



**Bayside Council**

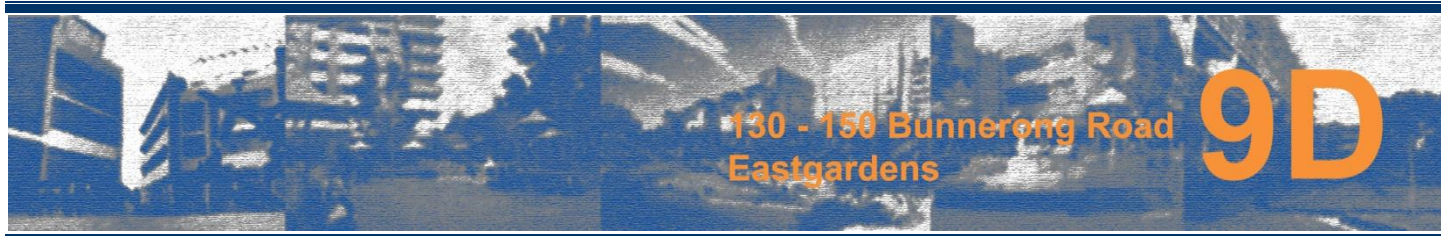
Serving Our Community

# **Part 9D**

## **130 – 150 Bunnerong Road, Eastgardens**

**Botany Bay Development Control Plan 2013**

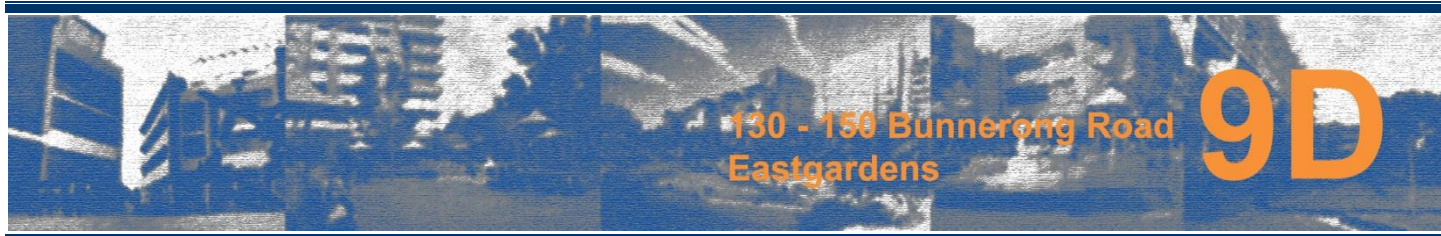




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## 9D.1 Introduction

### 9D.1.1 Background

This Part should be read in conjunction with the Bayside Local Environmental Plan 2021 to identify development standards and controls to guide future development on the land to which this Part applies.

A series of technical documents have also been prepared to support this DCP and the rezoning of the land. Reference to these technical documents have been made throughout this DCP and should be read in conjunction with this DCP as supporting documentation to Council's planning instruments.

Technical Reports include:

- *Site Surveys;*
- *Indicative Masterplan prepared by Krikis Tayler Architects;*
- *Phase 1 Contamination Assessment prepared by Douglas Partners dated August 2011;*
- *Sampling Analysis Quality Plan prepared by Douglas Partners dated November 2011;*
- *Contamination Review prepared by EnRisk dated February 2012 (Council's Consultant);*
- *Economic Assessment prepared by Hill PDA dated February 2012;*
- *ESD Report prepared by Aurecon dated August 2011;*
- *Geotechnical Report prepared by Douglas Partners dated October 2011;*
- *Social Impact Assessment prepared by Hill PDA dated February 2012;*
- *Flood Study Report prepared by Aurecon dated November 2011;*
- *Stormwater Management and Flooding Report prepared by Aurecon dated October 2011;*
- *Utility Services Infrastructure Report prepared by Aurecon dated August 2011;*
- *Access, Transport & traffic Report prepared by CBHK dated March 2012;*
- *Results of traffic modelling of scenarios prepared by PB dated March 2012;*
- *Density Testing prepared by Olsson Architects and Associated dated 27th February 2012; and*
- *Development Yields Schedules & Figures & response to Olsson Testing by Krikis Tayler Architects & JBA Planning.*

A Vision was prepared for the rezoning based on these documents. This DCP is based on that Vision.

Copies of the nominated technical reports are available from the Council's website.

**Note:**

Council will consider alternative development schemes under the Masterplan DA required in **Part 9D.1.5 - Specific DA Requirements for the Site**, however the technical reports listed in **Part 9D.1.1 - Background** will have to be redone.

Council has also prepared Technical Guidelines for the redevelopment of the Site. The Technical Guidelines relate to civil work and stormwater management. Refer to **Part 10 – Technical Guidelines**.

### 9D.1.2 Land to Which this Part Applies

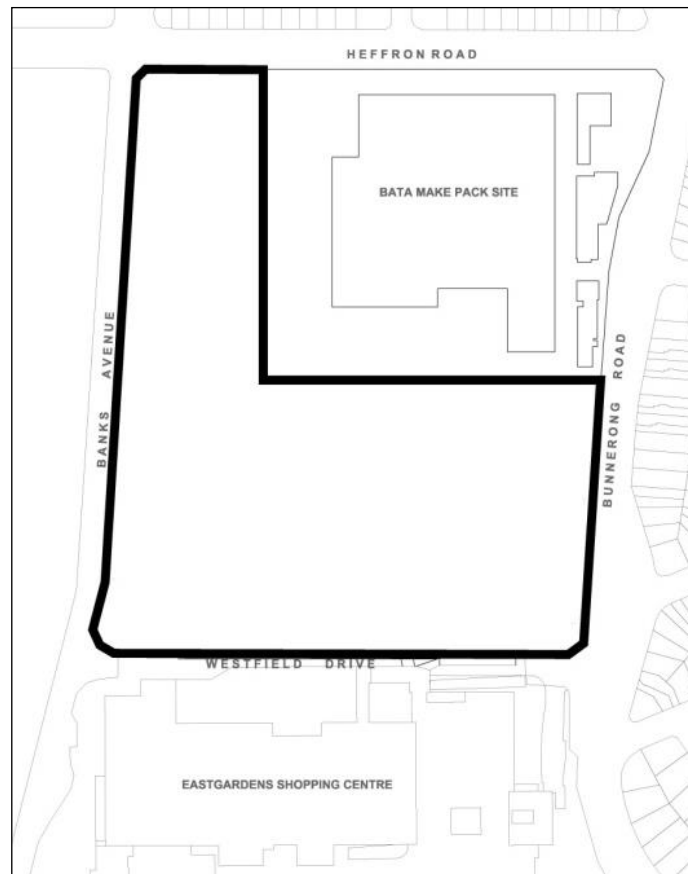
This Part applies to land legally described as Lot 2 in DP.1187426, bounded by Bunnerong Road, Westfield Drive, Banks Avenue and Heffron Road (refer to **Figure 1**). This land is also known as No. 130-150 Bunnerong Road, Pagewood.

This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Notification and Advertising
- Part 3 - General Provisions
- Part 4 - Residential Development
- Part 6 - Employment Zones
- Part 7 - Other Development Types and Land Uses
- Part 10 – Technical Guidelines

**Note:** Development within Precinct must comply with the all other applicable Parts of the DCP, if there is a discrepancy between Part 9D and other Parts the Desired Future Character and Controls of **Part 9D** will always prevail.

**Figure 1 - Land to which this Part Applies**





### 9D.1.3 Structure of this Part

#### **Preliminary**

This contains general information about the DCP, outlining its purpose, general aims and relationship to the Bayside Local Environmental Plan 2021.

#### **Vision Statement**

This contains the overall vision for the new residential precinct and business centre guiding its future form and function.

#### **Character Statements**

This provides desired future character statements for the individual urban blocks including objectives for the development of each urban block taking into consideration its context with the surrounding residential and business zones.

#### **General Controls - R3 Medium Density Residential Zone**

This includes the development controls and objectives that apply to development within the R3 Medium Density Residential Zone. The general controls focus on individual urban blocks to ensure acceptable built form outcomes within each development stage and clarity about the standard of design excellence expected. The objectives and controls provide guidance for the design of buildings to sit sympathetically with the surrounding urban built form.

#### **General Controls - B4 Mixed Use Zone**

This includes the development controls and objectives that apply to development within the B4 Mixed Use Zone. The general controls focus on the development of a mixed use urban centre with an aim to achieve a high standard of design excellence. The objectives and controls provide guidance for the design of buildings to sit sympathetically with the surrounding urban built form and provide a mix of compatible uses.

#### **General Controls**

This controls related to both the R3 Medium Density Residential Zone and the B4 Mixed Use Zone.



### 9D.1.4 General Objectives

- O1** To provide a high quality public domain framework with a variety of public open spaces, parks, and plazas;
- O2** To make provision for a network of pedestrian/ cycle paths with links to public transport and a hierarchy of local roads that provide accessibility through the site and connections with its surrounds;
- O3** To support a variety and interest in building heights and forms;
- O4** To ensure a mix of housing types and choices;
- O5** To provide for retail and commercial uses on the southern side of the site with potential for integration with the existing Eastgardens Shopping Centre;
- O6** To facilitate development that is respectful of existing site attributes and surrounding residential properties;
- O7** To ensure appropriate design and management of the interface between mixed use development and the remaining industrial area; and
- O8** To provide water management based on the principles of water sensitive urban design and ecological sustainability.

### 9D.1.5 Specific DA Requirements for the Site

Council requires that the Development Application process be as follows:

Development Application	Requirements
<p><b>Master Plan (Stage 1 DA)</b></p>	<ul style="list-style-type: none"> <li>▪ A master plan is required for the site. A master plan is a document (consisting of written information, maps and diagrams) that broadly outlines the development proposal for a site.</li> <li>▪ <b>A master plan must be consistent with the Vision and development controls contained in this Part of the DCP.</b></li> <li>▪ A master plan is to address, illustrate and explain, where appropriate, the following range of matters (but is not limited to them): <ul style="list-style-type: none"> <li>▫ The provisions of the Bayside Local Environmental Plan 2021;</li> <li>▫ The Vision in <b>Part 9D.2 - Vision Statement</b>;</li> <li>▫ Land use options and development restrictions in <b>Part 9D.5 - B4 - Mixed Use Zone</b>;</li> <li>▫ Design and planning principles;</li> <li>▫ Phasing/staging of development, including proposed subdivision;</li> <li>▫ Distribution of land uses, including public open space (min 2.53 hectares), roads, pedestrian links and cycle paths;</li> <li>▫ Building envelopes and built form controls,</li> <li>▫ Infrastructure provision, including parks and roads;</li> <li>▫ Remediation of the site;</li> <li>▫ Pedestrian, cycle and road access and circulation network, with particular regard to public transport servicing;</li> <li>▫ Impact on, and improvements to, the public domain, including the immediate environment and receiving waters;</li> <li>▫ The principles of ecologically sustainable development;</li> <li>▫ Management of stormwater quality and quantity;</li> <li>▫ The identification and assessment of the impacts and/or the relationship of the development on the community and existing services and facilities; and</li> <li>▫ Interface issues between different uses on a site, within a development, or on adjoining land.</li> </ul> </li> <li>▪ The following information must be submitted: <ul style="list-style-type: none"> <li>▫ On-street parking strategy;</li> <li>▫ Location of the cycleway path;</li> <li>▫ Location of pedestrian crossing(s) on East-West Boulevard; and</li> <li>▫ Details of the traffic surveys over the entire peak traffic periods (not just peak hour flows).</li> </ul> </li> </ul> <p><b>Note:</b> Location of pedestrian crossing(s) on East-West Boulevard are preferred near buss laybacks.</p>

Development Application	Requirements
<p><b>Civil Works DA</b></p>	<ul style="list-style-type: none"> <li>▪ This DA has to provide detailed drawings of all the civil works (roads and public open spaces, utilities etc) approved under the Masterplan and to indicate the staging of such works.</li> <li>▪ Details are to be included (but not limited to) the following:                             <ul style="list-style-type: none"> <li>▫ Civil work design;</li> <li>▫ Road design controls;</li> <li>▫ Road drainage design, including underground road drainage systems;</li> <li>▫ Stormwater management, floodway and overland flow paths; and</li> <li>▫ Finished floor levels, etc.</li> </ul> </li> </ul> <p><b>Note:</b> Refer to <b>Part 10 - Technical Guidelines</b> for the <b>Technical Guidelines for the 130-150 Bunnerong Road, Eastgardens</b> for further details.</p>
<p><b>Detailed Development DAs for each stage identified in the Masterplan DA approval</b></p>	<ul style="list-style-type: none"> <li>▪ This DA requires details of the approved master plan at each stage.</li> <li>▪ Applicants must submit a traffic report with every development application stating the traffic network and possible bus priority improvements to be achieved within the development application including any land dedication and network / bus priority upgrades as required by Roads and Maritime Services, Transport for NSW and Council.</li> </ul>



## 9D.2 Vison Statement

The vision for the land to which this DCP applies is the creation of a new vibrant mixed use community with a high level of amenity and quality public domain. This will be achieved through the development of a mix of residential, retail, and commercial uses and public open spaces based on the principles of ecologically sustainable development and good urban design.

The redevelopment of the Site also provides a unique opportunity for the extension of the Light Rail Project into the suburb of Eastgardens. The Light Rail project has a current terminus at Kingsford. Extending the line another 2.4 km to the Site will benefit both the Light Rail Project and the existing and future residents of Bayside LGA. Terminating the light rail at the Site would provide the opportunity to build a high quality transport oriented development at the site. The site could also provide space for the stabling for the light rail rolling stock which is a critical challenge for the project. The stabling could even be integrated into the development, with apartments built above it.

Council wants to work with the purchaser of the Site and the State Government to take advantage of this opportunity.

**Figure 2 – Artist's Impression of the Redevelopment of the Site**



(Source: The New Eastgardens Masterplan – JBA Planning and Krikis Tayler Architects)





## 9D.2.1 Land Use

### Introduction

This Part of the DCP addresses the land use options permitted with development consent within the Bayside Local Environmental Plan 2021 and Council's vision for future development of the site to achieve the objectives of good urban design outcomes. This DCP focuses on the R3 Medium Density Development and B4 Mixed Use development opportunities.

### Residential

The land to which this DCP applies will create an opportunity for additional dwellings and residents within the Bayside local government area. Identifying appropriate land use and urban design principles is therefore important to ensure the new residential character created by the redevelopment of the land to which this DCP applies fits in with the existing local context and adds to the vibrancy of the area.

The residential areas will scale in building height and density from Heffron Road presenting 3 storeys and an FSR of 1.4:1 through to the southern end of the site allowing a building height of 14 storeys and an FSR of 3:1 adjoining Westfield Eastgardens. This changing scale of residential density needs to be address through urban design provisions to ensure the scale and density of housing fits with the local character and presents a cohesive density of the development supported by infrastructure designed within the new Eastgardens Precinct.

The maximum FSR for the R3 zone is 1:1 under the Bayside Local Environmental Plan 2021.

### Mixed Use - Retail/Commercial

The retail and commercial precinct located at the southern end of the site within the B4 Mixed Use zone will allow for retail and commercial uses to potentially integrate with Westfield Eastgardens and present an open town centre and civic plaza. The new commercial/retail centre will allow up to 5,000m<sup>2</sup> of retail space to support the increased residential population. The retail area will allow for small and medium scale retail opportunities including banks, post offices, hairdressers, small scale supermarkets, convenience stores and cafes and restaurants opening on to the civic town square. Office and Business Premises are also permitted in the B4 Mixed Use Zone and are encouraged within this precinct.

The maximum FSR for the B4 zone is 3:1 under the Bayside Local Environmental Plan 2021.

**Note:** A retail area higher than 5,000m<sup>2</sup> may require the acquisition of adjoining land for intersection upgrades. Please contact Council for further information.

## 9D.2.2 Open Space and Circulation

To support the increased residential and workforce population the land will include a new street hierarchy including local streets (civic avenue) and main through links (east-west boulevard). These links will be bounded by open spaces including civic avenue park as the main active recreation area adjoining the town centre and local pocket parks at the end of local streets adjoining Heffron Road. Dedicated pedestrian links will also promote pedestrian access through the new precinct to public transport and retail/commercial activities specifically along the B4 Mixed Use boundary with Civic Avenue.

Developers will be responsible for the carrying out of the proposed public domain works on their sites, and in some cases in adjacent streets. Controls have been provided for the desired future character of the public open space, development of stormwater systems and new streets within the town centre. These controls were prepared in response to the technical reports listed in 9D.1.1.

### Industrial

British American Tobacco Australasia (BATA) will be reducing their operations to a 6 hectare north eastern corner of the existing site adjoin Heffron Road and Bunnerong Road. This reduction in their industrial manufacturing operations does not form part of **Part 9D** however treatment of the interface between the new Precinct and the reduced industrial operations will need to be addressed (refer to **Part 6 - Employment Zones**).

## 9D.2.3 Street Layout and Access

The traffic and access plan for the site illustrated in **Figure 3** has been incorporated into the Access, Transport & Traffic Report prepared by CBHK dated March 2012 and Supplementary Traffic Modeling Report prepared by PB dated March 2012.

**Tables 1 to 8** (following) provide the provisions for the street layout and access for each street – existing and proposed – within the Precinct.

### Note:

- An investigation is required to determine whether Council's existing off-street parking rates will affect the traffic generation used in the modeling. If so, new off-street parking rates may be required to be proposed and justified for Council to review.
- Typical cross-section sketch are required to show the widths of the roads are sufficient to accommodate the carriageway (cul-de-sac, parking and trough traffic lane), road verge (footpath, cycleway etc), medium strip and indented bus bays.
- Heavy vehicle access to the existing factory shall be restricted only from Bunnerong Road entry to East-West Boulevard (not permitted access to Heffron Road) and not west of the factory heavy vehicle access point.
- The PB modeling (listed in **Part 9D.1.1**) shows that the level of service will generally have range between D and F for the west approach will affect the intersection performance access to Civic Avenue and Westfield Drive. This appears not satisfactory especially to a new intersection. Further investigation will be required (such as the provision of an additional traffic lane).

Figure 3 - Circulation and Access through the Precinct

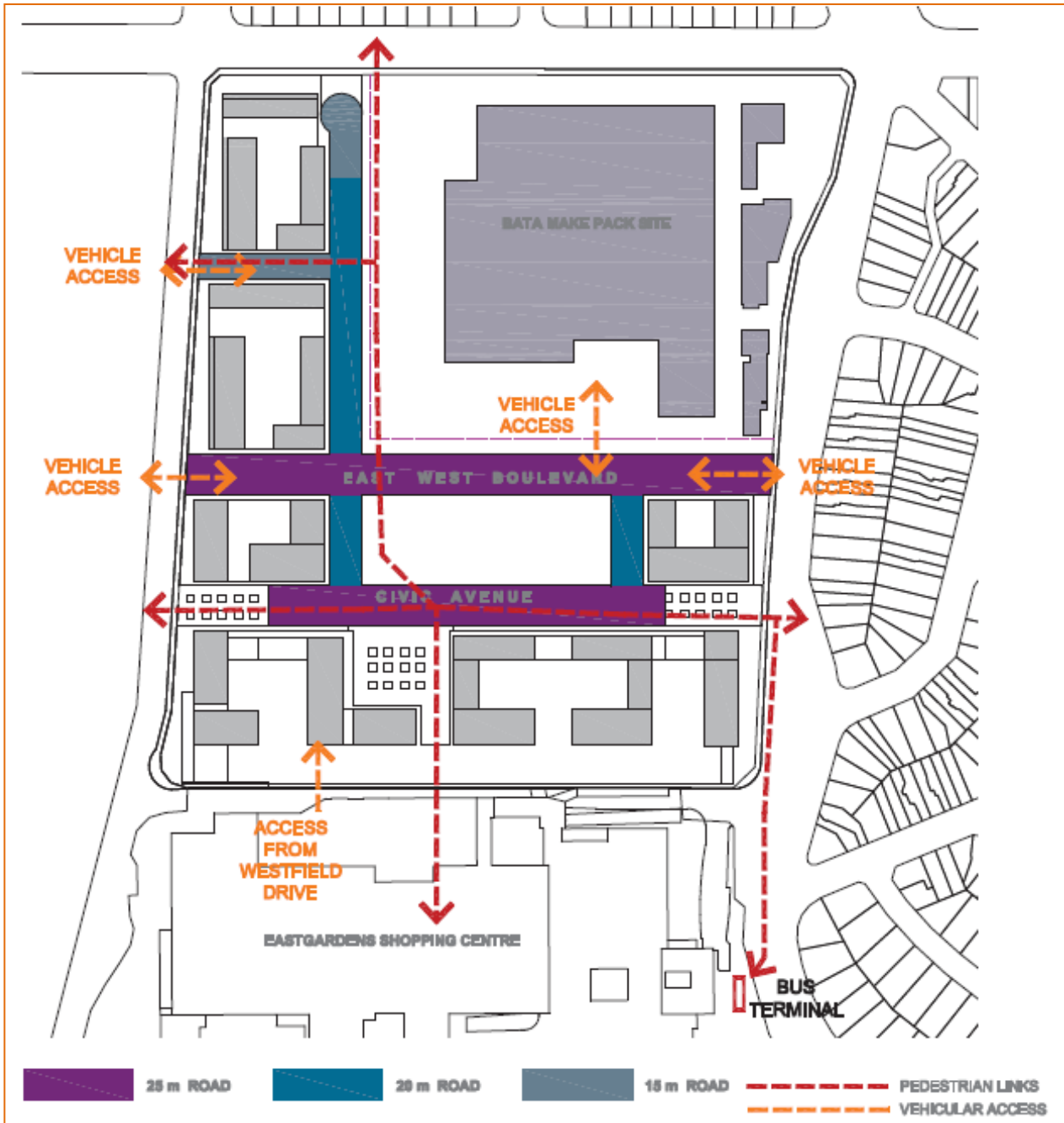




Table 1 – East-West Boulevard

<b>Role</b>	<ul style="list-style-type: none"> <li>▪ East-West Boulevard will serve as the main east-west corridor within the Site to accommodate cyclists, pedestrians, passenger vehicles and buses traffic between Bunnerong Road and Banks Avenue</li> <li>▪ East-West Boulevard will be a public street and require dedication to Council prior to detailed developments for each stage identified in Master Plan DA approval.</li> <li>▪ The street will be designed to ensure safety of pedestrians and provide an attractive northern edge to the Central Park</li> <li>▪ Bus stops and indented bus bays will be provided on both sides of East-West Boulevard</li> <li>▪ 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.</li> </ul>
<b>Location</b>	<ul style="list-style-type: none"> <li>▪ The street will be located in the mid-block of the site .</li> </ul>
<b>Road Reservation</b>	<ul style="list-style-type: none"> <li>▪ 25 metres wide.</li> </ul> <p><b>Note:</b> Subject to RMS requirements, the width of road reserve may require to be widened east of the vehicle access to “BATA Make Pack Sites” (which zoned as IN1 General Industrial) to accommodate dedicated right-turn bay to the site.</p>
<b>Carriageway</b>	<ul style="list-style-type: none"> <li>▪ 6 metres wide in each direction, consisting a single travel lane and a parking lane</li> <li>▪ 1 metre wide median</li> <li>▪ Indented bus bay on each side of the street</li> <li>▪ Integrated kerb and gutter on both sides of the street</li> </ul>
<b>Footpath</b>	<ul style="list-style-type: none"> <li>▪ A shared cyclist / pedestrian path (minimum 3m wide) on southern side of the street and footpath (minimum 1.5m wide) on the northern side.</li> <li>▪ The shared cyclist / pedestrian path and footpath shall be paved to Council’s Landscape Architect’s requirements</li> <li>▪ The design of cyclist / pedestrian path and footpath can be varied as a result of the master plan.</li> </ul>
<b>Street Tree</b>	<ul style="list-style-type: none"> <li>▪ Contact Council’s Landscape Architect for details.</li> </ul>
<b>Traffic Capacity</b>	<ul style="list-style-type: none"> <li>▪ Two-way traffic</li> <li>▪ Designed to carry light vehicle traffic only for the section west of vehicle access to “BATA Make Pack Sites” (which zoned as IN1 General Industrial).</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>▪ Parking on both sides of the street</li> </ul>
<b>Traffic Management</b>	<ul style="list-style-type: none"> <li>▪ Pedestrian/cyclist crossing facilities shall be incorporated in the design of the following intersections: <ul style="list-style-type: none"> <li>▫ East-West Boulevard and North-South Street</li> <li>▫ East-West Boulevard and Bunnerong Road</li> <li>▫ East-West Boulevard and Banks Avenue</li> </ul> </li> <li>▪ Traffic management devices shall be incorporated in the design to discourage heavy vehicle traffic movements west of vehicle access to “BATA Make Pack Sites” (which zoned as IN1 General Industrial).</li> </ul>



Table 2 – Civic Avenue

<b>Role</b>	<ul style="list-style-type: none"> <li>▪ Civic Avenue will be the major entry to the mixed use precinct, providing a wide and well landscaped avenue, accommodating passenger vehicle and taxi drop-offs to the ground level retail frontages</li> <li>▪ Civic Avenue will be a public street and require dedication to Council prior to detailed developments for each stage identified in Master Plan DA approval.</li> <li>▪ Traffic on Civic Avenue will be calmed and pedestrians will benefit from wide footpaths, continuous awnings and crossings to gain easy access to the Central Park.</li> <li>▪ Civic Avenue shall be designed as a shared zone with pedestrians.</li> <li>▪ Civic Avenue will be limited to drop off and pick up only for the commercial and retail component and may also include any residential basement car parking access points.</li> </ul>
<b>Location</b>	<ul style="list-style-type: none"> <li>▪ South of Central Park and north of Urban Block 5</li> </ul>
<b>Road Reservation</b>	<ul style="list-style-type: none"> <li>▪ 25 metres wide</li> </ul>
<b>Carriageway</b>	<ul style="list-style-type: none"> <li>▪ 8.5 metres wide (one-way), consisting a single westbound travel lane and two parking lanes</li> <li>▪ The width of carriageway may vary as a result of the master plan.</li> </ul>
<b>Footpath</b>	<ul style="list-style-type: none"> <li>▪ Full width footpath on both sides of the street, with paving to Council's Landscape Architect's requirements</li> <li>▪ The design of footpath can be varied as a result of the master plan.</li> </ul>
<b>Street Tree</b>	<ul style="list-style-type: none"> <li>▪ Contact Council's Landscape Architect for details.</li> </ul>
<b>Traffic Capacity</b>	<ul style="list-style-type: none"> <li>▪ One-way westbound movement to accommodate passenger vehicle and taxi drop-offs to the ground level retail frontages</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>▪ Parking on both sides of the street</li> </ul>
<b>Traffic Management</b>	<ul style="list-style-type: none"> <li>▪ Traffic management devices shall be incorporated in the design to ensure traffic on Civic Avenue will be calmed and pedestrians will benefit from wide footpaths, continuous awnings and crossings to gain easy access to the Central Park.</li> <li>▪ Civic Avenue is closed to traffic at its eastern and western ends, to maintain a traffic calmed central section, and to provide pedestrian amenity at both ends of the Avenue</li> </ul>
<b>Important Note</b>	<ul style="list-style-type: none"> <li>▪ The master plan process outlined in this DCP will determine the exact location, width of carriageway and associated footpath.</li> </ul>

**Table 3 – North-South Street 1 (East of Urban Block 1, 2 and 3)**

<b>Role</b>	<ul style="list-style-type: none"> <li>▪ North-South Street 1 will serve as a road link from East-West Boulevard to Urban Block 1, 2 and the western end of Civic Avenue</li> <li>▪ North-South Street 1 will be a public street and require dedication to Council prior to detailed developments for each stage identified in Master Plan DA approval.</li> <li>▪ The street will have a residential character in terms of having wide, well landscaped verges on either side of the carriageway.</li> <li>▪ The section north of East-West Boulevard will have densely planted verge between the street and the industrial land to the east in order to provide a visual buffer between the different land uses.</li> </ul>
<b>Location</b>	<ul style="list-style-type: none"> <li>▪ East of Urban Block 1, 2 and 3 and west of the industrial land and Central Park. The exact location of the street/corridor will be determined in the master plan (as required by this Part of the DCP).</li> </ul>
<b>Road Reservation</b>	<ul style="list-style-type: none"> <li>▪ 20 metres wide.</li> </ul>
<b>Carriageway</b>	<ul style="list-style-type: none"> <li>▪ North of East-West Boulevard. <ul style="list-style-type: none"> <li>▫ 6 metres wide in each direction, consisting a single travel lane and a parking lane.</li> <li>▫ Cul-de-sac at the northern end of the street.</li> </ul> </li> <li>▪ South of East-West Boulevard. <ul style="list-style-type: none"> <li>▫ 8.5 metres wide, consisting a single northbound travel lane and two parking lanes.</li> </ul> </li> </ul>
<b>Footpath</b>	<ul style="list-style-type: none"> <li>▪ A shared cyclist / pedestrian path (minimum 3m wide) on eastern side of the street and footpath (minimum 1.5m wide) on the northern side.</li> <li>▪ The shared cyclist / pedestrian path and footpath shall be paved to Council's Landscape Architect's requirements</li> <li>▪ The design of cyclist / pedestrian path and footpath can be varied as a result of the master plan.</li> </ul>
<b>Street Tree</b>	<ul style="list-style-type: none"> <li>▪ Street tree planting in the western verge is to be complemented by additional planting in the landscaped front setbacks to apartment buildings and row housing in the residential precincts to the west.</li> </ul>
<b>Traffic Capacity</b>	<ul style="list-style-type: none"> <li>▪ North of East-West Boulevard. <ul style="list-style-type: none"> <li>▫ Two-way traffic.</li> <li>▫ Closed at northern end of the street.</li> </ul> </li> <li>▪ South of East-West Boulevard. <ul style="list-style-type: none"> <li>▫ One-way single northbound traffic lane carrying car traffic only.</li> </ul> </li> <li>▪ Designed to carry car traffic only.</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>▪ Parking on both sides of the street</li> </ul>
<b>Important Note</b>	<ul style="list-style-type: none"> <li>▪ For the section south of East-West Boulevard, the master plan process outlined in this DCP will determine the exact location, width of carriageway and associated footpath.</li> </ul>

**Table 4 - North-South Street 2 (West of Urban Block 4)**

<b>Role</b>	<ul style="list-style-type: none"> <li>North-South Street 2 will serve as a road link between East-West Boulevard and the eastern end of Civic Avenue</li> <li>North-South Street 2 will be a public street and require dedication to Council prior to detailed developments for each stage identified in Master Plan DA approval.</li> <li>The street will have residential character in terms of having wide, well landscaped verges on either side of the carriageway.</li> </ul>
<b>Location</b>	<ul style="list-style-type: none"> <li>West of Urban Block 4 and east of Central Park. The exact location of the street/corridor will be determined in the master plan (as required by this Part of the DCP).</li> </ul>
<b>Road Reservation</b>	<ul style="list-style-type: none"> <li>20 metres.</li> </ul>
<b>Carriageway</b>	<ul style="list-style-type: none"> <li>8.5 metres wide, consisting a single southbound travel lane and two parking lanes</li> </ul>
<b>Footpath</b>	<ul style="list-style-type: none"> <li>Full width footpath on both sides of the street, with paving to Council's Landscape Architect's requirements</li> <li>The design of footpath can be varied as a result of the master plan.</li> </ul>
<b>Street Tree</b>	<ul style="list-style-type: none"> <li>Contact Council's Landscape Architect for details.</li> </ul>
<b>Traffic Capacity</b>	<ul style="list-style-type: none"> <li>One-way single southbound travel lane, carrying car traffic only</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>Parking on both sides of the street</li> </ul>
<b>Important Note</b>	<ul style="list-style-type: none"> <li>The master plan process outlined in this DCP will determine the exact location, width of carriageway and associated footpath.</li> </ul>

**Table 5 – Local Street 1 (south of Urban Block 1)**

<b>Role</b>	<ul style="list-style-type: none"> <li>A local street connecting North-South Street 1 to Banks Avenue to improve the permeability of development.</li> <li>The street will be a public street and require dedication to Council prior to detailed developments for each stage identified in Master Plan DA approval.</li> <li>The street will provide alternative link for car access to banks Avenue from Urban Block 1 and 2.</li> <li>The street will have a strong landscaped amenity with avenues of street trees lining a pedestrian path connecting Banks Avenue and North-South Street.</li> <li>Vehicle access points of the developments on the street are to be minimised.</li> </ul>
<b>Location</b>	<ul style="list-style-type: none"> <li>South of Urban Block 1 and north of Urban Block 2.</li> </ul>
<b>Road Reservation</b>	<ul style="list-style-type: none"> <li>15 metres.</li> </ul>
<b>Carriageway</b>	<ul style="list-style-type: none"> <li>5.5 metres wide in each direction, consisting a single travel lane and a parking lane.</li> </ul>
<b>Footpath</b>	<ul style="list-style-type: none"> <li>Minimum 1.5m wide footpath on both sides of the street, with paving to Council's Landscape Architect's requirements.</li> <li>The design of footpath can be varied as a result of the master plan.</li> </ul>
<b>Street Tree</b>	<ul style="list-style-type: none"> <li>Contact Council's Landscape Architect for details.</li> </ul>
<b>Traffic capacity</b>	<ul style="list-style-type: none"> <li>Two-way single travel lane, carrying car traffic only.</li> </ul>



<b>Parking</b>	<ul style="list-style-type: none"> <li>▪ Parking on both sides of street.</li> </ul>
<b>Traffic Management</b>	<ul style="list-style-type: none"> <li>▪ Traffic management devices shall be incorporated in the design at its intersection with Banks Avenue to ensure the street is used for local traffic only.</li> </ul>
<b>Important Note</b>	<ul style="list-style-type: none"> <li>▪ The master plan process outlined in this DCP will determine the exact location, width of carriageway and associated footpath.</li> </ul>

**Table 6 – Banks Avenue and Heffron Road**

<b>Role</b>	<ul style="list-style-type: none"> <li>▪ Banks Avenue and Heffron Road will retain its existing residential character and primarily serve local residential traffic requirements.</li> <li>▪ A public pedestrian and cycle link is to be provided between Heffron Road and North-South Street 1 to facilitate pedestrians and cyclists access through the site</li> </ul>
<b>Footpath Specification</b>	<ul style="list-style-type: none"> <li>▪ Heffron Road: <ul style="list-style-type: none"> <li>▫ A shared cyclist / pedestrian path (minimum 3m wide) from the intersection of Banks Avenue/Heffron Road to the public pedestrian and cycle link connecting to North-South Street 1.</li> </ul> </li> <li>▪ Banks Avenue frontage of the site: <ul style="list-style-type: none"> <li>▫ Full width footpath along entire Banks Avenue frontage of the site, with paving to Council's Landscape Architect's requirements.</li> </ul> </li> <li>▪ The design of cyclist / pedestrian path and footpath can be varied as a result of the master plan.</li> </ul>
<b>Street Tree</b>	<ul style="list-style-type: none"> <li>▪ Contact Council's Landscape Architect for details.</li> </ul>
<b>Important Note</b>	<ul style="list-style-type: none"> <li>▪ No direct vehicle access points from the Site to these streets will be permitted (except at the intersection of Banks Avenue/East-West Boulevard and Banks Avenue/Local Street 1).</li> </ul>

**Table 7 – Westfield Drive**

<b>Role</b>	<ul style="list-style-type: none"> <li>▪ Westfield Drive will be served as only service vehicular access and passenger vehicle parking for all retail and commercial component of the B4 Mixed Use Urban Block of site</li> <li>▪ Facilitate and activate pedestrian and/or possible vehicular link over Westfield Drive and B4 Mixed Use zone of the site with Eastgardens Westfield Shopping Centre.</li> </ul>
<b>Footpath Specification</b>	<ul style="list-style-type: none"> <li>▪ Full width footpath along Westfield Drive frontage of the site</li> <li>▪ The design footpath will be subject to Council's Landscape Architect's requirements.</li> </ul>
<b>Traffic Management</b>	<ul style="list-style-type: none"> <li>▪ Pedestrian/cyclist crossing facilities shall be incorporated in the design of the following intersections: <ul style="list-style-type: none"> <li>▫ East-West Boulevard and North-South Street</li> <li>▫ East-West Boulevard and Bunnerong Road</li> <li>▫ East-West Boulevard and Banks Avenue</li> </ul> </li> <li>▪ Traffic management devices shall be incorporated in the design to provide Pedestrian/cyclist crossing facilities over Westfield Drive to Eastgardens Westfield Shopping Centre.</li> </ul>



**Table 8 – Bunnerong Road**

<b>Role</b>	<ul style="list-style-type: none"> <li>▪ Bunnerong Road will remain its regional arterial function in road network.</li> <li>▪ Vehicle access points from the Site to Bunnerong Road are not permitted (except at the intersection of Bunnerong Road/East-West Boulevard)</li> <li>▪ A public pedestrian link is to be provided at the eastern end of Civic Avenue to Bunnerong Road</li> </ul>
<b>Footpath Specification</b>	<ul style="list-style-type: none"> <li>▪ Full width footpath along Bunnerong Road frontage of the site from south of East-West Boulevard to the bus terminal at Eastgardens Westfield Shopping Centre</li> <li>▪ The design footpath will be subject to Council's Landscape Architect's requirements.</li> </ul>
<b>Street Tree</b>	<ul style="list-style-type: none"> <li>▪ Contact Council's Landscape Architect for details.</li> </ul>
<b>Important Note</b>	<ul style="list-style-type: none"> <li>▪ No direct vehicle access points from the Site to Bunnerong Road will be permitted</li> </ul>



## 9D.2.4 Public Domain and Open Spaces

The **Central Park 8,000m<sup>2</sup>** is the major recreation space shared by all members of the community from the residential and commercial areas. It is to be designed and landscaped to meet a diverse range of needs.

The **Civic Square** is the focus for outdoor activity in the commercial precinct. It is a pedestrian square that is well defined by built form edges to its eastern, western and southern sides, and is open to the north, with views to the Central Park. It is a spatial extension of the new north-south street on the east side of residential Precincts 1, 2 and 3. For this reason the western building alignment of Civic Square should align with the western alignment of the north-south street, to create one continuous spatial alignment without a step. The Civic Square should be at the south-western corner of the Central Park.

A pedestrian link may be made in the future to the existing Westfield retail centre through an arcade from the Civic Square, turning east and crossing Westfield Drive. The urban block between Civic Avenue and Westfield Drive is 100 metres deep, which is an excessively deep single floor plate for mixed use development. For light, ventilation and pedestrian circulation, an open air arcade is to be located between Civic Avenue and Westfield Drive, in an east-west direction from Civic Square, turning north to connect with the new north-south street at the eastern end of Central Park.

According to the technical studies (listed in **Part 9D.1.1 - Background**) the provision of public open space is required for the potential population – both resident and employee. The public open space is to be dedicated to Council after contamination and embellishment works have been completed. The quantum of the public open space to be provided is to be commensurate with the projected density of the site.

### Figure 4 - Open Space networks within the Precinct

130 - 150 Bunnerong Road  
Eastgardens

9D



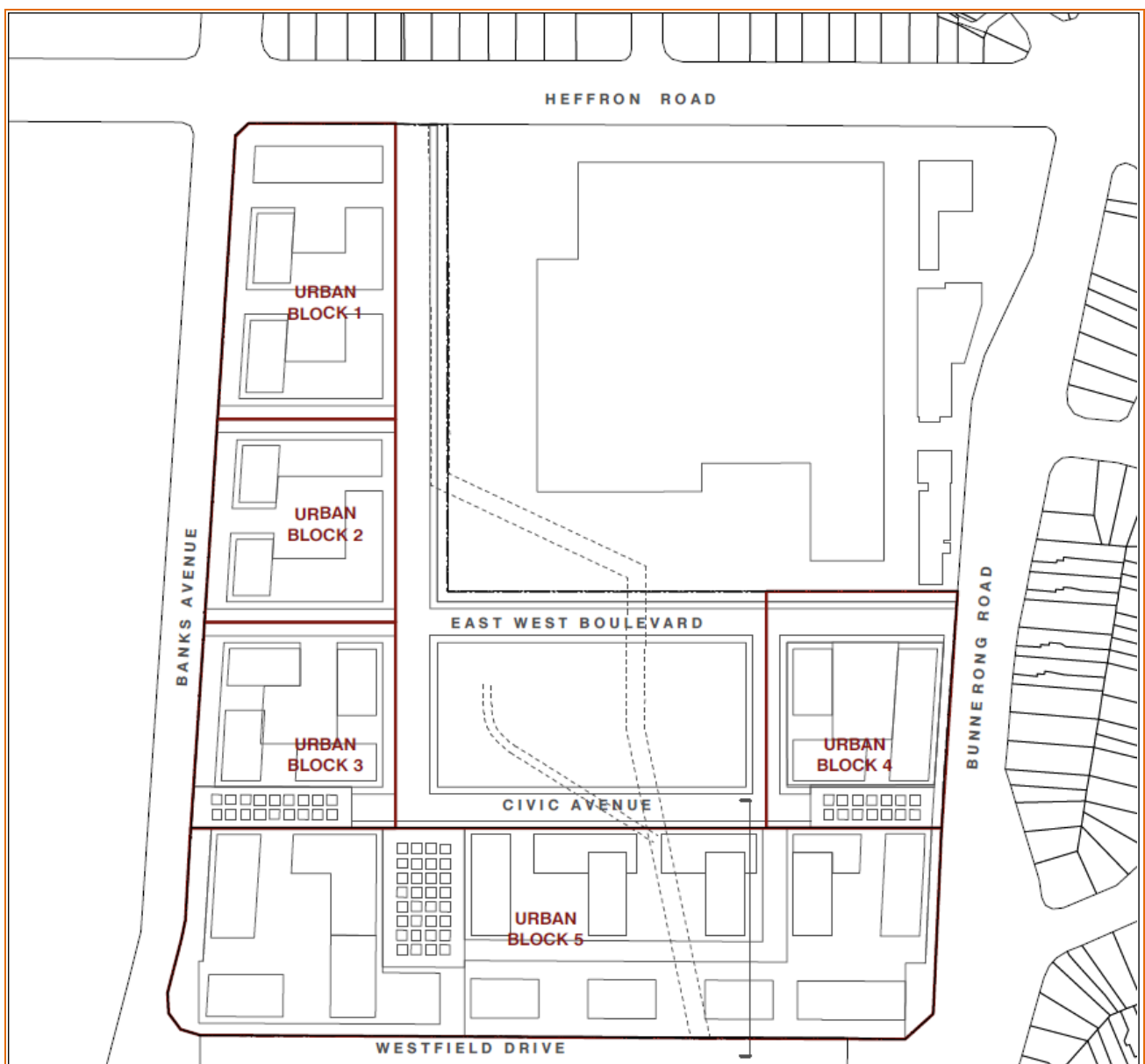


## 9D.3 Character Statements

### 9D.3.1 Introduction

For ease in using and interpreting this Part of the DCP, the land to which this Part applies has been broken into a series of urban blocks (refer to **Figure 5**) which contain development objectives and controls for development within each of the urban blocks.

Figure 5 - Urban Blocks within the site



### 9D.3.2 Residential Urban Block No.1 - Desired Future Character

The Desired Future Character of Urban Block 1 is:

Residential Block No.1 represents a low scale residential area that has the closest link to the existing low density residential development on the opposite side of Heffron Road. It is vital that the scale and density of development presented to Heffron Road reflects the scale of existing development within the locality.

The built form will consist of townhouses and/or terrace style dwellings fronting Heffron Road and the corner of Banks Avenue.

The built form fronting Banks Avenue will increase in height from the townhouse developments up to residential flat building/s with a building height of 5 - 8 storeys fronting Banks Avenue overlooking Bonnie Doon Golf Course providing a strong street edge to Banks Avenue.

Residential Block No.1 will contain low to medium density residential development with new street connections to Heffron Road and Banks Avenue.

A pocket park is to be provided at the end of the new street accessing Heffron Road. The open space will be embellished to provide pedestrian access from Heffron Road through to the new Civic Square and Central Park (refer to **Figure 4**).

Landscaping treatment along the boundary of the new street adjoining the industrial warehouse and manufacturing facilities will need to be provided to ensure amenity and separation between the industrial and residential developments.

#### Objectives

- O1** To maintain a low scale density of residential development;
- O2** To present residential development that integrates with existing residential development within the immediate locality;
- O3** To provide external amenity to residential developments through the use of public open spaces;
- O4** To present a through link with active pedestrian connection from Heffron Road through to Civic Square and Central Park; and
- O5** To provide separation and amenity to residential land uses opposite to industrial warehousing and manufacturing uses.

#### Control

- C1** Compliance with the Desired Future Character of Residential Urban Block 1.

### 9D.3.3 Residential Urban Block No.2- Desired Future Character

The Desired Future Character of Urban Block 2 is:

Residential Block No.2 provides for medium to high density residential development moving towards the new East/West Boulevard which will function as the major vehicular link through the new development connecting Bunnerong Road to the east through to Banks Avenue to the west (refer to **Figure 4**).

Residential Block No.2 present a steady increase in building height from 3 storey residential flat buildings fronting Residential Block No.1 through to a 10 storey residential flat building fronting Banks Avenue providing a gateway entry from Banks Avenue into Civic Square and its retail precinct.

Given the increase in building height a centrally located communal open space is important to the amenity of the residential buildings within Residential Block No.2. The design of dual facing (east-west) residential units allows for passive surveillance of the communal open spaces and articulation of the built form fronting Banks Avenue.

#### Objectives

- O1** To present a gradual increase in building height along Banks Avenue;
- O2** To provide a gateway design to East-West Boulevard and Civic Square;
- O3** To ensure a communal open space supports the amenity of residential dwellings through building separation, natural ventilation and solar amenity; and
- O4** To continue the active pedestrian through link from Heffron Road to Civic Square and Central Park.

#### Control

- C1** Compliance with the Desired Future Character of Residential Urban Block 2.



### 9D.3.4 Residential Urban Block No.3 - Desired Future Character

The Desired Future Character of Urban Block 3 is:

Residential Block No.3 located on the western side of the site fronting Banks Avenue has a dual function of providing a gateway for vehicular access along East-West Boulevard and pedestrian access from Banks Avenue to Civic Avenue via a dedicated pedestrian thoroughfare (refer to **Figure 3**).

Residential Block No.3 directly adjoins the western side of the central parkland that will frame the local road network and provide a central open space for the new community. This frontage to Central Park will provide visual amenity to the medium density residential development within the Urban Block.

The external treatment of the built form is paramount in creating visual interest and context to Civic Square. The design of open space at street level should include street tree planting and pedestrian connections for residents to easily move through the Urban Block to access Civic Square and its retail precinct. The open nature of Residential Block No.3 to pedestrian movement will lend itself to a focus on private open spaces with large scale balconies providing passive surveillance to the open space areas, major pedestrian links and to Bonnie Doon Golf course which adjoins Banks Avenue to the west.

#### Objectives

- O1** To facilitate pedestrian movement to access the central park and civic square;
- O2** To promote visual interest in the built form to create a western gateway to the site;
- O3** To promote passive surveillance of key public open spaces;
- O4** To focus on private balconies and terraces to facilitate a separation between public and private spaces; and
- O5** To focus on the integration of ground floor and street level edges with public movement.

#### Control

- C1** Compliance with the Desired Future Character of Residential Urban Block 3.



### 9D.3.5 Residential Urban Block No.4 - Desired Future Character

The Desired Future Character of Urban Block 4 is:

Residential Block No.4 presents similar functions as Residential Block No.3 on the eastern side of the site.

Due to the low density residential development on the opposite side of Bunnerong Road the bulk and scale of the residential flat buildings fronting Bunnerong Road will need to be articulated to reduce any impacts with existing residential developments.

Residential Block No.4 also contains a major pedestrian link from Bunnerong Road, Westfield Eastgardens and the bus interchange into Civic Square and the new retail precinct. The treatment of this pedestrian access point will be a major consideration as it provides a strong link to Bunnerong Road.

#### Objectives

- O1 To facilitate pedestrian movement to access the central park and civic square;
- O2 To promote visual interest in the built form to create a western gateway to the development;
- O3 To promote passive surveillance of key public open spaces;
- O4 To focus on private balconies and terraces to facilitate a separation between public and private spaces; and
- O5 To focus on the integration of ground floor and street level edges with public movement.

#### Control

- C1 Compliance with the Desired Future Character of Residential Urban Block 4.

### 9D.3.6 Mixed Use Urban Block No.5 - Desired Future Character

The Desired Future Character of Urban Block 5 is:

The Mixed Use Urban Block runs the entire width of the site from Bunnerong Road to the east along Westfield Drive to Banks Avenue to the west. The B4 - Mixed Use zoning allows for commercial, business and retail uses as well as residential high density development. The Mixed Use Urban Block acts as the focal point for the development with pedestrian shared zones, active retail frontages and direct access to the parkland adjoining Civic Avenue.

The retail in the B4 Mixed Use Zone is to provide a variety of small scale shops and services to provide for the local convenience needs of the future resident community on the site, including chemist, convenience store, hairdresser, newsagency, food and drink premises and the like.

The design and visual interest of the Mixed Use Urban Block will be significant with the built form stepping back from the Civic Square and Civic Avenue with passive surveillance from open terraces and roof top gardens.

An active retail frontage is required along Civic Avenue and Civic Square. Pedestrian links through to Westfield Eastgardens are also desirable with connection to Civic Square.

Setbacks to the existing Westfield's Complex have to consider residential amenity considerations, consistent with the design and outcome objectives of the Residential Flat Design Code:

- Opportunity to suitably orientate development to address streets and corners;
- Opportunity to flexibly configure dwellings;
- Minimise opportunities for concealment of spaces;
- Opportunity for quality vistas, outlooks and sight lines;
- Ability to develop suitable landscaped, balcony, or podium or rooftop garden spaces;
- Suitable visual privacy;
- Suitable acoustic privacy;
- Suitable solar access and wind environments;
- Opportunity for improved natural ventilation within dwellings; and
- Improve opportunities for casual surveillance

Three development options are viable within the Mixed Use Urban Block. The three options have been considered within this DCP and suitable development objectives and controls applied to each option.

If applicants seek an alternative development option to those presented within this DCP the technical reports listed in Part 9D will need to be reviewed and updated to address the alternative development option. Key technical reports that will need to be revised include traffic & transport and the economic impact statement. Applicants should contact Council Officers to discuss any alternative development option/s for the Mixed Use Urban Block prior to submission of a development application.



**Development Option No.1:** This development option allow for a mixed use development with a retail /commercial active street frontage with a mix of commercial and high density residential above. Retail component is fixed at 5000m<sup>2</sup> based on traffic generation.

**Development Option No.2:** Option 2 allows for a retail and commercial precinct with a street level active frontage and commercial towers above without the provision of residential development. Retail component is fixed at 5000m<sup>2</sup> based on traffic generation.

**Development Option No.3:** Option 3 allows for a mixed retail and residential development with no commercial component. This would result in a significantly high proportion of residential development that may be better achieved through a series of smaller building within the B4 zone to address SEPP 65 - Residential Flat Design Code guidelines. Retail component is fixed at 5000m<sup>2</sup> based on traffic generation.

## Objectives

- O1** To provide an active street frontage to the street level fronting Civic Avenue;
- O2** To promote passive surveillance of key public open spaces;
- O3** To ensure visual interest in the built form through the use of balconies, terraces and roof top gardens;
- O4** To promote separation of pedestrians and vehicles accessing the active open spaces;
- O5** To create gateway building at Westfield Drive and Banks Avenue intersection and Westfield Drive and Bunnerong Road intersection;
- O6** To facilitate pedestrian links to the bus interchange with the Westfield's development to the south; and
- O7** To activate pedestrian link through the Westfield's retail centre to allow pedestrian access over Westfield Drive and linkage of the two distinct retail centres.

## Control

- C1** Compliance with the Desired Future Character of Mixed Use Urban Block 5.

## 9D.4 R3 Medium Density Residential Zone

### 9D.4.1 Introduction

The objectives and controls contained in Part 9D.4 relate to the R3 Medium Density Residential Zone including Residential Urban Blocks No.1 - 4. Part 9D.4 is broken into specific sections with controls relating to the built form, design, environmental management and other general controls.

Each section contains general objectives and controls which must be complied with for all the residential urban blocks. There may also be specific controls that relate to individual residential urban blocks which will need to be complied with in order to achieve the objectives of each section.

If a section does not contain specify any specific controls for a residential urban block then compliance is only required with the section's general objectives and controls.

### 9D.4.2 Built Form

#### 9D.4.2.1 Height

The heights of buildings applicable to the site are stipulated within the Bayside Local Environmental Plan 2021. The heights of buildings within the R3 Medium Density Residential Zone are based upon multiple residential development types including multi dwelling housing and residential flat buildings.

#### Objectives

- O1 To ensure the scale of new buildings are consistent with the Desired Future Character of the R3 Medium Density Residential Zone;
- O2 To enable buildings, open spaces and the public domain areas achieve an acceptable level of daylight access; and
- O3 To ensure development has minimal impact on neighbouring properties in terms of the potential loss of views, loss of privacy, overshadowing or visual intrusion.

#### Controls

- C1 The maximum building heights permitted within the R3 Medium Density Residential zone are specified as development standards within the Bayside Local Environmental Plan 2021.

**Note:** Development which seeks the maximum building height under the Bayside Local Environmental Plan 2021 will penetrate the Obstacle Limitation Surface (OLS) and is required to be assessed by CASA for their determination.

- C2** Council has applied the following storey limits to represent the maximum building heights achievable under the Bayside Local Environmental Plan 2021:
- (i) 4 meters per commercial/retail floor;
  - (ii) 3 meters per residential floor; and
  - (iii) 2 meters per lift over run.

### 9D.4.2.2 Floor Space Ratios (FSR)

The floor space ratio applicable to the site is stipulated within the Bayside Local Environmental Plan 2021. Consideration of the height standards and building envelope controls contained within this DCP will provide greater detail as to the future built form and its relationship to the adjoining B4 Mixed Use zone and existing development within the locality.

#### Objectives

- O1 To ensure the scale of new buildings is consistent with the Desired Future Character of the Residential Urban Blocks; and
- O2 To provide appropriate bulk and scale relationships between buildings within the Residential Urban Blocks.

#### Control

- C1 The maximum floor space permitted within the R3 zone is specified as a development standard within the Bayside Local Environmental Plan 2021.



### 9D.4.2.3 Street Setbacks

The building separation controls identify the internal setbacks required for individual buildings within each residential urban block. The following building setbacks relate to the new roads or existing road network to ensure adequate land for landscaping, and pedestrian access is provided around the perimeter of each residential urban block and facilitates the articulation of the built form within the new urban environment.

#### Objectives

- O1** To improve the local character and streetscape qualities by reinforcing existing alignments and setbacks;
- O2** To ensure adequate space for landscaping while establishing an attractive streetscape;
- O3** To reduce the impact of the development on adjoining buildings; and
- O4** The setbacks are to ensure the existing and proposed buildings have adequate exposure to sunlight and ventilation and create a buffer to ensure visual and acoustic privacy.

#### Controls

##### Residential Urban Block No.1

- C1** The setback to Heffron Road is to be a minimum of 12 meters to preserve the existing trees fronting Heffron Road.
- C2** The minimum setback to the two (2) new internal streets is to be 4 meters.
- C3** The minimum setback to Banks Avenue is to 12 meters at the corner of Heffron Road tapering down to 6 meters fronting Banks Avenue and the new road.
- C4** All setbacks are to contain a hierarchy of pedestrian footpaths (refer to **Figure 3** as an example of a major pedestrian footpath to front Banks Avenue).

**Note:** Specific controls above apply to Residential Urban Block no.1 only.

### Residential Urban Block No.2

- C5** The minimum building setback to the new local road network shall be 6 meters including East-West Boulevard.
- C6** The minimum setback to Banks Avenue shall be 6 meters.
- C7** All setbacks are to contain a hierarchy of pedestrian footpaths. The pedestrian footpath fronting East-West Boulevard is to contain street trees and street lighting as a main pedestrian access point to the town centre and civic square.

### Residential Urban Block No.3

- C8** The minimum building setback to the new local road network shall be 6 meters including East-West Boulevard.
- C9** The minimum setback to Banks Avenue shall be 6 meters.
- C10** Building to the boundary of the pedestrian walkway linking Banks Avenue and Civic Avenue is permitted. Articulation of the built form should be identified along this frontage to provide visual interest to the built form.
- C11** All setbacks are to contain a hierarchy of pedestrian footpaths. The pedestrian footpath fronting East-West Boulevard is to contain street trees and street lighting as a main pedestrian access point to the town centre and civic square.

### Residential Urban Block No.4

- C12** The minimum building setback to the new local road network shall be 6 meters including East-West Boulevard.
- C13** The minimum setback to Bunnerong Road shall be 8 meters.
- C14** Building to the boundary of the pedestrian walkway linking Bunnerong Road and Civic Avenue is permitted. Articulation of the built form should be identified along this frontage to provide visual interest to the built form.
- C15** All setbacks are to contain a hierarchy of pedestrian footpaths. The pedestrian footpath fronting East-West Boulevard is to contain street trees and street lighting as a main pedestrian access point to the town centre and civic square.

**Note:**

- Awnings and verandas along classified roads should be set back a minimum of 1.5 metres from the kerb;
- Awnings and verandas along local roads that intersect with classified roads should be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the intersection with the classified road; and
- At any signalised intersections (on local roads or classified roads), awnings and verandas should be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the signalised intersection.

#### 9D.4.2.4 Side and Rear Setbacks

Floor space ratios, building envelopes, building heights and landscaped area will determine the side and rear setbacks required for the built form within each of the Residential Urban Blocks. The side and rear setbacks perform a different function to the street setbacks as they focus on providing useable private and communal open spaces with suitable visual privacy from the public domain and adjoining buildings.

##### Objectives

- O1 To provide visual and acoustic privacy for occupants and adjacent residents; and
- O2 To facilitate building envelopes that assist in the provision of useable private and communal open spaces.

##### Controls

- C1 All side and rear setbacks must comply with the building separation controls (refer to **Part 9B.4.2.5 - Building Separation**).
- C2 Side and rear setbacks must be landscaped to create visual privacy and separation between the public and private domain.
- C3 Side and rear setbacks must be deep soil zones (landscaped areas as defined by the Bayside Local Environmental Plan 2021) and must not contain any underground intrusions such as car parking or stormwater detention systems.



### 9D.4.2.5 Building Separation

#### Objectives

- O1 To ensure allotments have sufficient area for the effective siting of buildings with appropriate massing and spaces between buildings;
- O2 To provide for buildings that minimise overshadowing of adjacent properties and open space;
- O3 To be compatible with the general pattern and presentation of buildings in the street;
- O4 To provide building configuration that facilitates the provision of useable communal open space and landscaping and creates view corridors;
- O5 To encourage integration in the northern part of the site with the existing development on the northern side of Heffron Road; and
- O6 To provide building forms that maximise view sharing.

#### Controls

##### General

- C1 Where residential flat development is proposed residential units must comply with the principles and provisions of State Environmental Planning Policy No 65 (SEPP 65) and the Residential Design Code in relation to building separation.

##### Residential Urban Block No.1 - Specific Controls

- C2 Terrace style dwellings are to be located along Heffron Road and are permitted for a depth of 10 metres before building separation is required through the articulation of the built form.
- C3 Any attics proposed in the roof space must front Heffron Road and be separated from other roof attics by no less than 2 metres.

### 9D.4.2.6 Site Coverage

#### Objectives

- O1 To ensure development is in keeping with the Desired Future Character of the built form and landscape in the Urban Block;
- O2 To ensure that good amenity is provided to buildings in terms of natural ventilation and daylight through the creation of slender built forms; and
- O3 To provide a landscaped setting for buildings in street front setbacks and central courtyards.

#### Controls

- C1 Building site coverage in an Urban Block is not to exceed the maximum percentage cover shown for the land in **Table 9**.

**Table 9 - Maximum Site Coverage With Building**

<b>For Residential Urban Blocks 1 and 2</b>	60%
<b>For Residential Urban Block 3</b>	65%.

**Note:** For the purposes of determining the relevant percentage for a building on any site area, an access driveway or right of way, is to be excluded from the calculation.

## 9D.4.3 Design

### 9D.4.3.1 Streetscape

The residential areas surrounding Residential Urban Block No.1 is typically low density residential development consisting of detached and attached 2 storey dwellings. This scale of low density development is prevalent along Heffron Road to the north and the opposite side of Bunnerong Road to the east.

The land to which this DCP applies presents the opportunity to create new streets and a vastly different presentation to existing streets with residential development as opposed to the traditional warehouse and industrial buildings.

Creating new streetscapes and preserving existing streetscape amenity provides opportunities for views and view corridors to landscape features and enhance the overall neighbourhood amenity and character. These streetscapes can contribute to the enjoyment of existing local residents and new residents within the community.

Addressing the streetscape is therefore an important consideration in site analysis and buildings design.

#### Objectives

##### General

- O1 To provide a mix of housing styles to integrate with existing residential developments;
- O2 To ensure an appropriate buffer between the new residential developments and adjoining uses (i.e. industrial uses);
- O3 To provide pedestrian amenity along the new road network linking the new town centre;
- O4 To retain existing trees within the streetscape;
- O5 To encourage innovative design that responds to the character of the area and the streetscape context;

##### Residential Urban Block No.1

- O6 To encourage integration with existing developments within the locality;
- O7 To address the pedestrian shared zones along the new internal road and public open space at the end of Heffron Road;

##### Residential Urban Block No.2

- O8 To promote visual interest in the built form due to the exposure to the local road network;

### Residential Urban Block No.3

- O9 To present a gateway to new town centre;
- O10 To provide passive surveillance to dedicated pedestrian links; and

### Residential Urban Block No.4

- O11 To consider the low density residential development.

## Controls

### General

- C1 Buildings must address the street and their entries are to be readily apparent from the street.
- C2 Developments on sites with two or more frontages should address both frontages. 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).
- C3 No air conditioning units are permitted on the front building façade, or where they are visible from the street.
- C4 Garages, parking structures and driveways are not to dominate the street. This can be achieved by using a single driveway crossing to service multiple dwellings within the site (i.e. basement car parking).

### Residential Urban Block No.1

- C5 Each terrace style dwelling fronting Heffron Road shall be designed to have an individual identity when viewed from the street.
- C6 The residential flat building fronting Banks Avenue should provide visual interest in the building façade through the use of articulation in the built form (i.e. balconies) and use of building materials.
- C7 The residential development fronting the new road should be designed to mitigate potential amenity impacts generated by the industrial land use opposite the new road (i.e. balconies orientated to the rear open spaces and glazing of windows considered to address noise impacts.)



#### Residential Urban Block No.2

- C8** Each building will front either a new internal local road, Banks Avenue or East West Boulevard.
- C9** Each building must articulate the façade fronting the street to provide visual interest.
- C10** The building fronting Banks Avenue must step the built form along Banks Avenue toward East West Boulevard creating a corner gateway to the town centre.
- C11** The building on the corner of East West Boulevard and the new internal road should provide a gateway built form that provides passive surveillance to the new central parkland.

#### Residential Urban Block No.3

- C12** The building fronting Banks Avenue shall provide a continuing stepping in height in line with other buildings fronting Banks Avenue from Heffron Road.
- C13** Passive surveillance shall be provided to the dedicated pedestrian link and central parkland through the use of balconies and design of building foyers and entries.

#### Residential Urban Block No.4

- C14** Passive surveillance shall be provided to the dedicated pedestrian link and central parkland through the use of balconies and design of building foyers and entries.
- C15** The built form fronting Bunnerong Road shall be stepped back from Bunnerong Road to address the low density residential development opposite.

**Figure 6 – Urban Block No. 1 Residential Design and Streetscape Presentation of Terrace Style Housing to front Heffron Road**



**Figure 7 - Residential design of 3 Storey Residential Flat Building and Gateway High Rise Buildings with Articulation in the Built Form.**



### 9D.4.3.2 Landscaping

#### Objectives

- O1 To ensure the provision of viable deep soil landscaping within residential developments;
- O2 To allow for the growth of tall trees so that tree canopies to be in scale with the residential built form; and
- O3 To promote water penetration of the soil as part of natural water systems in the area.

#### Controls

- C1 Landscaping must comply with **Part 3L - Landscaping**.
- C2 For Urban Blocks No. 1 and 2, the minimum deep soil area is 25%.
- C3 For Urban Blocks No. 3, 4 and 5, the minimum deep soil area is 15%.

**Note:** These site areas do not include the view corridor between Urban Blocks No. 1 and 2, either in the provision of deep soil or the calculation of the site area.



### 9D.4.3.3 Building Entries

Building entries orientate people within high density developments and provide clear articulation between the public and private domain.

#### Objectives

- O1 To encourage entrances that orientate visitors and public as to the access points for the building and the transition between private and public spaces; and
- O2 To provide a safe and secure access for residents.

#### Controls

- C1 Developments must demonstrate clear lines of transition between the public street, the shared communal open space, circulation space and the private open space of individual dwellings (i.e. landscaping, paving and fencing can used to define different areas within the development).
- C2 Entrances to individual dwellings and are to provide shelter, be well-lit and safe spaces to enter the building for residents and visitors. The front door must be oriented to the street.
- C3 Street numbering and mailboxes must be clearly visible from the primary street.
- C4 A main pedestrian entry is to be provided where residential flat buildings are proposed within a development allotment.
- C5 The main pedestrian entry to a building shall have direct access to a public footpath and be separated from the car park entry.
- C6 Where the building incorporates a mix of uses the building entry for the residential component shall be separate to the entry for other land uses.
- C7 All main pedestrian entries to a building shall incorporate security doors to prevent the public from entering the building and/or communal open spaces without the consent of residents.
- C8 Disabled access through the main pedestrian entries to the building must be provided in accordance with **Part 3C - Access and Mobility** and the *Disability Discrimination Act 1992*.



#### 9D.4.3.4 Fences

Fencing defines the boundary between one space and another. The design of fencing can have an important role in the visual amenity of a new development and can also have implications in terms of safety and security.

##### Objectives

- O1 To define the boundary between private land and public land;
- O2 To provide privacy and assist in creating a secure environment; and
- O3 To contribute positively to the public domain.

##### Controls

- C1 Where fencing of the front boundary is proposed for multi dwellings and residential flat buildings the design must consider the following:
  - (i) Solid metal panel fences (colourbond/sheet metal) of any height are not permitted along street frontages;
  - (ii) Masonry/brick fences over 600mm and timber/steel picket/palisade or plain picket fences over 1 meter high may be permitted. The design of fencing over 1 meter in height must take into consideration sightline issues when exiting this or adjacent properties. The design of the fence can be modified by setback or by using splays at least 1 meter x 1 meter in size.
  - (iii) A mixture of materials is preferable with a maximum of 60% solid material over the whole fence surface;
  - (iv) Design should consider the need for horizontal rhythms along the street such as vertical entry elements, boundary markers or fence post frequency; and
  - (v) Where possible, the design should avoid the use of continuous lengths of fencing (a maximum of 6m without articulation) at the street frontage.
- C2 The maximum height of side or rear fences is 1.8 metres. Where the fence/side returns are to be erected on or adjacent the common allotment boundary, the written consent of the adjacent property owner(s) is required.
- C3 The landscape documentation shall include details of ALL fencing to be used in a proposal - privacy, boundary, frontage, pool, dividing and so on. The details shall include style (manufacturer, product code, name), materials, colour/s and installation method.

### 9D.4.3.5 Dwelling Size and Mix

The dwelling size and mix permitted within the R3 zone is designed to provide for housing choice and present the opportunity for a diverse residential population supporting different household types and sizes. The R3 Medium Density Residential zone allows the following medium density housing uses for which Council has identified minimum sizes and mix:

- (i) Attached dwellings;
- (ii) Multi dwelling housing; and
- (iii) Residential flat buildings.

Applicants must demonstrate compliance with the objectives and controls where the above housing types are proposed within the R3 zone.

#### Objectives

- O1** To ensure that dwellings are energy efficient, have high standards of amenity for residents and satisfy environmental performance criteria, such as ventilation and access to natural light;
- O2** To provide flexibility in design to suit the occupant's requirements;
- O3** To ensure residential development contains a mix of residential types (based on the number of bedrooms) to increase the potential for a balanced population; and
- O4** To ensure adequate provision, design and location of internal facilities.

#### Controls

##### Attached Dwellings and Multi Dwelling Housing

- C1** All attached and multi dwelling housing shall be subject to the following minimum dwelling sizes:

Studio:	60m <sup>2</sup>
One (1) bedroom:	75m <sup>2</sup>
Two (2) bedrooms:	100m <sup>2</sup>
Three (3) bedrooms:	130m <sup>2</sup>
Four (4) bedrooms:	160m <sup>2</sup>

**Note:** Dwelling size means the area inside the enclosing walls of a dwelling but excludes wall thickness, vents, ducts, staircases and lift wells.

- C2** The combined total number of studio units and one-bedroom apartments/dwellings shall not exceed 35% of the total number of apartments/ dwellings within any single site area.

- C3 Every attached dwelling or multi dwelling house must have a separate entrance directly fronting the street.
- C4 Every attached dwelling or multi dwelling house must have a private open space area at the ground floor with direct access to living areas.

### Residential Flat Buildings

- C5 Dwellings within residential flat buildings must be designed to provide the following minimum internal areas:
  - Studio: 60m<sup>2</sup>
  - 1 bedroom: 75m<sup>2</sup>
  - 2 bedrooms: 100m<sup>2</sup>
  - 3 bedrooms: 130m<sup>2</sup>
  - 4 bedrooms: 160m<sup>2</sup>

**Note:** Dwelling size means the area inside the enclosing walls of a dwelling but excludes wall thickness, vents, ducts, staircases and lift wells.

- C6 The combined total number of one-bedroom dwellings shall not exceed 35% of the total number of dwellings within any single site area.

### 9D.4.3.6 Private and Communal Open Space

Building layout and arrangement of open spaces (setback, communal areas etc) must take into consideration existing trees that Council require to be retained. Building siting must not ignore or downplay existing trees (except where in poor condition).

Communal open space:

- Is to be located where it is highly visible and directly accessible to the maximum number of dwellings;
- Is to be designed to provide a function and usable space for residents and to provide an integral role to the site including uses such as circulation (although dissection paths should be minimised and strategically located), children's play areas, community facilities, shade, screening of buildings, visual amenity and overall adequate and suitable opportunities for passive recreation;
- Are required to be deep soil zones to enable a landscaped setting capable of supporting a variety of small to large canopy trees for shade, screening, privacy and amenity;
- Is to support the use of roof top gardens;
- To locate linkages to public open space where possible;
- Is to integrate with communal open spaces on adjoining site to provide visual continuity of green belts, enhance biodiversity and support wildlife corridors; and
- Are to be designed to enable adequate solar access.

The following issues should be considered when locating communal recreational facilities:

- Natural daylight, ventilation and sunlight to indoor facilities;
- Sunlight during winter to outdoor facilities;
- The potential location of buildings creating wind tunnels within communal open spaces;
- Accessibility and security of facilities;
- Durability of materials and finishes, particularly swimming pools, tennis courts, BBQ facilities;
- The creating of wind tunnel through the siting of buildings and resulting in uncomfortable outdoor environments these create within communal open spaces;
- Useability, functionality and appropriateness; and
- Safe and convenient access for people with disabilities.

Private open space is for the sole use of the occupants of the dwelling. The location of private open space should take advantage of the outlook and natural features of the site; address privacy and overshadowing; provide adequate privacy for the residents of the dwelling; and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play

#### Objectives

- O1 To ensure residents are provided with reasonable 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 and private open space for residents for passive and active recreation opportunities;
- O6 To ensure the provision of functional private open space for apartments; and
- O7 To encourage social interaction with the provision of communal open space.

## Controls

### Private Open Space

- C1 The minimum private open space requirements (i.e. balconies) for a residential flat development is set out in **Table 10**.
- C2 For multi housing dwellings the minimum private open space must comply with **Table 11**.
- C3 The minimum area of the balcony off the living area is 12m<sup>2</sup> and the minimum width is 3 metres (refer to **Part 4C.2.8 - Private and Communal Open Space** and **Table 10**).
- C4 Private open spaces should be designed as an outdoor extension to the main living areas of each dwelling (i.e. kitchens, living rooms and dining areas).
- C5 Utility areas, driveways and areas with a dimension of less than 3 metres (ie. access and pathways) are not considered private open space.
- C6 Private open space areas should be located on the northern portion of the site to maximise privacy and solar access.
- C7 Where private open spaces adjoin other dwellings within the multi housing development landscaping or screening shall be used to provide visual privacy and shade to private open spaces.

Table 10 - Private Open Space for residential flat development

No of bedrooms	Private Open Space required per dwelling
Studio	12m <sup>2</sup>
1 bedroom	12m <sup>2</sup>
2 bedrooms	15m <sup>2</sup>
3 bedrooms	19m <sup>2</sup>
4 bedrooms	24m <sup>2</sup>

Table 11 - Private Open Space for multi housing dwelling/attached dwellings

No of Bedrooms	Private Open Space Required per Dwelling
Studio	24.5 m <sup>2</sup>
1 bedroom	24.5 m <sup>2</sup>
2 bedrooms	35 m <sup>2</sup>
3 bedrooms	45.5 m <sup>2</sup>
4 bedrooms	56 m <sup>2</sup>

### Communal Open Space

**C8** The minimum communal open space requirements for a development is 30% of the site area.

**Note:** Communal open space should be considered early on during site planning to provide a visual focus for the development and enable preservation of existing trees.

**C9** Communal open space must be clearly defined and free from encroachment from residential units, car parking, driveways or roadways, carwash bays and accessways. Dissection of the space by pathways should be minimised to ensure the spaces are usable.

**Note:** Separation between buildings can only be considered communal open space if it has sufficient length and width to make the space usable and permits tree planting and adequate solar access.

**Note:** Utility areas, driveways and areas with a dimension of less than 3 metres (ie. access and pathways) are not considered communal open space.

- C10** Communal open spaces must be easily accessible for all dwellings and not form any part of any individual dwellings private open space.
- C11** Communal open space areas must receive at least 3 hours of direct sunlight between 9:00am and 3:00pm on 21st June.
- C12** Communal open spaces must include area of deep soil zones (i.e. not to be located over suspended slabs, sub surface car parks or stormwater detention tanks).
- C13** Communal open spaces shall be appropriately landscaped and provide recreational facilities (for example BBQ area, seating, children's play area, vegetable gardens, landscape features or the like).
- C14** All communal open spaces areas are to be shown on the detailed landscape plan to be submitted with the Development Application.
- C15** Communal open space shall be functional and designed in conjunction with pedestrian links through the site.
- C16** Communal Open Space shall be designed to encourage positive outlook and attractive internal views, solar access, environmentally comfortable and enriching spaces, building separation and a balance between open space and built form, visual and acoustic privacy, natural stormwater infiltration, visual amenity, circulation and access and recreation.
- C17** The following issues should be considered when locating communal recreational facilities:
- (i) Natural daylight, ventilation and sunlight to indoor facilities;
  - (ii) Sunlight during winter to outdoor facilities;
  - (iii) The potential location of buildings creating wind tunnels within communal open spaces;
  - (iv) Accessibility and security of facilities;
  - (v) Durability of materials and finishes, particularly swimming pools, tennis courts, BBQ facilities; and
  - (vi) Safe and convenient access for people with disabilities.

## 9D.5 B4 Mixed Use Zone

### 9D.5.1 Land Use Options

To maintain a flexible approach to the development of the B4 Mixed Use Zone three (3) development options have been considered within this Part of the DCP. These options include:

**Development Option No.1:** This development option allow for a mixed use development with a retail /commercial active street frontage with a mix of commercial and high density residential above. Retail component is fixed at 5000m<sup>2</sup> based on traffic generation.

**Development Option No.2:** Option 2 allows for a retail and commercial precinct with a street level active frontage and commercial towers above without the provision of residential development. Retail component is fixed at 5000m<sup>2</sup> based on traffic generation. This option has been considered by the majority of the technical reports which accompany the rezoning and are listed in **Part 9D.1.1 - Background**. If this option is considered it is recommended that applicants review the technical reports referred to in **Part 9D.1.1 - Background** to identify the opportunities and constraints of this option.

**Development Option No.3:** Option 3 allows for a mixed retail and residential development with no commercial component. This would result in a significantly high proportion of residential development that may be better achieved through a series of smaller building within the B4 zone to address SEPP 65 RFDC guidelines. Retail component is fixed at 5000m<sup>2</sup> based on traffic generation.

**Note:** It should be noted that there are some key development controls which will guide development within the B4 Mixed Use zone which are the result of technical reports prepared in support the rezoning and density testing for the site.

#### Development Restrictions

There are a number of development restrictions within the Mixed Use Urban Block to ensure an appropriate level of development that is consistent with the provisions of this Part of the DCP and the technical reports supporting the redevelopment of the site.

These restrictions include:

- The density of the retail development within the Mixed Use Urban Block is limited to a maximum of 5,000m<sup>2</sup>. A retail area higher than 5,000m<sup>2</sup> may require the acquisition of adjoining land for intersection upgrades. Please contact Council for further information.
- The retail area will allow for small and medium scale retail opportunities including banks, post offices, hairdressers, small scale supermarkets, convenience stores and cafes and restaurants opening on to the civic town square. Office and Business Premises are also permitted in the B4 Mixed Use Zone and are encouraged within this precinct.
- The maximum residential component within the B4 Mixed Use zone is 750 dwellings. This maximum residential density target is set within the Traffic Analysis and modeling referred to within this DCP and listed in **Part 9D.1.1 - Background**. Any development application which seeks to increase the residential component must revise the traffic analysis and modeling.



- All service vehicle access and passenger vehicle parking related to the retail and commercial component of the Mixed Use Urban Block will be restricted to Westfield Drive. Only passenger vehicle drop off and taxis will be able to access the retail and commercial portion of the urban block from Civic Avenue.
- Civic Avenue shall be designed as a shared zone with pedestrians. Vehicle movements within Civic Avenue will be limited to drop off and pick up only for the commercial and retail component and will also include any residential basement car parking access points if development option no.1 is undertaken. This will allow for vehicles accessing the retail and commercial component to be separate from the residential vehicle access points.
- The Masterplan required by **Part 9D.1.5 - Specific DA Requirements for the Site** is to consider the development options and restrictions identified in **Part 9D.5.1 - Land Use Options**.

## 9D.5.2 Built Form

### 9D.5.2.1 Floor Space Ratio (FSR)

The floor space ratio applicable to the site is stipulated within the Bayside Local Environmental Plan 2021. Consideration of the height standards and building envelope controls contained within this DCP will provide greater detail as to the future built form and its relationship to the adjoining R3 Medium Density Residential zone and existing development within the locality.

#### Objectives

- O1 To ensure the scale of new buildings is consistent with the desired future character of the Mixed Use Urban Block No.5; and
- O2 To provide appropriate bulk and scale relationships between buildings within the Mixed Use Urban Block No.5.

#### Control

- C1 The maximum floor space permitted within the B4 zone is specified as a development standard within the Bayside Local Environmental Plan 2021.

### 9D.5.2.2 Height

The heights of buildings applicable to the site are stipulated within the Bayside Local Environmental Plan 2021. The heights of buildings within the B4 Mixed Use Zone are based upon a mixed use development option incorporating retail, commercial and residential development.

#### Objectives

- O1** To ensure the scale of new buildings are consistent with the desired future character of the Mixed Use Urban Block No.5;
- O2** To enable buildings, open spaces and the public domain areas to achieve an acceptable level of daylight access; and
- O3** To ensure development has minimal impact on neighbouring properties in terms of the potential loss of views, loss of privacy, overshadowing or visual intrusion.

#### Controls

- C1** The maximum building heights permitted within the B4 Mixed Use zone are specified as development standards within the Bayside Local Environmental Plan 2021.  
  
**Note:** Applicants should refer to **Figure 8** below which provides a visual representation of the building heights permitted under the Bayside Local Environmental Plan 2021.  
  
**Note:** Development which seeks the maximum building height under Bayside Local Environmental Plan 2021 will penetrate the Obstacle Limitation Surface (OLS) and is required to be assessed by CASA for their determination.
- C2** Council has applied the following storey limits to represent the maximum building heights achievable under the Bayside Local Environmental Plan 2021:
  - (i) 4 meters per commercial/retail floor;
  - (ii) 3 meters per residential floor; and
  - (iii) 2 meters per lift over run.
- C3** Development (and the amenity of the proposed use) to Westfield Drive needs to consider the existing development of the northern facade of which contains the service/loading & unloading areas for Westfield's Eastgardens.

Figure 8 - Maximum Building Height Plan for the site  
(subject to OLS limitations)

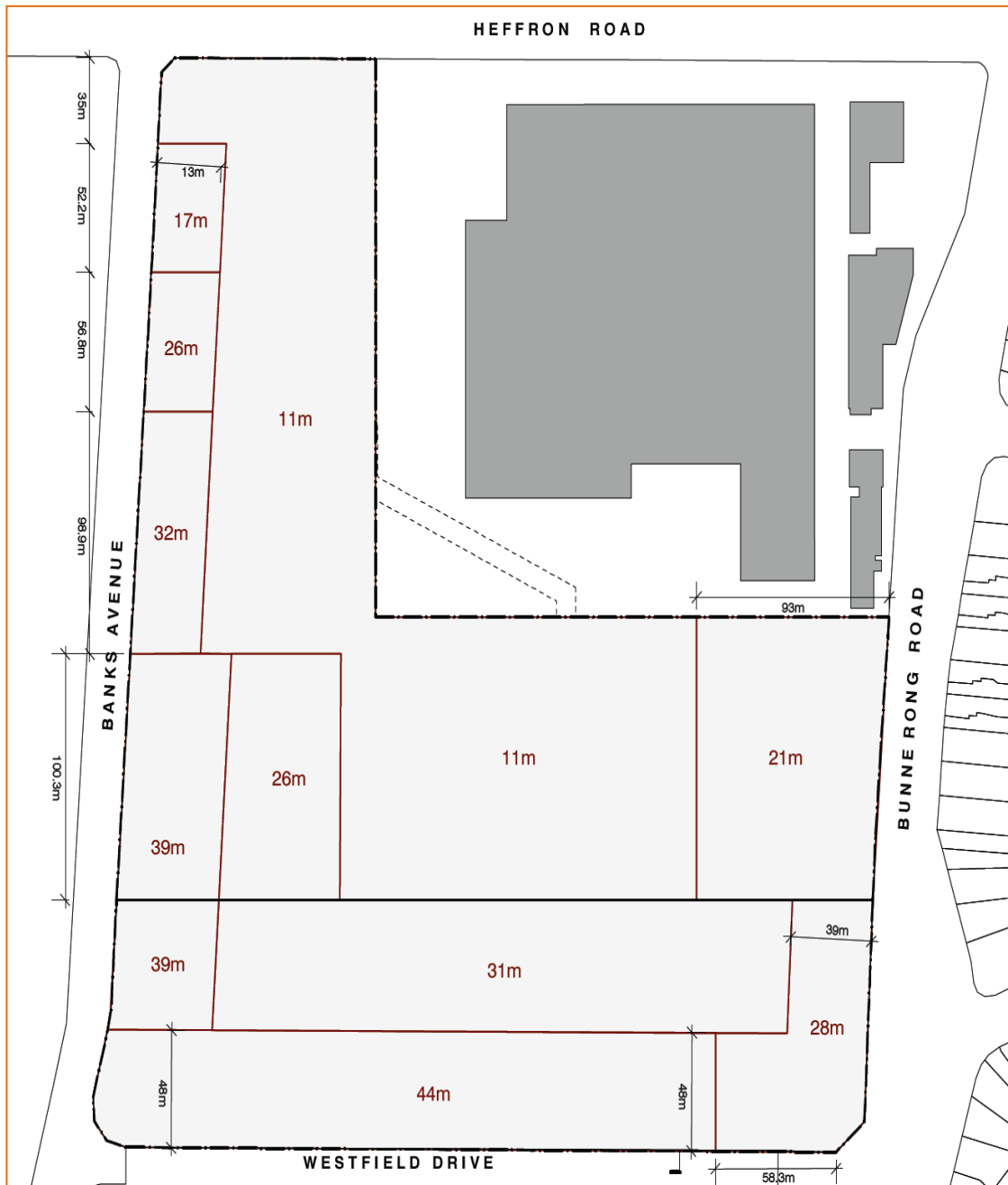
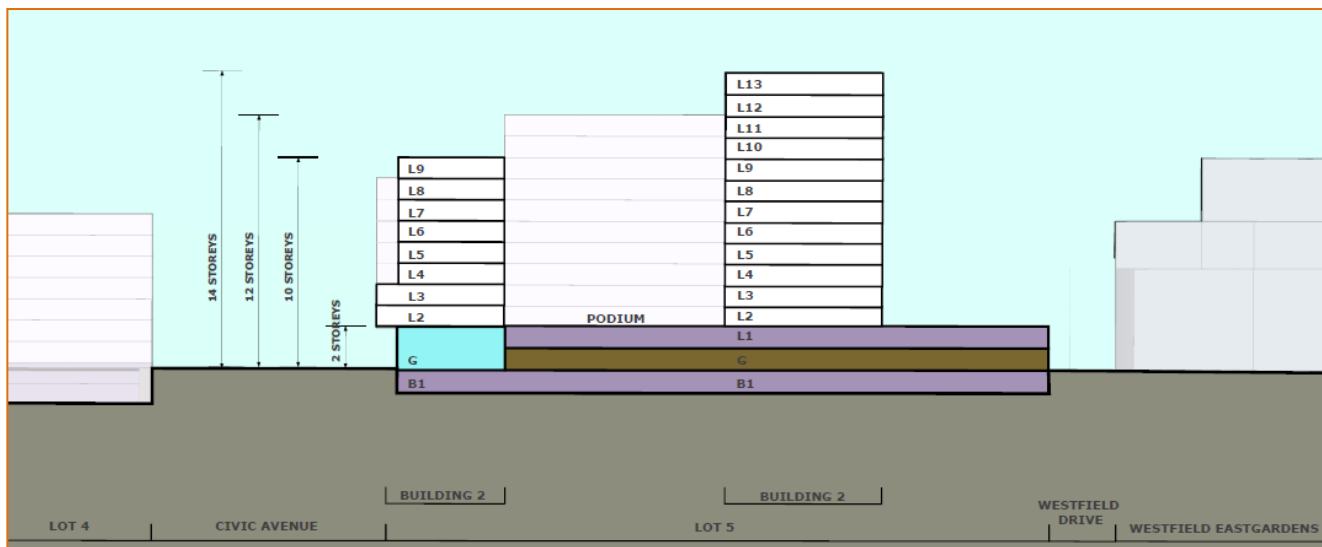






Figure 9 - Built form Section with 5,000m<sup>2</sup> retail



- RESIDENTIAL
  - RETAIL
- RESIDENTIAL PARKING
  - RETAIL PARKING
- SERVICE DOCKS
  - CAR PARKING ACCESS

Source: Krikis Tayler Architects

### 9D.5.2.3 Building Separation

Building separation must provide a spatial relationship between the built form by providing opportunities for open space, access and privacy between the buildings. The development options within the Mixed Use Urban Block will dictate the building form.

If applicants propose the development option that promotes retail and commercial development, the built form may produce larger floor plates. However, where residential development is proposed as part of a mixed use development option building separation should provide for appropriate communal and private open spaces and reduce the potential for overlooking and view loss between residential dwellings.

#### Objective

- O1 To ensure future developments provide for buildings with an appropriate massing and separation between buildings to provide amenity.

#### Controls

- C1 The scale of the retail and commercial development should address Civic Square by promoting an active street frontage.
- C2 The design of the retail and commercial development submitted with any future development application must detail the pedestrian connectivity throughout the Mixed Use Urban Block No. 5 including access to Civic Square and Westfield Eastgardens.
- C3 Where residential development is proposed within a mixed use development option residential units must comply with the principles and provisions of State Environmental Planning Policy No 65 (SEPP 65) and the Residential Design Code in relation to building separation.
- C4 The location of buildings and their separation must not result in the creation of wind tunnels.

**Note:** The incorporation of different land uses within the Mixed Use Urban Block No. 5 will dictate the building separation required.

## 9D5.2.4 Building Envelopes

The building envelopes set the appropriate scale of future development in terms of bulk and height in relation to street layout and block size. The building envelopes should incorporate setbacks, building articulation, balconies and architectural features.

Council will consider a variety of building envelopes within the B4 Mixed Use as long as they achieve an active ground floor retail component and do not exceed the maximum building height and floor space ratio development standards contained within the Bayside Local Environmental Plan 2021.

The location of the road network to be dedicated to Council will assist applicants in designing building envelopes appropriate to the block patterns.

### Objectives

- O1** To provide building envelopes that enable development to achieve the nominated maximum floor space and height potential under Bayside Local Environmental Plan 2021;
- O2** To achieve development that is of a scale and form that is in context with adjoining land uses and public open spaces;
- O3** To ensure that individual development proposals are designed to an appropriate size, mass and separation to protect solar access to adjoining buildings and areas of public domain; and
- O4** To ensure built forms provide adequate amenity for occupants in terms of access to sunlight and natural ventilation.

### Controls

- C1** Residential flat buildings within mixed use developments must comply with the principles and provisions of State Environmental Planning Policy No 65 (SEPP 65) and the Residential Flat Design Code in relation to building depths.
- C2** Buildings fronting Bunnerong Road must not overshadow land uses on the opposite side of Bunnerong Road.

**Note:** Shadow diagrams should be provided for buildings fronting Bunnerong Road. Applicants should step the built form fronting Bunnerong Road to address overshadowing impacts. Stepping of the built form may include balconies and communal spaces.

### 9D.5.2.5 Building Setbacks

The Mixed Use Urban Block has frontages to local and classified roads which require different setbacks and treatment of the built form and public spaces. The controls within this section of the DCP relate to the retail ground floor and the upper storeys which may contain commercial and residential land uses.

#### Objectives

- O1** Promote pedestrian activity on the ground floor;
- O2** Provide opportunity within the built form to develop continuous retail awnings fronting Civic Avenue to promote pedestrian connectivity to the Central Park and usability of the ground floor retail environment;
- O3** Provide opportunities for outdoor dining and pedestrian pathways fronting Civic Avenue and Civic Square; and
- O4** Provide building setbacks to facilitate formal landscaping fronting public open spaces, walkways and Civic Avenue which is consistent with the scale of the retail and commercial component of the buildings.

#### Controls

- C1** Ground floor activation is required for buildings fronting Civic Square and Civic Avenue therefore building setbacks at the ground level must be a minimum of 4 meters to facilitate pedestrian walkways and outdoor dining.
- C2** The minimum setback to Banks Avenue shall be 6 meters to provide pedestrian walkways that are consistent along Banks Avenue and promote pedestrian access to Westfield Eastgardens.
- C3** The minimum setback for buildings to Bunnerong Road shall be 8 meters to provide pedestrian walkways and separation to the low density built form on the opposite side of Bunnerong Road.
- C4** Buildings that front the pedestrian walkways linking Bunnerong Road, Banks Avenue and Civic Avenue are permitted to have no setbacks to the walkways. Articulation of the built form should be identified along this frontage to provide visual interest to the built form and allow the incorporation of landscaping and lighting within the walkways.



**C5** Building setbacks to Westfield Drive will be determined by consideration of the following key design aspects:

- (i) The design of pedestrian links to Westfield Eastgardens;
- (ii) The car parking design for retail/commercial access to the Mixed Use Urban Block off Westfield Drive;
- (iii) The building design for natural ventilation, sunlight access and privacy to any residential component fronting Westfield Drive in accordance with the principles and provisions of State Environmental Planning Policy No 65 (SEPP 65) and the Residential Flat Design Code in relation to building setbacks; and
- (iv) The design and outcome objectives of the Residential Flat Design Code, including:
  - a) Opportunity to suitably orientate development to address streets and corners;
  - b) Opportunity to flexibly configure dwellings;
  - c) Minimise opportunities for concealment of spaces;
  - d) Opportunity for quality vistas, outlooks and sight lines;
  - e) Ability to develop suitable landscaped, balcony, or podium or rooftop garden spaces;
  - f) Suitable visual privacy;
  - g) Suitable acoustic privacy;
  - h) Suitable solar access and wind environments;
  - i) Opportunity for improved natural ventilation within dwellings; and
  - j) Improve opportunities for casual surveillance.
- (v) The existing development of the northern facade of which contains the service/loading & unloading areas for Westfield's Eastgardens.

**Note:**

- Awnings and verandas along classified roads should be set back a minimum of 1.5 metres from the kerb;
- Awnings and verandas along local roads that intersect with classified roads should be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the intersection with the classified road; and
- At any signalised intersections (on local roads or classified roads), awnings and verandas should be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the signalised intersection.

### Building Setbacks - Upper Storey Controls

- C6** The building setbacks for the 1st, 2nd and 3rd storeys of buildings fronting Civic Square and Civic Avenue must be a minimum of 3 meters from the ground floor setback.
- C7** Balconies will be permitted within the 3 meter setback for the 1st, 2nd and 3rd storeys of buildings fronting Civic Square and Civic Avenue. The balconies may incorporate awnings, signage and lighting opportunities for the ground floor retail below.
- C8** The building setbacks for the 4th storey and above for buildings fronting Civic Square and Civic Avenue must be a minimum of 6 meters from the ground floor setback.
- C9** Buildings fronting Banks Avenue must have a minimum building setback of 4 meters above the 4th storey. Balconies and communal terrace gardens areas will be permitted within the building setback to provide articulation and visual interest to the built form.
- C10** Buildings fronting Bunnerong Road must have a minimum building setback of 4 meters above the 6th storey. Balconies and communal terrace gardens areas will be permitted within the building setback to provide articulation and visual interest to the built form.
- C11** Buildings that front the pedestrian walkways linking Bunnerong Road, Banks Avenue and Civic Avenue are permitted to have no upper storey setbacks to the walkways. Articulation in the form of balconies should be identified along these frontages to provide visual interest to the built form.
- C12** Upper storey building setbacks to Westfield Drive will be determined by consideration of the following key design aspects:
  - (i) The design of pedestrian links to Westfield Eastgardens;
  - (ii) The car parking design for retail/commercial access to the Mixed Use Urban Block off Westfield Drive;
  - (iii) The mix of land uses within the built form; and
  - (iv) The building design for natural ventilation, sunlight access and privacy to any residential component fronting Westfield Drive in accordance with the principles and provisions of State Environmental Planning Policy No 65 (SEPP 65) and the Residential Flat Design Code in relation to building setbacks.
  - (v) The existing development of the northern facade of which contains the service/loading & unloading areas for Westfield's Eastgardens.

## 9D.5.3 Design

### 9D.5.3.1 Streetscape and Landscaping

The Mixed Use Urban Block is focused on providing an active retail/commercial ground floor environment for pedestrian connectivity. As a result, any landscaping or public domain treatments within the Mixed Use Urban Block will need to be provided within a formal setting. The provision of formal landscaping will be focused within Civic Square and the pedestrian walkways. Any landscaping must be compatible with the scale and height of surrounding buildings.

#### Objectives

- O1** To enhance the pedestrian activity within Civic Square and the Pedestrian Walkways;
- O2** To provide shade to Civic Square thereby improving the amenity of the public domain;
- O3** To provide shelter to the public domain; and
- O4** To enhance pedestrian connectivity with surrounding land uses.

#### Controls

##### Civic Square

- C1** Appropriate plant species are to be used which complement the scale of surrounding buildings.
- C2** Sufficient depth of soil within planter beds elevated above natural ground level is to be provided to support the long term health of selected plant species.
- C3** Planter beds are to provide suitable drainage and irrigation systems to support selected plant species.
- C4** At least 15% of Civic Square must contain landscaping. Landscaping provided within formal planter beds is acceptable.
- C5** All landscaping must be designed to conjunction with street furniture and outdoor lighting within Civic Square.
- C6** Applicants must provide details of the street furniture to be provided within Civic Square and its design for consideration by Council's Urban Design Review Panel. Street furniture must include seating, outdoor lighting and fixed shelters.

### **Pedestrian Walkways from Banks Avenue and Bunnerong Road**

- C7** Appropriate plant species are to be used which complement the scale of surrounding buildings and reduce the ability of places for concealment (i.e. trees with high canopies would be more suitable than formal hedges.)
- C8** Sufficient depth of soil within planter beds elevated above natural ground level is to be provided to support the long term health of selected plant species.
- C9** Planter beds are to provide suitable drainage and irrigation systems to support selected plant species.
- C10** At least 20% of the walkways must contain landscaping. Landscaping provided within formal planter beds is acceptable
- C11** Applicants must provide details of the street furniture to be provided within the walkways for consideration by Council's Urban Design Review Panel. Street furniture must include information boards, directional signage towards the retail centre and civic square.
- C12** Applicants must provide details of ground floor treatments and outdoor lighting to be used within the walkways which promote public safety and passive surveillance of the walkways without adversely impacting the amenity of residential land uses in adjoining buildings or interfering with traffic along Bunnerong Road and Banks Avenue.
- C13** Pedestrian entries to buildings fronting to the walkways will be permitted directly off the walkways if applicants can demonstrate safe and secure access to the buildings.
- C14** The treatment of the pedestrian walkways must extend along the frontage of Banks Avenue and Bunnerong Road to facilitate safe pedestrian movement to Westfield Drive and Westfield Eastgardens opposite.



### 9D5.3.2 Public Domain Interface at Ground Level

The redevelopment expected to occur within the site presents an opportunity provide greater permeability to the site and provide high quality private and public interface at the ground level. This will promote a high level of pedestrian amenity within a new retail/commercial centre. Consideration of the interface at ground level will also consider ancillary elements such as driveways, parking areas and fencing. The quality and scale of public domain elements also affect the interface.

Architectural quality contributes to the character and quality of the streetscape at ground level. High architectural quality requires appropriate composition of building elements, textures, materials and colours and reflects the use, internal design and structure of a development.

#### Objectives

- O1** To ensure that all ground level elements of buildings visible from the street make a positive contribution to the public domain;
- O2** To design building entrances that provide a clear entry for the development that will assist in visitor orientation;
- O3** To ensure that access to parking does not dominate the streetscape; and
- O4** To ensure that buildings fronting Central Park, Civic Square and the pedestrian walkways address the different open space environments.

#### Controls

- C1** Buildings must be designed so that clearly definable entries address the street/s.
- C2** The communal open spaces of buildings must not be located on the street frontage. However pedestrian access may be gained from the street through walkways to ground floor communal open spaces.
- C3** Side or rear boundary fencing is not permitted fronting the public domain except where appropriate landscaping is located in front of the fence and does not reduce the amount of circulation space provided to pedestrians.
- C4** The visual connection between the building frontage and the public domain must ensure that the floor level of the building frontage is at footpath level. Buildings which propose elevated building entries are not supported.

### 9D.5.3.3 Active Street Frontages

Retail and commercial activities are a key focal point of the Mixed Use Urban Block. The nature of these land uses will encourage pedestrian movement and create a connected pedestrian environment from Bunnerong Road through Civic Square to Banks Avenue. Active frontages are encouraged along the frontage to Civic Avenue, Civic Square and the pedestrian walkways where retail and commercial shopfronts will address the public domain. Building entries should be positioned so that pedestrians can readily access the shops and services.

#### Objectives

- O1** To provide active street frontages within the ground floor retail areas of Civic Avenue, Civic Square and the pedestrian walkways in order to create vitality and vibrancy in the centre;
- O2** To enhance pedestrian amenity by providing sun and rain protection;
- O3** To provide opportunities for outdoor dining;
- O4** To improve safety, commercial activity and street life; and
- O5** To enhance the character amenity and visual quality of shopping streets by the addition of outdoor dining areas.

#### Controls

- C1** An active street frontage is to be provided to Civic Square, Civic Avenue and the B4 Mixed Use frontage to the pedestrian walkways.
- C2** The retail in the B4 Mixed Use Zone is to provide a variety of small scale shops and services to provide for the local convenience needs of the future resident community on the site, including chemist, convenience store, hairdresser, newsagency, food and drink premises and the like.
- C3** The active street frontage must comprise retail shops for a minimum depth of 10 meters from Civic Square or the street alignment.
- C4** The active street frontage is to be built for a minimum of 80% of the building length. This will allow 20% of the ground floor areas to be designed for residential entries, lobbies, fire escapes and lobbies for commercial tenancies above the ground floor.
- C5** The ground floor lobbies for residential land uses above must be separate to the lobbies designed for commercial tenancies above the ground floor.
- C6** The ground floor height is to be a minimum of 3.6 meters from ground level to the ceiling to provide a strong ground floor element to the building/s.

- C7** The front façade of the retail and commercial uses must maintain no less than 50% of the façade facing the street/public domain being open glass, free from blinds or advertising which would obstruct the public from viewing inside the building.
- C8** Outdoor dining areas must allow for safe pedestrian circulation and access and must not compromise or restrict the sight lines for motorists.
- C9** There must be a minimum clear passage width of 2 meters between the adjacent building and leased area for outdoor dining to allow for clear passage of pedestrian traffic at all times.
- C10** The number of tables and chairs that can be placed on a footpath for outdoor dining will be based upon the area and dimensions of the leased space.
- C11** No freestanding A-frame style advertisements will be allowed within outdoor dining areas.

### 9D.5.3.4 Residential and Non Residential Interface

It is essential that an appropriate interface be created between residential and non-residential uses to ensure that there are no detrimental effects on residential amenity and that the built forms are complimentary.

#### Objectives

- O1 To minimise the impact of non-residential uses and buildings on neighbouring residential properties; and
- O2 To conserve the privacy, solar, access and overall amenity of neighbouring properties.

#### Controls

- C1 Residential apartments are not permitted on the ground floor of any building within the B4 Mixed Use Zone.
- C2 Clear boundaries between the public and private domain must be created to enhance security, privacy and safety.
- C3 Shadow diagrams must be provided for all development proposals for the summer and winter solstices. Shadow diagrams must show shadow impacts at 9am, 12 noon and 3pm for both solstices. Additional building setbacks may be required where internal site shadow impacts or impacts on adjoining properties are considered by Council to be unreasonable.
- C4 The design and positioning of all mechanical plant and equipment (i.e. air conditioning units, mechanical ventilation, duct work and exhausts) must be taken into account early on in the design process. The non residential use must not have a negative influence on residential uses concerning noise or odour.
- C4 Development (and the amenity of the proposed use) to Westfield Drive needs to consider the existing development of the northern facade of which contains the service/loading & unloading areas for Westfields Eastgardens.



### 9D.5.3.5 Residential Design

Residential design needs to be considered if the B4 Mixed Use Urban Block is to contain a residential component. The following controls relate to residential development within the B4 zone and its relationship to the retail/commercial uses.

#### Objectives

- O1 To provide a mix of dwellings that enables multiple housing options for the community; and
- O2 To ensure that the size of the residential dwelling within flat buildings provides adequate internal living areas.

#### Controls

- C1 The dwelling depth to be based upon SEPP No.65 design principles and the Residential Design Code requirements relating to dwelling depths.
- C2 All dwellings shall be subject to the following minimum dwelling sizes:
  - Studio: 60m<sup>2</sup>
  - One (1) bedroom: 75m<sup>2</sup>
  - Two (2) bedrooms: 100m<sup>2</sup>
  - Three (3) bedrooms: 130m<sup>2</sup>
  - Four (4) bedrooms: 160m<sup>2</sup>

**Note:** Dwelling size means the area inside the enclosing walls of a dwelling but excludes wall thickness, vents, ducts, staircases and lift wells.
- C3 The combined total number of studio units and one-bedroom apartments/dwellings shall not exceed 35% of the total number of apartments/ dwellings at each stage of the approved Masterplan under **Part 9D.1.5 - Specific DA Requirements for the Site.**

### 9D.5.3.6 Private and Communal Open Spaces - Residential Development within the Mixed Use Urban Block

#### Objectives

- O1 To provide residents with opportunities for both passive and active recreation opportunities; and
- O2 To maximise the visual outlook from the residential development within the Mixed Use Urban Block.

#### Controls

- C1 Residential Flat Buildings and Mixed Use Developments containing residential units must comply with the principles and provisions of State Environmental Planning Policy No.65 (SEPP 65) and the Residential Flat Design Code in relation to landscaped areas.
- C2 Podiums and roof top communal open spaces are permitted.
- C3 Podium and roof top communal open spaces must:
  - (i) Have a minimum depth of 8 metres;
  - (ii) Where possible, should be orientated to the north to maximise solar access and natural daylight; and
  - (iii) Be landscaped and include recreational facilities for example BBQ facilities, seating, and play equipment.
- C4 The design of communal open spaces must be included within the DA plans for development approval. Plans must detail the location of recreational facilities, lighting, access and landscaping.
- C5 The minimum private open space requirement per dwelling for mixed use developments are as shown in **Table 12**.

**Table 12 - Minimum Private Open Spaces per Dwelling**

Studio and 1 bedroom	12m <sup>2</sup>
2 bedrooms	15m <sup>2</sup>
3 bedrooms	19m <sup>2</sup>
4 bedrooms +	24m <sup>2</sup>

- C6 Private open spaces must be directly accessible from the main living areas within the dwelling and be clearly defined for private use.

### 9D.5.3.7 Building Entries

Building entries need to be treated within the Mixed Use Urban Block due to the multiple land uses requiring access to the ground floor including access to public and private land uses. Building entries need to define the public and private domain to improve the functionality of the ground level.

#### Objectives

- O1 To articulate the building entries to provide clarity to the public and private domain; and
- O2 To ensure the safety of the public domain for retail/commercial users and future residents.

#### Controls

- C1 Building entries need to be clearly defined especially where there are multiple uses both public (retail/commercial) and private (residential) beyond the ground floor.
- C2 Signage and access arrangements to the different land uses need to be clearly defined within the Development Application.
- C3 Entries to retail/commercial spaces are to be linked to public spaces as part of an active street frontage where possible.
- C4 Entries to residential buildings should be treated with different building materials where accessed from the ground floor area to define the difference between the public and private domain.
- C5 Entries to residential areas should not be located to the rear of behind retail areas but should have safety features for 24 hour access by residents and or visitors.
- C6 Details of the treatment of the commercial/retail areas for after hours safety of the precinct is to be included in the development application.

### 9D.5.3.8 Signage

Signage plays an important role in identifying retail and commercial uses, and in creating a lively retail and commercial streetscape. Signage should be appropriate to the building form's geometry and architectural features, which facilitates in establishing the building's character and enhancing the broader character of the area.

#### Objectives

- O1 To ensure signage considers and complements the building form and character of the Urban Block; and
- O2 To limit the overall quantity of signage in the precinct to avoid the creation of visual clutter on buildings and streetscapes.

#### Controls

- C1 Signage must be incorporated in with the principal design lines of the building and details of a consistent signage style submitted with the initial Development Application for the retail/commercial component which all retail/commercial developments must adhere to.
- C2 Signage must comply with **Part 3D - Signage**.
- C3 Signage must not be positioned to obscure notable architectural features.
- C4 The signs must not be positioned to extend beyond awnings.
- C5 The size of signs must not dominate or suppress architectural elements of the building or neighbouring buildings.
- C6 Signage for products and services not directly relating to the retail and commercial services provided on the premises must not be set up along buildings, awnings and side boundary walls.
- C7 The number of signs on the building facade, not including signs hanging from suspended awnings, is limited to one per lessee/owner.
- C8 Hanging (i.e. bracketed) signs are limited to one below the awning per lessee/owner.



### 9D.5.3.9 Links to Westfields Eastgardens

The inclusion of a retail/commercial area within the Mixed Use Urban Block should consider future connections to the Westfield Eastgardens commercial development located on the opposite side of Westfield Drive. Any future connections will need to be the subject of negotiations with owner of the Westfield Eastgardens site to link the two retail zones.

#### Objectives

- O1 To provide a link between the two zones – B3 and B4 Zones; and
- O2 Provide greater pedestrian connectivity to existing public facilities including the bus interchange located within the Westfield Eastgardens site adjoining Bunnerong Road.

#### Controls

- C1 Applicants must identify pedestrian and/or vehicular links with Westfield Eastgardens where a building has a façade fronting Westfield Drive.
- C2 Applicants must submit written evidence with their development application that discussions and negotiations have been undertaken with the landowner of the Westfield Eastgardens site in an attempt to establish links through the Westfield's Eastgardens shopping centre, even if those negotiations are unsuccessful.
- C3 The design of the civic square and retail ground floor area must be designed such that future connection points with Westfield Eastgardens can be established.

### 9D.5.3.10 Vehicular Access

Due to the number of land uses possible within the Mixed Use Urban Block this DCP proposes to separate the residential traffic from the retail and commercial traffic. All residential traffic will have access from Civic Avenue with all retail and commercial traffic to be limited to access via Westfield Drive. Depending upon the traffic volumes upgrading of Westfield Drive to accommodate additional traffic volumes may be required.

#### Objective

- O1 To ensure safe and efficient vehicular access.

#### Controls

- C1 Vehicular access to the retail/commercial component of the B4 Mixed Use zone shall be restricted to entry and exit from Westfield Drive.
- C2 The restriction of retail and commercial vehicular access as specified within C1 above may be altered where the B4 zone does not contain a residential development component. Retail vehicular access in this instance may be considered from Civic Avenue.
- C3 If the B4 Mixed Use zone includes a residential component residential traffic access is to be separated from the retail/commercial traffic by restricting the residential traffic to enter and exit from Civic Avenue.

### 9D.5.3.11 Loading and Unloading

On site loading and unloading areas are required to ensure that delivery and operational vehicles do not block roads and public domain areas resulting in reduced visual amenity and unnecessary safety issues.

#### Objectives

- O1 To ensure that vehicles do not stand on the road, footway or public domain; and
- O2 To maintain high quality, safe public domain areas.

#### Controls

- C1 All commercial developments and mixed use developments must provide onsite loading and unloading areas.
- C2 Loading and unloading areas are to be well hidden or screened from the public domain and should be located underground where practical.
- C3 Loading docks must be located so that vehicles do not stand on any public road, footway, laneway or service road.
- C4 Vehicles accessing the loading and unloading areas are to enter and exit in a forward direction. Details are to be provided with the development application indicating the maximum size delivery vehicle and swept paths for that vehicle accessing the loading dock.
- C5 Loading docks are to comply with AS 2890/2 (2002) - Off street commercial vehicle facilities.

### 9D.5.3.12 Sydney Water Infrastructure

Sydney Water has significant stormwater infrastructure bisecting the site in particular stormwater assets bisecting the B4 Mixed Use zone. The following requirements must be met to satisfy any impact to Sydney Water infrastructure.

#### Objectives

- O1 To protect Sydney Water Infrastructure.

#### Controls

- C1 Development Applications must not include any building or underground car parking structures within 1 metre of any Sydney Water stormwater asset or within the existing easement for any Sydney Water stormwater asset, whichever is the greater clearance.

**Note:** The term 'buildings' referred to in C1 above includes the provision of underground or overhead services other than those directly (nearly perpendicular) crossing the asset / easement, and expensive very high quality landscaping elements such as constructed ponds. No filling is to be carried out within 3 metres from the outside edge of the existing Sydney Water stormwater asset.

- C2 All overland flow paths associated with Sydney Water stormwater assets are to be preserved and/or appropriately restored where obstructed by legacy development.
- C3 Any structure within the zone of influence of the existing Sydney Water stormwater asset shall require Sydney Water approval and shall comply with "General Requirements for Building Adjacent to Stormwater Channel".
- C4 Applicants shall also demonstrated compliance with **Part 9D.7.2 - Stormwater and WSUD** contained within this DCP to address stormwater design and management. Any variation to the controls contained within **Part 9D.7.2 - Stormwater Management and WSUD** will need to be accompanied by a revised stormwater and flooding report that addresses Council's minimum stormwater guidelines and any Sydney Water standards for development.

**Note:** The controls - C1 to C5 above - were provided by Sydney Water when they reviewed the stormwater and flooding reports prepared by Aurecon (refer to **Part 9D.1.1 - Background**).



## 9D.6 General Controls

### 9D6.1 Design Excellence

Clause 6.12 of the Bayside Local Environmental Plan 2021 identifies the site as a key site within the Bayside LGA. As a key site Council must consider whether development within the site exhibits design excellence. The consent authority must have consideration to the following matters:

- Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain;
- Whether the proposed development detrimentally impacts on view corridors; and
- Whether the development is of a sustainable design.

#### Objectives

- O1** To provide excellent design quality within the revitalisation of the site;
- O2** To ensure the scale and modulation of development achieves high quality buildings and spaces that respond to the context of the area; and
- O3** To encourage architectural design that reflects an innovative and imaginative use of space, form and materials.

#### Controls

- C1** Development (if applicable) must be accompanied by a design statement addressing the design quality principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.
- C2** Any development application must be accompanied by a design statement addressing the matters for consideration outlined under **Clause 6.16** of the BBLEP 2013.
- C3** All Development Applications for land to which this Part applies will be referred to Council's Design Review Panel for consideration.
- C4** All Development Applications must be accompanied by a materials and finishes board which detail the architectural design of buildings and the use of sustainable design features and the buildings interaction with the public domain with specific consideration of the impact on the Central Park located within the site.
- C5** All Development Applications must be accompanied by a site analysis which documents the location of view corridors of the building and surrounding buildings to identify the impact to existing view corridors.

## 9D.6.2 Maintenance

Long term maintenance of buildings is supported by detailed design and material selection. Ongoing maintenance ensures the longevity of quality architectural and landscape design, and sustains and increases the value of property and minimises the life-cycle cost of a development to owners.

### Objectives

- O1 To ensure long life and ease of maintenance for all development; and
- O2 To ensure that on site landscaping is maintained.

### Controls

- C1 Windows are to be designed to enable cleaning from inside the building, where possible.
- C2 Buildings must incorporate and integrate building maintenance systems into the design of the building form, roof and facade.
- C3 Materials must be durable and can be easily cleaned and are graffiti resistant.
- C4 Appropriate landscape elements and vegetation must be chosen along with suitable irrigation systems.
- C5 A maintenance schedule of works is to be included in all landscape plans to be lodged with any development application to ensure landscape works will be maintained at all times to Council's satisfaction.

### 9D.6.3 Wind Mitigation

A windy environment may cause discomfort and become a hazard to pedestrians. Furthermore downdrafts from buildings can have a detrimental effect on the quality of street trees. It is vital the development considers the affects it will have on wind patterns that already exist in the area. This is a matter for consideration in the design and planning of the pedestrian walkways through from Bunnerong Road to Civic Avenue and Banks Avenue to Civic Avenue.

#### Objectives

- O1 To ensure long life and ease of maintenance for all development; and
- O2 To ensure that on site landscaping is maintained.

#### Controls

- C1 All new buildings are to meet the following maximum wind criteria:
  - (i) 10 metres/second along commercial/retail streets;
  - (ii) 13 metres/second along main pedestrian streets, parks and public places; and
  - (iii) 16 metres/second in all other streets.
- C2 Taller buildings must consider the shape, location and height of buildings to satisfy wind measurements for public safety and comfort at ground level. In addition, open terraces and balconies must not be detrimentally affected by wind.
- C3 A Wind Report is to accompany the Masterplan DA required in **Part 9D.1.5 - Specific DA Requirements for the Site** and at all subsequent stages of the development.

## 9D.6.4 Reflectivity

Reflective materials used on building exteriors can result in undesirable glare for pedestrians, and potentially hazardous glare for motorists. Reflective materials can also transfer additional heat load to other buildings. Thus, the excessive use of highly reflective glass is discouraged. Buildings with glazed roofs, facades or awnings should be designed to minimise hazardous or uncomfortable glare arising from reflected sunlight.

### Objectives

- O1 To limit sunlight reflection from buildings to neighbouring areas and other buildings; and
- O2 To ensure amenity and safety for pedestrians and motorists.

### Controls

- C1 The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort or endangers safety of pedestrians or motorists.
- C2 The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort or decreases amenity to neighbouring commercial, residential areas or the public domain
- C3 Visible light reflectivity from building materials use on new building facades must not exceed 20%.
- C4 A reflectivity report examining the effects of possible solar glare on pedestrians and motorists may be necessary, subject to the scope of a proposal and the nature of glazing and reflective materials.



## 9D.6.5 Car Parking

### Objectives

- O1 To ensure the provision of adequate on-site car parking;
- O2 To ensure that on-site car parking does not dominate or detract from the appearance of the development and the local streetscape;
- O3 To ensure that parking areas and access routes are integrated within the landscape design;
- O4 To ensure a high standard of surface finish; and
- O5 To minimize the visual impact of expansive driveway surfaces.

### Controls

#### General

- C1 Residential flat buildings shall comply with the principles and provisions of State Environmental Planning Policy No. 65 and the Residential Flat Design Code in terms of parking and vehicle access.
- C2 All developments must comply with the car parking and bicycle rates and design requirements within **Part 3A - Car Parking**.
- C3 Car parking areas must be located and designed to:
  - (i) Conveniently and safely serve users, including pedestrians, cyclists and vehicles;
  - (ii) Enable the efficient use of car spaces and access ways, including adequate manoeuvrability for vehicles between the site and the street;
  - (iii) Fit in with any street network hierarchy and the objectives of that hierarchy and with any other related local traffic management plans;
  - (iv) Be cost-effective; and
  - (v) Not dominate or detract from the appearance of the development and the local streetscape.
- C4 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 Australian Standard AS 2890.1 Off Street Car parking. Small car parking bays are not permitted for residential flat buildings.
- C5 Visitor's car parking spaces shall be labelled clearly and resident car parking shall be numbered to the relevant dwelling.

- C6** 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 shall be assumed to be a Medium Rigid Vehicle (MRV) as defined in AS2890.2.

### 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 top of the slab at ground floor level of the building;
  - (ii) Must be located under the building footprint of the dwellings;
  - (iii) Must not extend under dwelling balconies or landscaped areas;
  - (iv) Must be located under balconies or landscaped areas that part of the basement car park is to be included in site coverage calculations;
  - (v) Must be designed to have adequate vertical clearance for the largest vehicle accessing the basement car parking area;
  - (vi) 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;
  - (vii) For mixed use developments shall located the loading/unloading facilities separate from the vehicle car parking area; and
  - (viii) For mixed use developments shall provide a security roller gate or door to provide separation between residential and non-residential car parking areas.

### Material

- C8** Stencilled concrete and exposed aggregate are unacceptable as they do not stand up well to the traffic movement and frequent turning common in multi-unit housing developments.
- C9** Plain and coloured concrete is not acceptable as it does not provide any visual interest (and hence attractiveness) for the observer and it also reflects strong light in the form of glare.
- C10** Driveway materials must be clay/concrete pavers, cobblestones or coloured, pattern stamped concrete.
- C11** If pattern-stamped concrete is used it must be coloured to reduce harsh glare and finished with a non-slip surface.

## 9D.6.6 Adaptable Housing

People who design, build, own, manage, lease, operate, regulate and use premises have responsibilities to comply with the *Disability Discrimination Act, 1992* (DDA). The DDA seeks to eliminate bias against people with disabilities and protect their rights. The DDA states that failure to provide equal access is unlawful, unless to do so would impose an unjustifiable hardship.

### Objectives

- O1 To provide housing for people with disabilities or mobility needs with the community; and
- O2 To ensure the provision of equitable access to meet the housing demands of a cross section of people within the community.

### Controls

- C1 Development must comply with Part 3C - Access and Mobility.
- C2 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.

## 9D.6.7 Bicycle Parking

### Objective

- O1 To provide for alternative modes of transport.

### Controls

- C1 A communal bicycle rack/storage space must be designed and provided in accordance with **Part 3A - Car Parking**.

**Note:** Multiple bicycle racks may be required in larger developments.

- C2 Communal bicycle racks must be well lit after sunset and before sunrise and be located in an area where passive surveillance is achieved.



## 9D.6.8 Views

Local views contribute to the sense of place. Preservation and, where possible, enhancement of public views to landmark and landscape features allow people to interpret and appreciate the special character of the area. It is also important to promote view sharing between properties to balance access to private views from properties.

### Objectives

- O1** To preserve and enhance district and local views which reinforce and protect the precincts urban form and enhance legibility;
- O2** To encourage view sharing through complementary siting of buildings, responsive design and well-positioned landscaping; and
- O3** To ensure highly visible sites are designed in scale with the precinct's setting and encourage visual integration and connectivity between places.

### Controls

- C1** Development is to preserve views of significant topographical features such as the urban skyline, landmark buildings and areas of high visibility.
- C2** Building design, location and landscaping is to encourage view sharing between properties.
- C3** Existing significant view corridors as viewed to and from public places must be protected.
- C4** The opportunity to create new view line corridors will be taken wherever possible and appropriate.

## 9D.6.9 Acoustic Privacy

### Objective

- O1** To ensure that all residents are provided with a reasonable level of acoustic privacy.

### Controls

#### General

- C1** New dwellings shall be designed and constructed to comply with the criteria specified in **Table 13** for all noise intrusion from external noise sources (including mechanical services noise from within the development itself).
- C2** The noise from the Westfield Eastgardens loading docks shall be taken into account.
- C3** Where multiple dwellings are provided within the same building, the building shall be designed and constructed to comply with the requirements of the BCA regarding acoustic insulation and noise transmission of walls and floors. In order to meet these requirements, the following design measures are to be incorporated in the development :
- (i) Buildings are to be designed and rooms positioned to reduce noise transmission within and between dwellings;
  - (ii) Bedrooms should be designed so that wardrobes act as sound buffers between rooms or dwellings;
  - (iii) Windows and doors should be located away from external noise sources, or buffers used where separation cannot be achieved;
  - (iv) Materials with low noise penetration properties should be used where practical;
  - (v) Locate bedrooms and private open spaces away from noise sources such as garages, driveways, mechanical equipment and recreation areas; and
  - (vi) Mechanical equipment, such as pumps, lifts or air conditioners should not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties.
- C4** Where the height of the proposed development is higher than the existing height of the localised building stock (and the proposed development has a direct line of sight to the seaport and/or the airport) an acoustical assessment by an accredited acoustical consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith Airport.
- C5** An acoustic report prepared by a certified acoustic consultant must be submitted with the development application addressing the requirements detailed in C1 to C4 above.

Table 13 - 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

### Road Noise

- C6** Development on land which is 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.
- C7** Where dwellings are located on a classified roads the following are to be incorporated into the design of the development to reduce traffic noise within the dwelling:
- (i) Cavity brick walls;
  - (ii) Double glazing;
  - (iii) Solid core doors;
  - (iv) Concrete floors; and
  - (v) Recessed balconies

### Further Information

- Building Code of Australia
- Environmental Protection Authority *NSW Industrial Noise Policy*
- Environmental Protection Authority *Environmental Criteria for Road Traffic Noise*
- Roads and Traffic Authority *Reducing Traffic Noise - a Guide for Home Owners, Designers and Builders*
- *Development Near Rail Corridors and Busy Intersections – Interim Guideline* (19 December 2008)
- *State Environmental Planning Policy (Infrastructure) 2007*
- Relevant Australian Standards, including:
  - AS 3671 Road Traffic Noise Intrusion
  - AS 1055 Parts 1, 2 and 3 - 1997 Acoustics - Description and Measurement of Environmental Noise
  - AS 2107 - 1987 Acoustics - Recommended design sound levels and reverberation times for building interiors
  - AS 2021 Acoustics—Aircraft noise intrusion—Building siting and construction



## 9D.6.10 Storage

### Objectives

- O1 To provide secure storage for sporting, leisure, fitness and hobby equipment; and
- O2 To provide storage for everyday household items within easy access of the dwellings living areas.

### Controls

- C1 At least 50% of the storage is to be provided within the dwelling and accessible from either the hall or living area. The remaining 50% of the storage may be located in the basement car park and allocated to the individual dwelling.
- C2 Accessible and adequate storage facilities are to be provided at the following rates:
  - Studios: 6m<sup>3</sup>
  - 1 bedroom dwelling: 8m<sup>3</sup>
  - 2 bedroom dwellings: 10m<sup>3</sup>
  - 3+ bedroom dwellings: 12m<sup>3</sup>
- C3 The storage area separate from the dwelling should be secured within the garage car parking area.
- C4 Storage areas are to have a minimum height of 1.5 metres.

### 9D.6.11 Site Facilities

#### Objectives

- O1 To ensure that adequate provision is made for site facilities, such as clotheslines and storage areas, in the design of the development;
- O2 To ensure that site facilities are accessible to all residents;
- O3 To ensure that site facilities are thoughtfully integrated into development and are unobtrusive; and
- O4 To maximise opportunities for use of solar energy and natural ventilation for clothes drying.

#### Controls

- 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 shall be provided in accordance with Australia Post's requirements.
- C3 One (1) lift is required per forty (40) dwellings or greater part thereof and two (2) for forty or more.
- C4 Adequate and appropriate unit numbering is to be provided.
- C5 The name and address of the premises shall be displayed in a position that is clearly visible from the street and / or service lane to assist identification and deliveries.
- C6 The development incorporates adequate garbage and recycling collection areas that are integrated physically and visually with other built elements such as fences, walls, buildings and garages.
- C7 Garbage storage and collection points comply with the provisions of **Part 3N - Waste Minimisation and Management**.
- C8 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.
- C9 Only one (1) telecommunications/TV antenna will be permitted for each building.
- C10 Sunlight available to clothes drying facilities for at least 3 hours on June 21 to a plane 1 metre above finished ground level under the drying lines.

- C11** The existing above ground electricity and telecommunication cables within the road reserve and within the site shall be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines. The applicant shall bear the cost of the new installation and the first 12 months of additional street light charges.
- C12** Roller type security shutters on windows and doors are not suitable where visible from the street.
- C13** Where security devices are required they shall be of a design that is consistent with the design of the house. They should be of a simple design that does not detract from the design or architectural features of the dwelling.

#### Air Conditioners

- C14** Air conditioning units should be sited so that they are not visible from the street.
- C15** Air conditioning units should not be installed on the front façade of a building.
- C16** Air conditioning units should not be installed within window frames or otherwise obscure a window.
- C17** Air conditioning units should not obscure architectural details visible from the street.
- C18** The noise level from air conditioning systems is not to exceed the Laeq 15 minute by 5dBA, measured at the property boundary.

#### Drying Facilities

- C19** Open air, secure clothes drying facilities are to be provided in all housing developments.
- C20** Clothes drying areas must be easily accessible by all residents and visually screened from public street and recreation areas.
- C21** Sunlight is required to be available to clothes drying facilities for at least 3 hours on June 21 to a plane 1 metre above finished ground level under the drying lines.
- C22** Clothes drying areas should be easily accessible by all residents and visually screened from public street and recreation areas.

## 9D.6.12 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.
- C3 Residential flat buildings shall comply with the principles and provisions of State Environmental Planning Policy No. 65 and the Residential Flat Design Code in terms of site amenity and safety.



### 9D.6.13 Solar Access

Solar access refers to both direct light from the sun (sunlight) and indirect light (daylight). By providing good solar access to buildings pleasant environments in which to live, play and work will be created. Good solar access design will also reduce the need to rely on artificial lighting.

Ensuring new development avoids unreasonable overshadowing of internal and external spaces are high priorities in design for residential flat buildings.

#### Objectives

- O1 To provide all habitable rooms with access to daylight;
- O2 To provide all habitable rooms with access to sunlight where possible;
- O3 To minimize the need for artificial light sources;
- O4 To provide functional balconies;
- O5 To minimize overshadowing that would reduce the amenity of neighbouring developments; and
- O6 To ensure development does not unreasonably diminish sunlight to neighbouring properties and within the development site.

#### Controls

- C1 Residential flat buildings shall comply with the principles and provisions of State Environmental Planning Policy No 65 (SEPP 65) and the Residential Flat Design Code in relation to solar access.
- C2 Development must demonstrate that living rooms and private open spaces for at least 70 % of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.
- C3 Neighbouring developments will obtain at least three hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and 30% of any common open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.
- C4 The development application must provide solar diagrams that, as a minimum, illustrate compliance with the above control and comprise of plans and elevations demonstrating the shadows of the proposal at 9am, 12 noon, and 3pm on 21 March, 21 June and 21 December.
- C5 Buildings are to be designed and sited to ensure sun access to private and communal open space within the development, and adjoining properties and public open space.

- C6** All development applications must include diagrams that show the shadow impact of the proposal at 9am, 12 noon, and 3pm on 21 June. Development sites and neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 50% of the required minimum amount of private open space.
- C7** Roof terraces are to be protected with shade cloths, planting and/or pergolas.

## 9D.6.14 Visual Privacy

### Objectives

- O1 To ensure that development results in a reasonable level of visual privacy for existing and future residents; and
- O2 To ensure that visual privacy is provided both within a development and between a development and its neighbours.

### Controls

- C1 Residential flat buildings are to provide adequate separation between habitable rooms, balconies and non-habitable rooms, consistent with SEPP 65 and the Residential Flat Design Code.
- C2 To maintain reasonable privacy levels, the following is required:

#### For Windows:

- (i) Windows are to be located so they do not provide direct and close views into the windows of other dwellings, particularly those of living areas;
- (ii) Attics windows are not to allow overlooking of adjacent dwellings or their private open spaces.

**Note:** The incorporation of high level windows can minimise overlooking.

**Note:** An outlook to the street should be provided from attic windows

#### Decks and Balconies:

- (iii) Building elements such as balconies and decks are to be designed to minimise overlooking of living areas and private open spaces of adjoining dwellings; and
- (iv) Screening devices must be incorporated on decks and balconies greater than 1 metre above ground level, to mitigate potential loss of privacy.

## 9D.7 Sustainable Design

Sustainable development is that which meets the needs of the present generation without compromising the ability of future generations to meet their own needs. It includes all aspects of environmental change - ie social as well as physical.

Residential development has an important role to play in achieving ESD principles. As well as reducing carbon dioxide emissions, energy efficient housing provides a more pleasant and comfortable living environment, which would be cheaper to run, with little additional construction costs added to the overall cost of development.

The principles of ESD should be clearly demonstrated throughout all phases of the development process, including project design, approval, construction and maintenance.

### 9D.7.1 Energy Efficiency

#### Objectives

- O1 To promote residential development that is more comfortable to live in; and
- O2 To ensure development has regard to the principles of energy efficient design.

#### Controls

- C1 A BASIX Certificate is required to be submitted with all residential development identified under SEPP (Building Sustainability index: BASIX) 2004.
- C2 Development must comply with **Part 3H - Sustainable Design**.
- C3 Development must be sited to achieve maximum solar access to living areas and private open space both on the development site and adjoining residential properties.

**Note:** Solar access can be maintained to neighbouring properties by:

- Careful siting and orientation of buildings;
- Use of setbacks, which increase with building height; and
- Use of deciduous trees adjacent to boundaries.

Solar access to a site can be achieved by considering:

- Orientation and height of the building;
- Layout of rooms;
- Location of principal open space areas; and
- Protection from western sun by use of deciduous trees.



## 9D.7.2 Stormwater Management and Water Sensitive Urban Design (WSUD)

### Objectives

- O1 To provide for effective and safe disposal of stormwater runoff;
- O2 To improve water quality of stormwater runoff for all developments;
- O3 To protect adjoining properties from inundation due to any development; and
- O4 To ensure Water Sensitive Urban Design (WSUD) principles are incorporated into the design, construction and operation of the site.

### Controls

- C1 Development must comply with **Technical Guideline – 130-150 Bunnerong Road, Eastgardens**. Refer to **Part 10 – Technical Guidelines**.

**Note:** If further information is required please refer to **Part 3G - Stormwater Management** and **Council's Stormwater Technical Guidelines (Refer to Part 10 – Technical Guidelines)**, if there is a discrepancy between the **Technical Guidelines** and other and the above mentioned documents the **Technical Guideline for the site** will always prevail.

### 9D.7.3 Site Contamination

Due to the industrial history of Bayside, the management of contaminated land remains an important issue for Council and strict controls are required to maintain and protect the health of residents and the environment.

**Part 3K - Contamination** creates the framework to ensure that while carrying out its planning functions, Council considers the possibility that a previous or adjacent land use may contribute to contamination of the site, and that there may be a potential risk to human health and the environment. It also complies with the requirements of Managing Land Contamination: Planning Guidelines and State Environmental Planning Policy No.55 - Remediation of Land

#### Objectives

- O1 To minimise the risks to human health and the off-site environment from the redevelopment of contaminated land in accordance with current standards; and
- O2 To adequately address site contamination issues during the development assessment process to ensure land is suitable or can be made suitable for its proposed use.

#### Controls

- C1 Development must comply with site contamination assessment and site remediation as required under **Part 3K - Contamination**.

## 9D.7.4 Waste Management and Waste Minimisation

### Objectives

- O1 To avoid the generation of waste through design, material selection and building practices;
- O2 To reduce waste during the demolition, excavation and construction phase of development;
- O3 To maximise the reuse and recycling of building and construction materials and household generated waste;
- O4 To encourage waste minimisation, including source separation, reuse and recycling; and
- O5 To ensure the efficient storage and collection of waste.

### Controls

- C1 Development must comply with **Part 3N - Waste Minimisation and Management**.