
- O3** To ameliorate conflicts on the interface between the non-residential and residential uses;
- O4** To encourage low scale mixed use development with residential at 2nd floor and a range of compatible vibrant uses such as shops, professional offices, and studio/workshops at ground floor and first floors, which are not impacted by adjoining industrial and commercial uses and that do not impact on adjoining and adjacent residential amenity;
- O5** To ensure that proposed development is designed to minimise the impact of noise and vibration from uses with the B7 zone;
- O6** To create a focus for a wide variety of businesses that offer employees and visitors a lively and attractive environment, becoming more than just a 'place of work' but one that compliments and connects business activities with each other;
- O7** To promote and encourage a high design quality of buildings;
- O8** To provide a high level of pedestrian amenity and create a vibrant and safe precinct;
- O9** To encourage the provision of parking, vehicular access and servicing areas that provide a buffer between residential and non-residential uses and pleasant, safe and provide shared working environment;
- O10** To ensure the protection and viability of the Botany Local Centre and Banksmeadow Neighbourhood Centre;



- O11** To ensure non residential development is sympathetic with the streetscape character and maintains the amenity of surrounding residential development;
- O12** To protect existing public stormwater drainage assets; and
- O13** To minimise impact of flooding to the developments, nature environment and built up areas.

Controls

General

- C1** The ground and first floors of development must contain complementary non-residential uses permissible in the B4 zone. Residential uses are only permitted at 2nd floor and above.
- C2** Height and FSR are to comply with the provisions of the Bayside Local Environmental Plan 2021.
- C3** The amenity of residential development shall not be impacted upon by non-residential uses. The following will be considered by Council:
 - (i) Scale and size;
 - (ii) Floorspace ratio;
 - (iii) The size and number of vehicle movements;
 - (iv) Noise;
 - (v) Air and water pollution;
 - (vi) Hours of operation; and
 - (vii) Any other negative environmental impact.
- C4** Residential development must be designed so that it will not be detrimentally impacted by any non-residential uses in the vicinity.
- C5** Internal habitable rooms of dwellings within the B4 Mixed Use Zone which are affected by high levels of external noise are to be designed to achieve internal noise levels of 50dBA maximum. Development Applications which contain residential accommodation are to be accompanied by a noise assessment prepared by a qualified acoustic consultant addressing the following:
 - i. address the noise requirements of the NSW Infrastructure SEPP in terms of road traffic noise;
 - ii. address the requirements of Part 4A, 4B or 4C (Acoustic Privacy controls), depending on the type of residential accommodation proposed;
 - iii. conduct detailed site attended audits during the day, evening and night periods to identify and assess noise from activities associated with the B7 Zone;
 - iv. assess noise from ground activities including aircraft take-off's and landing's at Sydney Airport referenced to each floor of the proposed building;
 - v. 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) the acoustical assessment is to take into account noise from the operations of Port Botany;



- vi. confirm noise exposure levels for each floor of the proposed residential building;
- vii. and confirm building noise controls for internal noise levels to satisfy the recommended noise criteria.

Amalgamation and Subdivision

- C6** Amalgamation of sites is encouraged to reduce the number of access points from Pemberton Street.

Building and Site Layout

- C7** New buildings shall be designed to accommodate and minimise any adverse effects on the amenity of residential areas by way of overlooking, lighting, dust, noise or fumes from adjoining uses.

Setbacks

- C8** Setbacks are to be in accordance with the **Table 2**.

Table 2 - Setbacks

Boundary	Landscaping Setback	Building Setback
Front	4m	7m
Side	Nil to 1.5m	Nil to 1.5m
Side – adjoining a Residential Use/zone	3m	3m
Rear	Nil to 3m	Nil to 3m
Rear - adjoining a Residential Use/zone	3m	6m

- C9** Building setback must form a continuous and consistent alignment.

Parking and Vehicle Access

- C10** Access driveways should be paired so that adjacent properties locate driveways side by side to reduce the number of access points.



- C11** Any carparking spaces allocated for residential purposes are to be located at the rear of sites to provide a buffer from the R3 zone.
- C12** The provision of car parking must comply with **Part 3A - Car Parking**.

Flooding

- C13** No structures shall be built over Sydney Water or Council stormwater drainage system/easements.
- C14** Foundations of development shall extend to at least 1m below the invert of the existing public stormwater drainage assets.
- C15** Finished floor levels of the habitable buildings/structures and non-habitable buildings/structures (including garage, ramps to the basement car parking area etc.) shall be minimum 500mm and 300mm above the 1 in 100 year flood level respectively.
- C16** Structures/filling shall not be placed within the floodways or overland flow paths unless suitable and adequate mitigation measures have been proposed and implemented. A flood study may be required to be lodged with the DA to support the mitigation measures.
- C17** No structures/filling shall be allowed to obstruct the 1 in 100 year flood level.
- C18** Flood storage within the site shall be maintained before and after the development.

Landscaping

- C19** A 3 metres wide buffer strip of dense landscape planting is required in the rear setback to provide a buffer between the B4 and R3 zones including landscaping of car park areas to achieve a high level of amenity which will screen the development from residential areas. This area is to be mass planted with shrubs and canopy trees.

Fences

- C20** Fences are not encouraged along Pemberton Street as fencing is not a typical characteristic of the area.
- C21** If fences are required they shall be not higher than **Table 3**.



Table 3 - Fence Height in Area 1

Use	Fence Height
Residential	1 m
Non-Residential	1.5m (over 50% must be transparent)

Residential Development

C22 Residential development must comply with the **Part 4 - Residential Development**.

Note: Part 4B.5.1 - Dwelling Mix, Room Size and Layout for Multi Dwelling Housing and **Part 4C.5.1 - Dwelling Mix, Room Size and Layout** for Residential Flat Buildings.

Mixed Use Development

C23 The ground floor level of a mixed use development that relates to the active street frontage must be predominantly used for commercial uses or other street activating uses.

C24 A Plan of Management (POM) is required where non-residential uses are proposed within a mixed used development or 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.



- C25** 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.
- C26** Loading and unloading must not detract from the amenity of nearby residential uses. 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.
- C27** 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.
- C28** Site lighting for building security and staff safety must be directed so as to not cause annoyance to neighbours, residents or glare to passing motorists.
- C29** Walls of buildings adjacent to residential uses 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.
- C30** Where a site contains or adjoins a residential use or 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 9.00 a.m, 12.00 noon and 3.00 p.m. at 21st June (winter solstice).
- C31** 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 9.00 a.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.
- C32** Any commercial car parking must be conveniently located and identified.