



**Bayside Council**

Serving Our Community

# **Part 5**

## **Business Centres**

**Botany Bay Development Control Plan 2013**





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## 5.1 Introduction

Shops and businesses are an essential element of any community. They provide a meeting place, a place to shop and many of the important services that a community relies upon. These facilities come in various shapes and sizes, from standalone corner shops and strip shopping centres to large scale multi storey shopping centres. Each has a part to play in providing Bayside with a vibrant and active community life.

Bayside Council has developed a strategy to support and enhance its various business centres. This Part sets out clear objectives and controls on urban design, parking, solar access, and sustainability to achieve a better environment and to ensure the continuation of vibrant and sustainable business centres. It applies to all development within the Business Centres and includes requirements for works in the public domain, including street tree planting, footpath paving, street furniture and the like.

This Part aims to facilitate the revitalisation of the City's Business Centres and preserve and enhance their existing qualities in order to achieve the objectives for the business centres as identified in the Bayside Local Environmental Plan 2021.

### 5.1.1 Land to which this Part Applies

This Part applies on land to which this DCP applies in the following Business Centres:

Business Centre	Zone
Daceyville Neighbourhood Centre	B1
Page Street Neighbourhood Centre	B1
Banksmeadow Neighbourhood Centre	B1
Rosebery Neighbourhood Centre	B1 & B2
Swinbourne Neighbourhood Centre	B1
Maloney Neighbourhood Centre	B1
Botany Local Centre	B2
Mascot Local Centre	B2 & B4
Hillsdale Local Centre	B2
Eastlakes Local Centre	B2

A character statement has not been prepared for the **Eastlakes Local Centre** due to the Part 3A Major Project Application that has been approved by the NSW Government. However, **Parts 5.1 - Introduction** and **5.3 - General Controls** still apply to development zoned B2 Local Centre at the Eastlakes Local Centre.

The following business areas are **excluded** from this Part:

- (i) Mascot Station Town Centre Precinct (refer to **Part 9 - Key sites**);
- (ii) B5 Business Development & B7 Business Park zones (refer to **Part 6 - Employment Zones**).



This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Notification and Advertising
- Part 3 - General Provisions
- Part 4 - Residential Development
- Part 7 - Other Development Types and Land Uses
- Part 9 - Key Sites
- Part 10 – Technical Guidelines

Existing dwelling houses in the B1, B2 and B4 zones and alterations and additions to such dwelling houses are to comply with the provisions of **Clause 6.12** of the Bayside Local Environmental Plan 2021 and the provisions of **Part 4A - Dwelling Houses** and **Part 5 - Business Centres** (where relevant).



### 5.1.2 General Objectives

This Part aims to create a high standard of urban design and improve the public domain within the business centres of Bayside. The general objectives of this Part are:

#### Objectives

- O1** To provide detailed character statements which define the existing and Desired Future Character of each Business Centre and general controls to support the Bayside Local Environmental Plan 2021;
- O2** To encourage a high level of visual amenity and enhanced pedestrian environment in the Business Centres;
- O3** To encourage relevant and appropriate above awning signage;
- O4** To identify opportunities where additional open space, community facilities, new infrastructure and other public domain works can be provided;
- O5** To encourage design excellence in all elements of the built environment and public domain;
- O6** To ensure a high standard of architectural and landscape design in all new developments;
- O7** To assist the long term viability of the Business Centres;
- O8** To promote sustainable development that improves transport, parking, access and pedestrian outcomes;
- O9** To ensure that new development considers the principles of ecologically sustainable development, in particular energy, water and stormwater efficiency, solar access, waste reduction and local bio-diversity, promotes a safe living environment and makes better use of existing infrastructure;
- O10** To improve public safety by encouraging activity in the public domain; and
- O11** To ensure that the effect of development on the amenity of the surrounding residential area is a key consideration with any development application.

### 5.1.3 Section 7.11 Development Contributions Plan

Bayside Section 7.11 Contributions Plan applies to development approved by the Consent Authority. Development contributions are payable for development that increases the worker and resident population. The identified infrastructure and public domain works are essential to achieve public amenity and meet the basic needs to support the higher density development anticipated within the Business Centres.



#### 5.1.4 Planning Agreements

Planning Agreements are made in accordance with the requirements of the Act and are **Voluntary Agreements** between a Council and a landowner. Planning Agreements are designed to provide a 'public benefit' to the community and can include infrastructure works, recurrent expenditure for a public amenity, facility or service or the donation of open space or a community facility. The Planning Agreement needs to detail how it relates to any relevant Section 7.11 Contributions Plan. If the Consent Authority agrees then it can accept that a development is excluded from the requirements of that Plan in exchange for the works listed in the Planning Agreement.

The works proposed within the public domain will be carried out at the developers expense via the implementation of Voluntary Planning Agreements (VPA's) between Council and each developer. Section 7.4 of the *Environmental Planning and Assessment Act 1979* outlines provisions for the implementation of such Agreements.

Developers will be required in some instances, under VPA's, to construct infrastructure and all proposed public domain works and, in some cases, dedicate the land required as part of the future public domain to Council. Prior to commencement of any infrastructure and public domain works stated in the VPA, engineering design and drawing are to be submitted and approved by Council via a separate application under the *Roads Act 1993* and/or *Local Government Act 1993*. A plan checking and construction inspection fee will be applicable.

Under the legislation VPA's cannot be entered into unless public notice has been given and an explanatory note is made available for inspection for at least 28 days. Planning Agreements within Bayside Council area are listed on a public register.

Each VPA will specify how it relates to any applicable Section 7.11 Contributions Plan, and may provide that a development proposal be excluded from the requirements of that Contributions Plan in exchange for works in kind.

The Act relevantly requires that VPA's provide for the following:

- a description of the land to which the agreement applies,
- a description of:
  - the change to the environmental planning instrument to which the agreement applies, or
  - the development to which the agreement applies,
- the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,
- in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development,
- if the agreement does not exclude the application of section 7.11 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.11,
- a mechanism for the resolution of disputes under the agreement,
- the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.

Where public domain works are proposed within a redevelopment site, developers must make early contact with Council officers to discuss the VPA for that development site.



## 5.2 Character Statements For the Business Centres

### 5.2.1 The Business Centres

There are ten (10) Business Centres in Bayside, which are covered by Part 5 including:

- Daceyville Neighbourhood Centre;
- Page Street Neighbourhood Centre;
- Rosebery Neighbourhood Centre;
- Swinbourne Street Neighbourhood Centre;
- Maloney Street Neighbourhood Centre;
- Banksmeadow Neighbourhood Centre;
- Botany Local Centre;
- Mascot Local Centre;
- Hillsdale Local Centre; and
- Eastlakes Local Centre.

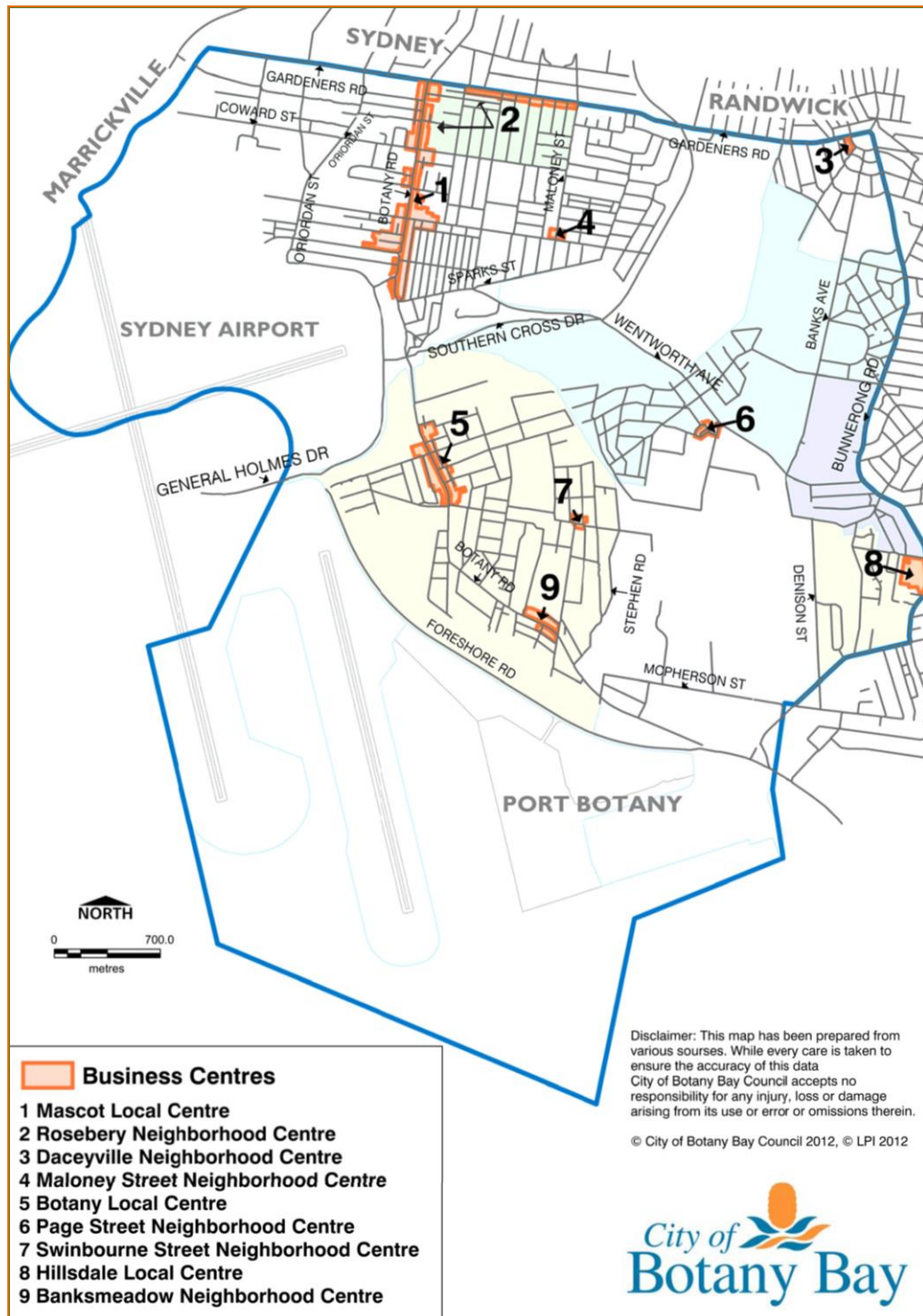
**Note:** A character statement has not been prepared for the Eastlakes Local Centre due to the Part 3A Major Project Application that has been approved by the NSW Government. **Parts 5.1 - Introduction** and **5.3 - General Controls** still apply to development zoned B2 Local Centre at the Eastlakes Local Centre.

The boundaries of each of the Business Centres (except Eastlakes Local Centre) are identified on **Figure 1**.





Figure 1 - Business Centres





## 5.2.2 Character Statements

This Part sets out clear objectives and controls to facilitate the promotion of the streetscapes within Bayside's Business Centres and to enhance pedestrian activity and amenity to create vibrant and attractive retail centres.

In order to achieve the objectives of the Bayside Local Environmental Plan 2021 for the Business Centres, this Part provides Character Statements which outline the existing and desired future character for each Business Centre.

These character statements:

- Identify the qualities to be maintained or enhanced;
- Describe the character and the desired built form; and
- Identify required infrastructure and/or public domain improvements.

The success of the Business Centres in Bayside is dependent on whether each Centre is economically vibrant. In order to achieve this, the Desired Future Character of each Centre aims to enhance the public domain, improve pedestrian activity and access; and create vibrant, active and attractive retail streetscapes.

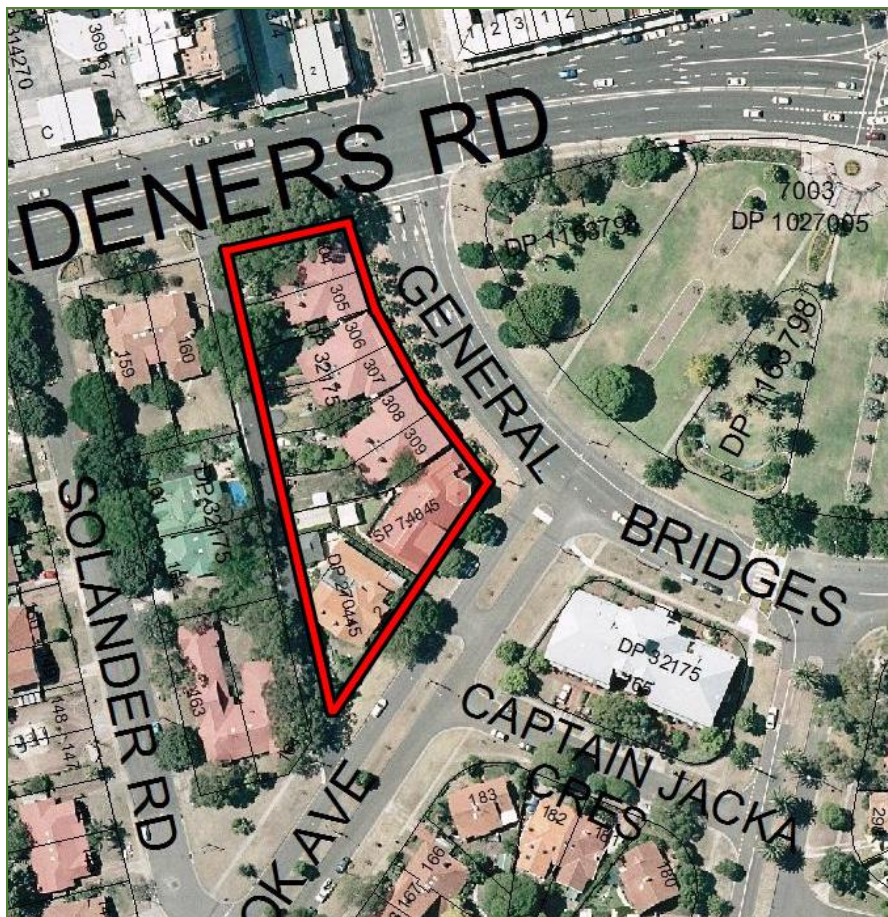
A majority of the Centres are affected by high ANEF Contours and road traffic noise.

### 5.2.2.1 Daceyville Neighbourhood Centre

#### Existing Character

The Daceyville Neighbourhood Centre is located on a level section of General Bridges Crescent, at the corner of Gardeners Road, Daceyville (refer to **Figure 2**). It is a very small centre with only six premises including a community resource centre. Across the road is a park separating this small group of shops from a larger group in the neighbouring City of Sydney LGA. Daceyville is an historic suburb which is listed on the Register of the National Estate; and the shops are identified as a Heritage Item under Bayside Local Environmental Plan 2021.

**Figure 2 - Daceyville Neighbourhood Centre**





## Historical Development

Daceyville was named after John Rowland Dacey (1854 - 1912), a state parliamentarian for the local area from 1895 to 1912. Mr Dacey urged the creation of a garden suburb modelled on the garden suburb of Letchworth in London, England, to provide low-cost housing for working-class people in Australia's first garden city. The estate was planned by Sir John Sulman (1849 - 1934) on government land that had been previously reserved as a water conservation site. Daceyville has been listed on the Register of the National Estate since 1991. It has the first example of a cul-de-sac in Australia at Colonel Braund Place (refer to **Figure 3**).

**Figure 3 - Daceyville: Historic Development**



## Built Form

The building stock around the Centre is represented by low-scale residential development. Daceyville was originally developed as a predominantly single and two-storey neighbourhood comprising detached and semi-detached homes. The dwellings are characterised by up to 14 generic housing designs: detached and semi-detached Federation bungalows, incorporating aspects of Arts and Crafts architecture.

The Daceyville Neighbourhood Centre is designed in the Federation period Arts and Crafts style. It has a rough cast finish to masonry with a 1950's fibro overlay and corrugated iron roof. The existing commercial buildings are two storeys with their upper floors having verandas partially enclosed. They are setback from the street frontage with a row of cabbage tree palms between the buildings and the street.

## Heritage

Daceyville Neighbourhood Centre is within the Daceyville Garden Suburb Heritage Conservation Area. There are several Heritage Items within Daceyville, listed under Bayside Local Environmental Plan 2021 as listed in **Table 1**.



**Table 1 - Heritage Items in Daceyville Neighbourhood Centre**

Item No.	Suburb	Name	Location	Lot and DP	Significance
I241	Daceyville	Commercial Building Group	1-11 General Bridges Crescent	Cnr Lot 304 DP32175 Lot 305 DP32175 Lot 306 DP32175 Lot 307 DP32175 Lot 308 DP32175 Lot 309 DP32175	Local
I240	Daceyville	Dacey Garden Reserve and Substation	Corner of Gardeners and Bunnerong Roads	Lot 7003 DP1027005 Lot 1 DP 1163798 Lot 2 DP 1163798 Lot 3 DP 1163798	Local
I245	Daceyville	Former Community Centre 3 Willis Crescent	Corner of Willis Crescent and Haig Ave	Lot 310 DP 32173	Local
I242	Daceyville	Marist Brothers School and Presbytery	Haig Ave	Part Lot 1 DP 186759	Local
I243	Daceyville	Former St Michaels Church (and hall)	Haig Ave	Lot 1 DP 666538	Local

### Public Parks and Community Facilities

The area is well serviced by several local parks and community facilities including Dacey Garden Reserve, Haig Reserve, David Phillips Field, Astrolabe Park and Eastlakes Golf Course. There are two local primary schools, including Daceyville Public School and St Michaels School. The shopping centre houses a Migrant Resource Centre that provides assistance to a wide range of people.

### Public Domain

The Daceyville Neighbourhood Centre is north facing (with excellent sunlight access) and the Centre overlooks Dacey Garden Public Reserve. The red brick footpath, street furniture and street landscaping provide good pedestrian amenity. The Centre has reasonable pedestrian access with deep awnings, tall street trees and a wide paved setback area suitable for *al fresco* uses. The cabbage tree palms form a cohesive visual design to complement the heritage landscape. Improvements are proposed to the public domain to slow traffic in General Bridges Crescent, increase landscaping, and improve pedestrian safety and amenity.



## Access and Circulation

The Centre is on several major bus routes, although most shoppers would arrive on foot from nearby residences and some would use car transport. The on-street parking is sufficient for the low levels of retail activity. The community resource centre would generate the bulk of the local traffic. A raised pedestrian crossing is proposed in General Bridges Crescent providing a better connection to the adjoining Dacey Gardens Reserve and reducing traffic speed adjacent to the shops to improve public safety.

**Note:** This crossing is subject to Local Traffic Committee approval.

## Views and Aspect

The Centre enjoys a picturesque outlook across Dacey Gardens Reserve. The Centre receives full sun most of the day and is well sheltered from noise and traffic.

## Desired Future Character

The Daceyville Neighbourhood Centre is anticipated to develop into a high quality Historic Neighbourhood Centre with a balanced mix of retail, commercial, community and residential uses which cater for the needs of the local community. New works in the public domain are proposed to improve access to the adjoining Dacey Gardens Reserve and slow traffic along General Bridges Crescent, thus improving the amenity of the shopping Centre.

The Objectives and Controls for the Desired Future Character for Daceyville Neighbourhood Centre are as follows:

### Objectives

- O1** To retain and conserve the historic shopping strip on General Bridges Crescent, Daceyville;
- O2** To retain and conserve original external finishes and colour schemes to buildings within the Heritage Conservation Area;
- O3** To conserve and respect the main architectural features and form of existing Heritage Items;
- O4** To protect the distinctive and characteristic elements of Daceyville shops;
- O5** To encourage the provision of public domain and streetscape improvements in conjunction with new development;
- O6** To improve and extend the pedestrian environment and to encourage appropriate active street uses with good solar access, such as cafes; and
- O7** To encourage improved and safer access to Dacey Gardens Reserve.



## Controls

### Public Domain/Streetscape

- C1** Development must protect existing street trees and provide for any streetscape or public domain improvements required by Council, generally in accordance with **Figures 4 and 5**.
- C2** Pedestrian amenity and connectivity must be enhanced in conjunction with new development.

### Heritage

- C3** Development in the Neighbourhood Centre must preserve the heritage significance of the site and maintain the current height, scale and form of the existing buildings.
- C4** Development of a Heritage Item or within the Heritage Conservation area must comply with **Part 3B - Heritage**.
- C5** Original balconies must be maintained and restored and not enclosed.

### Building Form and Design

- C6** The design of development must be generally consistent with the desired future character of the centre identified in **Figures 4 and 5**.
- C7** A maximum building height of 8.5 metres (two storeys) applies under Bayside Local Environmental Plan 2021.
- C8** Development must improve residential amenity, particularly for the housing above the shops and provide for passive surveillance of the surrounding streets.
- C9** All development must address the street frontage. It must encourage active street life while providing a high residential amenity.
- C10** Developments must limit the width of individual shops to preserve the “small shop” character of the Centre.
- C11** A street number for the property is to be clearly identifiable from the street.
- C12** Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians.
- C13** Air conditioners must not be installed on street awnings or the front facade of building and must not be visible from the street.
- C14** Development must comply with Council’s sustainable development requirements as identified in **Part 3H - Sustainable Design**.



### **Parking and Access**

- C15** Vehicular access off General Bridges Crescent is not permitted (access is to be via Solander Lane).
- C16** Where there is no kerb and gutter on Solander Land frontage, kerb and guttering is to be provided.
- C17** Development must comply with **Part 3A - Car Parking**.

### **Advertising and Signage**

- C18** Maintain limited advertisements and business signage to be in keeping with the heritage nature of the Centre.
- C19** Restrict signage to the awning fascia, under the awning or behind the shop window at street level
- C20** Development must comply with **Part 3D - Signage**.

### **Flooding**

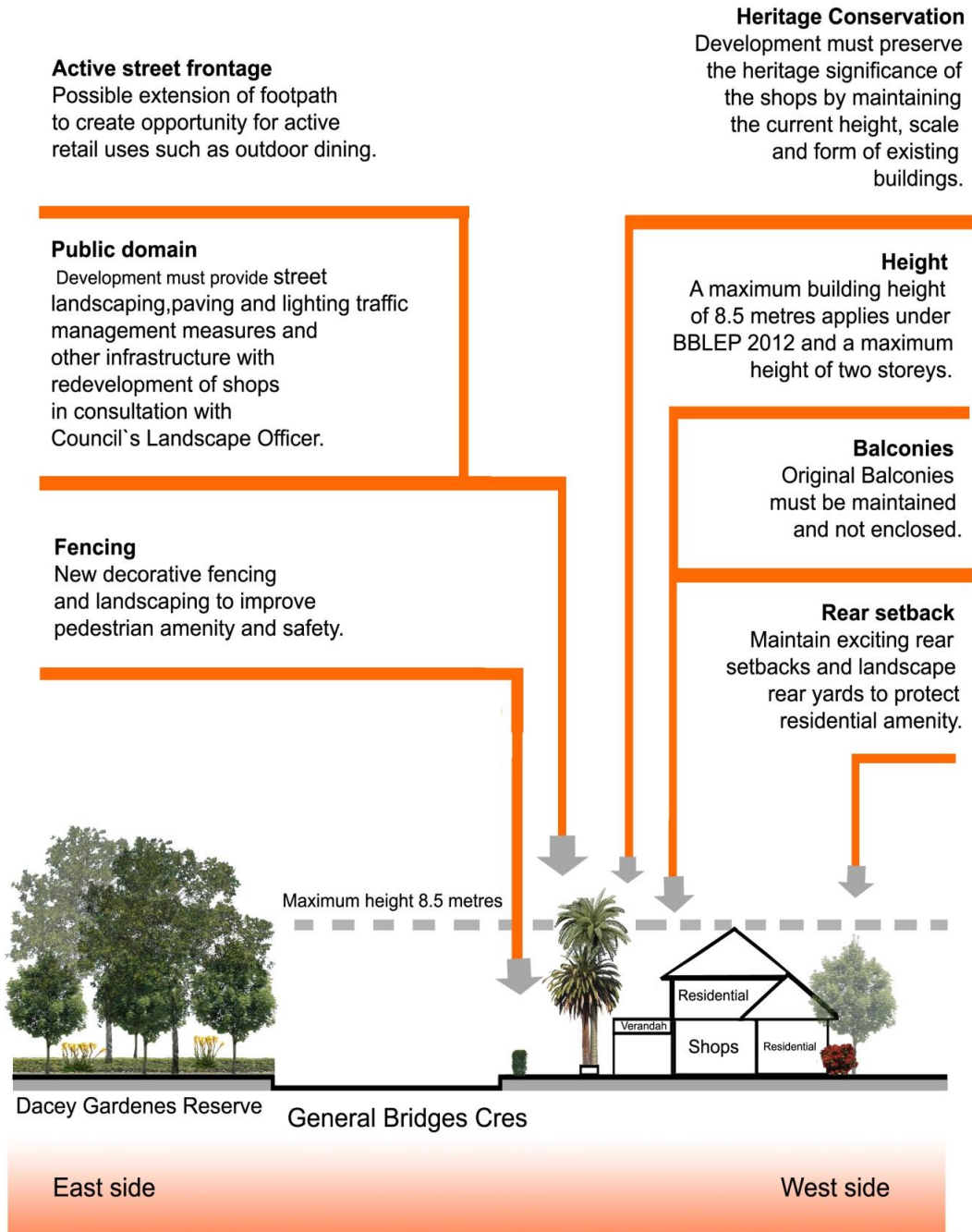
- C21** Finished floor levels of all habitable and non-habitable area are to be a minimum of 500mm and 300mm above the 1 in 100 year ARI flood level respectively.
- C22** No structures and/or filling are permitted to be erected or placed within the 1 in 100 year ARI flood extent unless suitable and adequate mitigation measures approved by Council have been proposed and impended.

### **Stormwater**

- C23** A Stormwater Management System is to be provided in accordance with **Part 3G - Stormwater Management**.

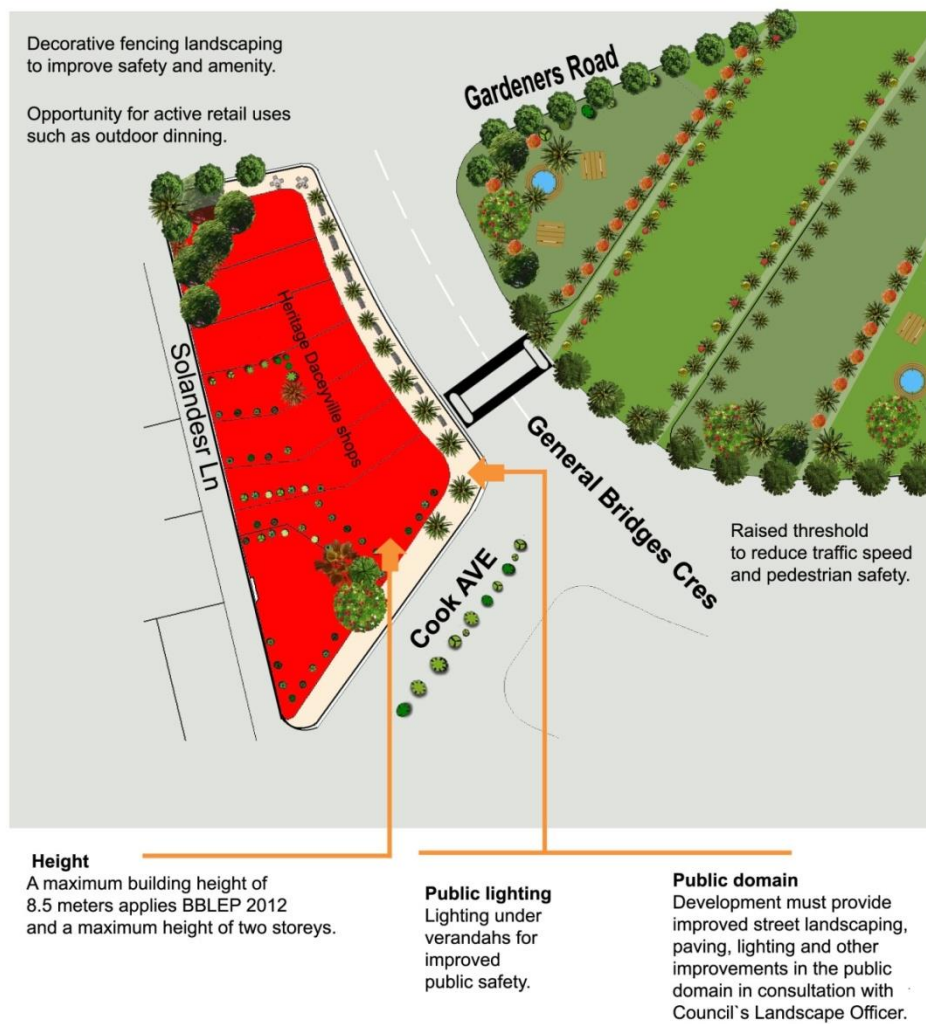


**Figure 4 - Desired Future Character – Daceyville Neighbourhood Centre**



**Note:** Setbacks may be required for the provision of street trees.

**Figure 5 - Desired Future Character – Daceyville Neighbourhood Centre**



**Note:** Crossing is subject to approval by the Traffic Committee and flood impact study.



### 5.2.2.2 Page Street Neighbourhood Centre

Photo 1- Page Street Neighbourhood Centre



#### Existing Character

The Page Street Neighbourhood Centre is located on a level section of Dalley Ave, Pagewood. The centre currently consists of a red brick two storey development with five ground floor shops and residential dwellings on the first floor (refer to **Photo 1** and **Figure 6**). To the northeast of the Neighbourhood Centre is a single storey freestanding commercial building in a landscaped setting.

The Centre is located across the road from Pagewood Primary School. Other development in the vicinity consists of single family dwelling houses and a variety of older style three storey residential flat buildings and is also located on the edge of an industrial zone. The centre currently service the local residents, the school community and factory workers.



Figure 6 - Page Street Neighbourhood Centre





## Historical Development

Pagewood was named after Alderman F.J. Page of Botany Council in 1929. It originally began as a garden estate in 1919 called Monash Gardens. It was developed to provide additional housing after World War 1. Pagewood has a mixture of residential and industrial areas.

## Built Form

The building stock around the Centre is represented by a mix of low-scale residential development and three storey residential flat buildings, with a significant industrial area on the edge of the suburb. Pagewood was originally developed as a predominantly single and two-storey neighbourhood comprising detached and semi-detached dwelling houses.

The Page Street Neighbourhood Centre is a two storey 1960's modest brick and tile building. There are awnings above the Dalley Avenue footpath that provide full width weather protection. There is ample angled public car parking in front of the Centre and additional parking across the road outside the primary school.

The units above the shops have their only entry from the rear lane and have no direct access to private open space/balconies.

## Heritage and Contributory Buildings

There are no Heritage Items in the Page Street Neighbourhood Centre.

## Public Parks and Community Facilities

The area is well serviced by several local parks and community facilities including Pagewood Senior Citizens centre, which is just to the west of the shops.

Adjacent to the centre and within the B1 - Neighbourhood Zone is a Business Enterprise Centre (BEC), a government-funded service that provides assistance to a wide range of people starting new businesses. Directly behind the BEC is a small children's playground. Opposite the shops, across Dalley Avenue is Pagewood Primary School. There are two public pedestrian laneway links, one to Holloway Street and the other to Wentworth Avenue.

There is a proposal to construct a community facility and coffee shop at No. 2a Baker Street, at the rear of the Centre.

## Public Domain

The continuous awnings and well maintained brick patterned footpaths and buildings provide good amenity for pedestrians. There is ample parking and it has well maintained gardens. There is a reasonable amount of public seating on the footpath. The existing pedestrian walkway to Holloway Street could benefit from improved lighting and surveillance and a new pedestrian crossing in Holloway Street, particularly once redevelopment of No. 2 Baker Street (as a community facility and coffee shop) occurs.



## Access and Circulation

The Centre has adequate car parking and can accommodate the small to medium truck movements from the industrial area that shop at the Neighbourhood Centre. Most shoppers appear to drive there although some would arrive on foot from nearby residences and the local industrial area. The on-street parking is sufficient for the low levels of retail activity. Rear lane access is available to these properties, many of which have garages located at the rear.

## Views and Aspect

The Centre enjoys a picturesque outlook across the oval of the local primary school. The Centre receives full afternoon sun and the location is quiet with reasonably low traffic generation.

## Desired Future Character

The Page Street Neighbourhood Centre are anticipated to develop into a high quality Neighbourhood Centre with a balanced mix of retail, commercial, community and residential uses which cater for the needs of the local community. If the existing Centre is redeveloped in the future, consolidation of the five existing allotments is required and vehicular access must be from the rear of the centre, preferably to a basement car park. Public domain improvements, such as landscaping, lighting of the pedestrian walkway, provision of a shared zone in the rear laneway and a pedestrian crossing in Holloway Street would be required with any future redevelopment of the centre, in accordance with **Figures 7 and 8**.

The Objectives and Controls for the Desired Future Character for the Page Street Neighbourhood Centre are as follows:

### Objectives

- O1** To retain and conserve the shopping strip and encourage a viable and attractive neighbourhood centre with an improved and safer public domain;
- O2** To support a variety of local retail, commercial and residential development;
- O3** To allow sympathetic redevelopment and to improve the architectural quality of building stock;
- O4** To encourage development of awnings as balconies for dwellings above shops (to improve dwelling access to private open space and promote passive surveillance);
- O5** To ensure that dwellings provide passive surveillance, resident interaction and address the street or adjacent public open space; and
- O6** To encourage footpath dining.



## Controls

### Public Domain/Streetscape

- C1** Redevelopment of the Page Street Neighbourhood Centre is contingent upon the consolidation of the five existing allotments and the provision of the public domain improvements identified by Council, generally in accordance with **Figures 7 and 8**.
- C2** Pedestrian amenity and connectivity must be enhanced in conjunction with new development. Lighting above the existing walkway to Holloway Street and provision of a verandah over the footpath is encouraged to provide weather protection and passive surveillance of the street.
- C3** Footpath dining is allowed where it is safe (generally 2 metres from the kerb). Development where possible is to provide connections to the open space area at No. 2a Baker Street.

### Site Amalgamation

- C4** Redevelopment of the centre requires site amalgamation generally in accordance with **Figure 9** to avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.

### Building Form and Design

- C5** The design of development must be generally consistent with the desired future character of the centre identified in **Figure 7 and Figure 8**.
- C6** A maximum height of 12 metres applies under Bayside Local Environmental Plan 2021. Notwithstanding the 12 metre height limit, buildings are to have a maximum street wall height of two storeys, with a third attic level permitted where it is within a pitched roof form.
- C7** The design must improve the residential amenity for the housing above the shops by providing direct access to balconies and private open space which will provide for passive surveillance of the surrounding streets and pedestrian walkways.
- C8** The design must encourage active street life while providing a high residential amenity and provide for small scale shops that will serve the local community.
- C9** All development must address the street frontage.
- C10** All designs must provide awnings above the footpath on the Dalley Ave frontage and along the pedestrian walkway to Holloway Street. Awnings above the footpath are encouraged as trafficable verandahs for the use of residents on the first floor. If the verandah is built over the street then a lease fee is payable to Council. The fee is set out in Council's Fees and Charges.



- C11** A street number for the property is to be clearly identifiable from the street.
- C12** Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians.
- C13** Air conditioners must not be installed on street awnings or the front façade of buildings.
- C14** Development must comply with Council's sustainable development requirements as identified in **Part 3H - Sustainable Design**.

### **Parking and Access**

- C15** Vehicular access must be from the rear laneway and not from Dalley Avenue. If the five allotments (where the shops are currently located) are redeveloped as a consolidated site, basement parking is required to be provided.
- C16** Where a rear laneway exists loading and unloading must occur from the laneway.
- C17** Development must comply with **Part 3A - Car Parking**.
- C18** Development must maintain the pedestrian links to Holloway St and Wentworth Ave.
- C19** A paved shared zone is to be provided in the rear laneway to create a safer environment for pedestrians and create a better connection with the park at the rear of the centre.

### **Advertising and Signage**

- C20** Maintain limited advertisements and business signage to minimise visual impact on the residential area.
- C21** Restrict signage to the awning fascia, under the awning or behind the shop window at street level.
- C22** Development must comply with **Part 3D - Signage**.

### **Stormwater**

- C23** A Stormwater Management System is to be provided in accordance with **Part 3G - Stormwater Management**.



**Figure 7 - Desired Future Character – Page Street Neighbourhood Centre**

**Verandahs**

Verandahs over the public footpath are encouraged where there is a first floor development to provide amenity to the residential dwellings, passive surveillance of the street and weather protection for pedestrians.

**Public Domain**  
Development must provide landscaping/street trees, lighting, paving and other improvements in the public domain in consultation with Council's Landscape Officer.

**Street wall**

Development must be a maximum of 2 storeys built to the street alignment with a continuous parapet line.

**Building Articulation**

Building articulation at the street alignment is in the form of recessed balconies, verandahs or wall offsets.

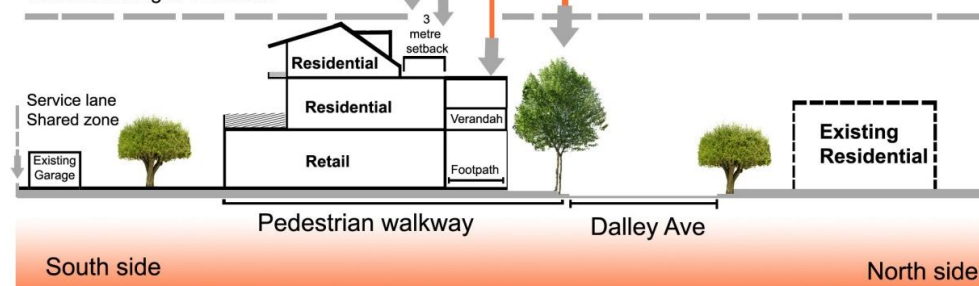
**Upper Levels setback**

Development on the third level must be in the form of an attic within a pitched roof and setback from the street boundary.

**Height**

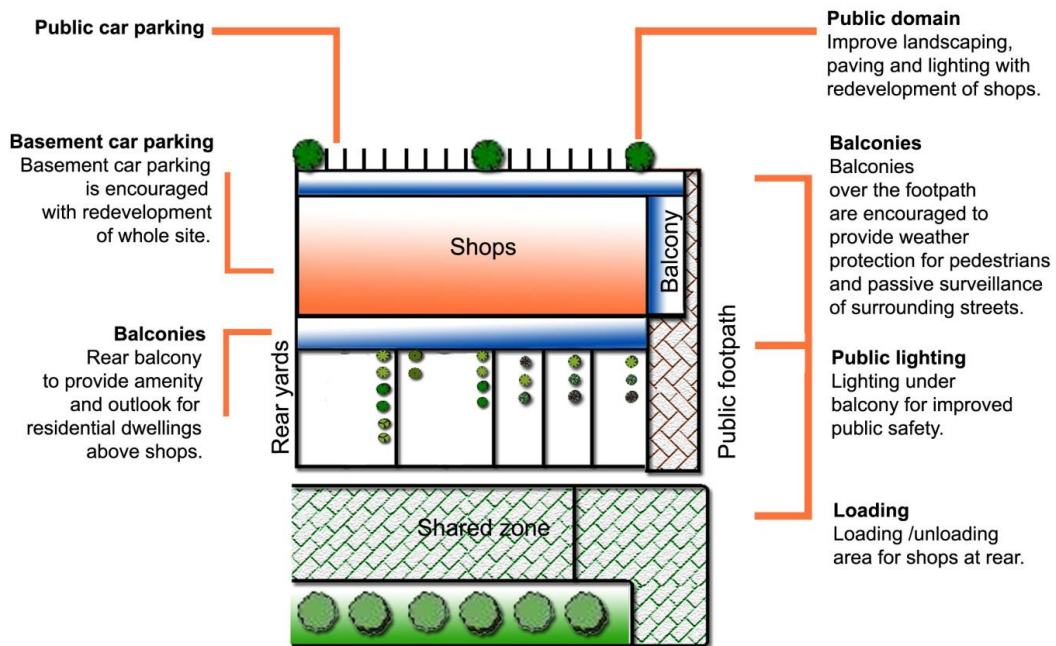
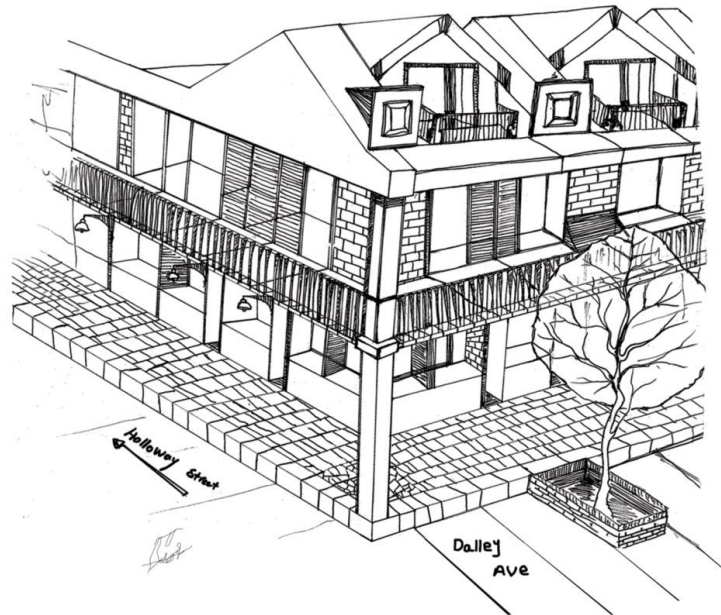
Development must not exceed 12 metre in height and must comprise a maximum of two storeys plus on attic level.

Maximum height 12 metres



**Note:** Setbacks may be required for the provision of street trees.

Figure 8 - Desired Future Character – Page Street Neighbourhood Centre



**Note:** Setbacks may be required for the provision of street trees.

Figure 9 - Page Street Neighbourhood Centre: Site Amalgamation

Redevelopment requires site amalgamation in accordance with the defined amalgamation parcel (A).



### 5.2.2.3 Banksmeadow Neighbourhood Centre

Photo 2 - Banksmeadow Neighbourhood Centre



#### Existing Character

The Banksmeadow Neighbourhood Centre is located along Botany Road at Banksmeadow, on a flat section of land. It is a medium sized centre with nearly 20 shops including the historic Sir Joseph Banks Hotel which provides a focal point at the centre of the shops (refer to **Figure 10** and **Photo 2**). It has a good mix of local shops and cafes. Given the predicted residential growth, within the Pemberton-Wilson Street Precinct, which is in close proximity to the centre, there is the need for further shops such as a supermarket, to service the local community.



Figure 10 - Banksmeadow Neighbourhood Centre





## Historical Development

Banksmeadow is located on the northern shore of Botany Bay. Banksmeadow was named after Sir Joseph Banks, who was the botanist that arrived in Australia with Captain James Cook in 1770. Development began in 1834 with the purchase of 75 Acres by two entrepreneurs who then went on to build the first Sir Joseph Banks Hotel in 1844. The first government school was opened in 1881.

Land began being subdivided in 1840's but it was principally bought by market gardeners. Industry arrived in the 1880's and as it expanded, it brought more residential with it. In 1926, parts of Banksmeadow were zoned residential and works commenced on foreshore reclamation.

## Built Form

The building stock around the Banksmeadow Neighbourhood Centre is represented by mainly detached residential dwellings and industrial development. There has been an increase in new multi dwelling housing developments in recent years in close proximity to the Neighbourhood Centre.

The centre comprises a row of inter-war two-storey shop-top housing. There has been a recent redevelopment within the centre, which includes a residential flat building at the rear of the shops. The street presentation to Botany Road remains as predominantly two storey buildings. The majority of shop-top buildings are built to the street alignment with continuous awnings and parapets.

## Heritage

There are several Heritage Items within walking distance of the Banksmeadow Neighbourhood Centre listed under Bayside Local Environmental Plan 2021 as listed in **Table 2**.

**Table 2 - Heritage Items in the vicinity of Banksmeadow Neighbourhood Centre**

Item No.	Suburb	Name	Address	Lot and DP	Significance
I75	Banksmeadow	Commercial Building	1619 Botany Road	Lot 1 DP 913863	Local
I74	Banksmeadow	Sir Joseph Banks Hotel (c 1920)	1354 Botany Road (corner of Botany Road and Waratah Street)	Part Lot 1 DP73950	Local
I162	Banksmeadow	Former Sir Joseph Banks Hotel (c 1840)	23 Anniversary Street	Lot 1-9 SP 62214	State
I204	Banksmeadow	Sir Joseph Banks Park	Fremlin Street	Lot 1 DP 668135	Local

## Public Parks and Community Facilities

The area is provided with several community facilities including Sir Joseph Banks Park, the Sir Joseph Banks Aged Care nursing home and Banksmeadow Public Primary School.



## Public Domain

The existing footpath and street furniture provide a good standard of pedestrian amenity. However a signalised pedestrian crossing in Botany Road will improve pedestrian safety and connectivity between the shops. Further public domain improvements are proposed with future redevelopment, including the provision of additional angled parking, further street planting and extension/paving of the footpaths to provide the opportunity for active retail uses such as outdoor dining.

## Access and Circulation

The Banksmeadow Neighbourhood Centre is well serviced by bus transport, although most shoppers would use car transport or arrive on foot from nearby residences. The street parking is adequate for the current level of retail activity, although with the predicted residential growth in this area additional on-street parking is proposed.

## Views and Aspect

The historic pub, Sir Joseph Banks Hotel (c1920) provides a visual landmark at the centre of the shops. The nearby Sir Joseph Banks Park provides good amenity for residents and shoppers and is a short stroll from the Neighbourhood centre.

## Noise

The Centre is affected by the 20 to 25 ANEF Contour and road traffic noise.

## Desired Future Character

The Banksmeadow Neighbourhood Centre is anticipated to develop into a high quality centre with a balanced mix of retail, commercial, community and residential uses which cater for the needs of the local community. Given the predicted residential growth within close proximity to the Centre, there is the need for further shops such as a supermarket, to service the increasing local community. Public domain improvements, such as landscaping, public seating, lighting of pedestrian walkways, further angle street parking and a signalised pedestrian crossing in Botany Road at the centre of the shops would be required in conjunction with new development, in accordance with **Figures 11, 12, 13 and 14** (Note: this is subject to approval by RMS). Through site links and arcades leading to the residential precinct to the rear is also encouraged with future redevelopment of the shops.



The Objectives and Controls for the Desired Future Character for Banksmeadow Neighbourhood Centre are as follows:

## Objectives

- O1** To retain and conserve the shopping strip at Banksmeadow and encourage a viable and attractive Neighbourhood Centre by improving the public domain and the public/private interface;
- O2** To ensure that development recognises predominant streetscape qualities (i.e. setbacks, traditional shopfronts & design features);
- O3** To protect and maintain Heritage Items such as the Sir Joseph Banks Hotel which provide a landmark for the Centre;
- O4** To retain traditional building façades in any redevelopment of the shops;
- O5** To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;
- O6** To retain existing trees and provide additional advanced trees within the streetscape;
- O7** To allow reasonable redevelopment and to improve the architectural quality of building stock;
- O8** To retain a coherent streetscape with a consistent street wall and parapet line;
- O9** To ensure that redevelopment of the shops minimises impacts on the adjoining residential precinct;
- O10** To improve pedestrian connections and safety within the Centre;
- O11** To encourage appropriate active outdoor uses with good solar access; and
- O12** To encourage development of awnings as balconies for residential and commercial units above (to improve amenity for unit dwellers and promote passive surveillance of streets).

## Controls

### Public Domain/Streetscape

- C1** Development must provide landscaping, street trees, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with **Figures 11, 12 and 13**.
- C2** Pedestrian amenity and connectivity must be enhanced in conjunction with new development. For instance, a signalised pedestrian crossing in Botany Road at the centre of the shops would be required to improve pedestrian safety and connections. Through site links and arcades leading to the residential precinct to the rear is also encouraged with future redevelopment of the shops to





improve pedestrian accessibility, safety and amenity.

### Heritage

- C3** Development of a heritage item or a site within the vicinity of a heritage item must comply with **Part 3B - Heritage**.

### Site Amalgamation

- C4** Redevelopment of the shops requires site amalgamation generally in accordance with **Figure 14** to avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.

### Building Form and Design

- C5** The design of development must be generally consistent with the desired future character of the centre identified in **Figures 11, 12 and 13**.
- C6** New development is to take into account and respond sympathetically to an established streetscape with strong architectural features and identity. New buildings are to reinforce these features and contribute to its character. Traditional shopfronts and façades must be retained and incorporated into new developments.
- C7** Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the suburb as detailed in the Character Statement.
- C8** The maximum height of buildings identified under Bayside Local Environmental Plan 2021 is 14 metres. Whilst a maximum of four storeys is permitted, buildings along the street frontage, must have a maximum street wall height of two storeys with a continuous parapet line, consistent with existing development.
- C9** The top two stories must be setback from the street alignment to create articulation of the street façades. Setbacks to the rear are required (and will be determined subject to site analysis at the development application stage) to ensure that potential overshadowing, privacy and visual impacts on residential properties are minimised, in accordance with **Figure 11**. Applicants must demonstrate at development application stage that appropriate setbacks are provided so that amenity impacts on residential properties are minimised.
- C10** With redevelopment of the shops, landscape planting must be provided along the rear boundary where a site adjoins a residential property, to provide a visual separation between the shops and the residential area.
- C11** The design of new development must improve the residential amenity for the housing above the shops by providing direct access to balconies and private open space; and provide for passive surveillance of the surrounding streets and pedestrian walkways.
- C12** All designs must provide awnings above the footpath. Awnings above the footpath are encouraged to be trafficable verandahs for the use of residents on the first floor and to provide for



passive surveillance of the streets. If the verandah is built over the street then a lease fee is payable to Council. The fee is set out in Council's Fees and Charges.

- C13** The design of buildings must encourage active street life and provide for small scale shops that will serve the local community. The design must also improve the passive surveillance of the surrounding streets.
- C14** Buildings must address the street and their entries are to be readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape. Buildings that are orientated across sites, contrary to the established development pattern, are intrusive and often overlook adjoining properties.
- C15** A street number for the property is to be clearly identifiable from the street.
- C16** Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians.
- C17** Air conditioners must not be installed on street awnings or the front façade of buildings.
- C18** Development must comply with Council's sustainable development requirements as identified in **Part 3H - Sustainable Design**.

#### **Parking and Access**

- C19** Vehicular access on Botany Road must be avoided where access is available from a side street or rear laneway.
- C20** Where a rear laneway exists loading and unloading must occur from the laneway (loading and unloading must be within the site).
- C21** Development must comply with **Part 3A - Car Parking**.
- C22** The provision of through site links and arcades is encouraged with new development to provide pedestrian connections to the residential precinct.

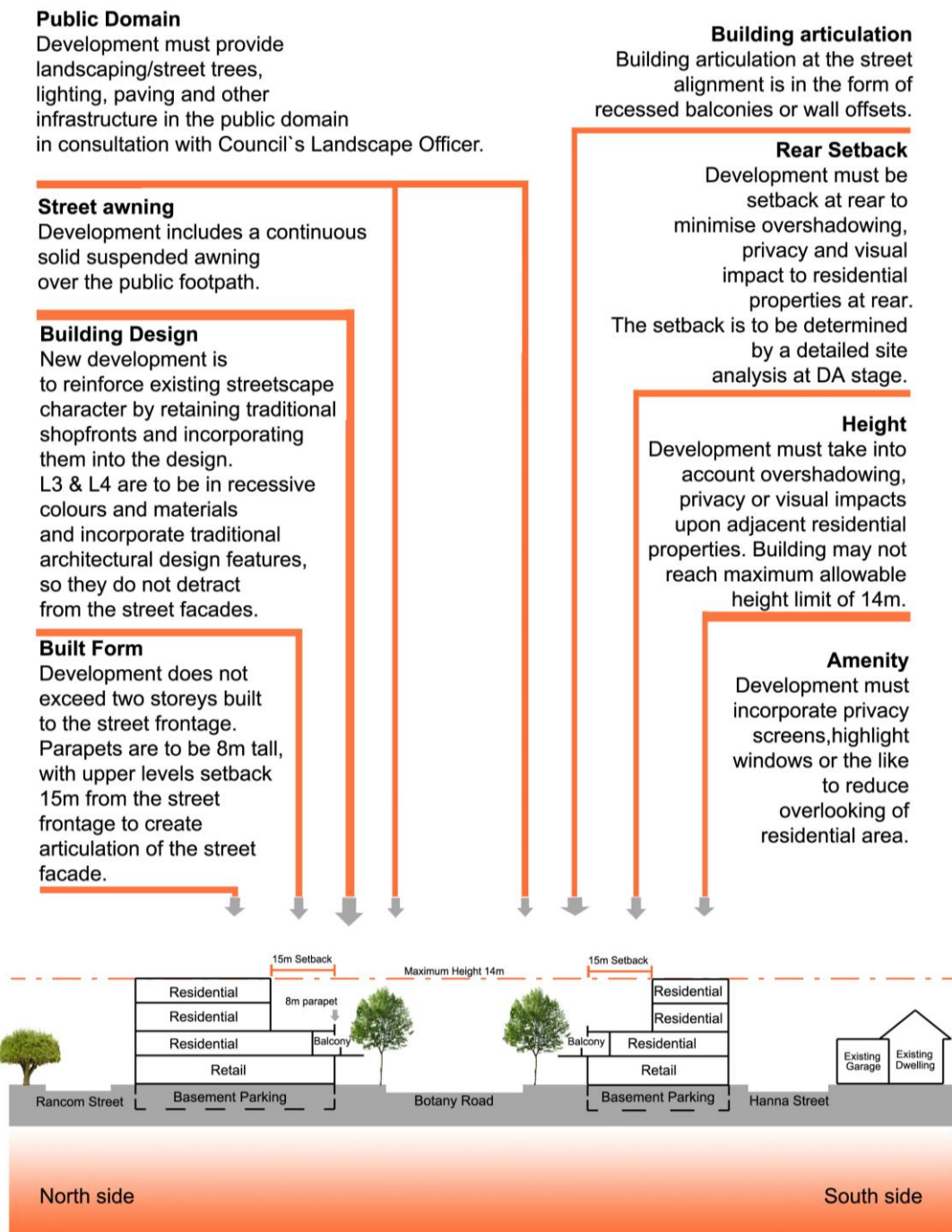
#### **Advertising and Signage**

- C23** Maintain limited advertisements and business signage to minimise visual impact on the residential area.
- C24** Restrict signage to the awning fascia, under the awning or behind the shop window at street level.
- C25** Development must comply with **Part 3D - Signage**.

#### **Stormwater**

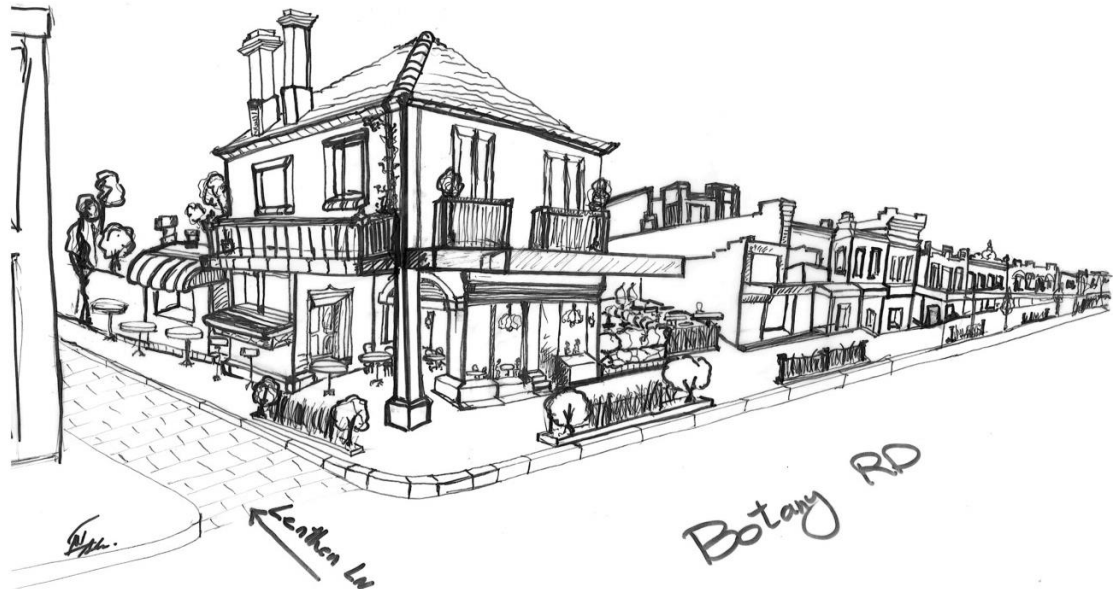
- C26** A Stormwater Management System is to be provided in accordance with Part 3G - Stormwater Management.

**Figure 11 - Desired Future Character – Banksmeadow Neighbourhood Centre**  
**Desired Future Character - Banksmeadow Shops**



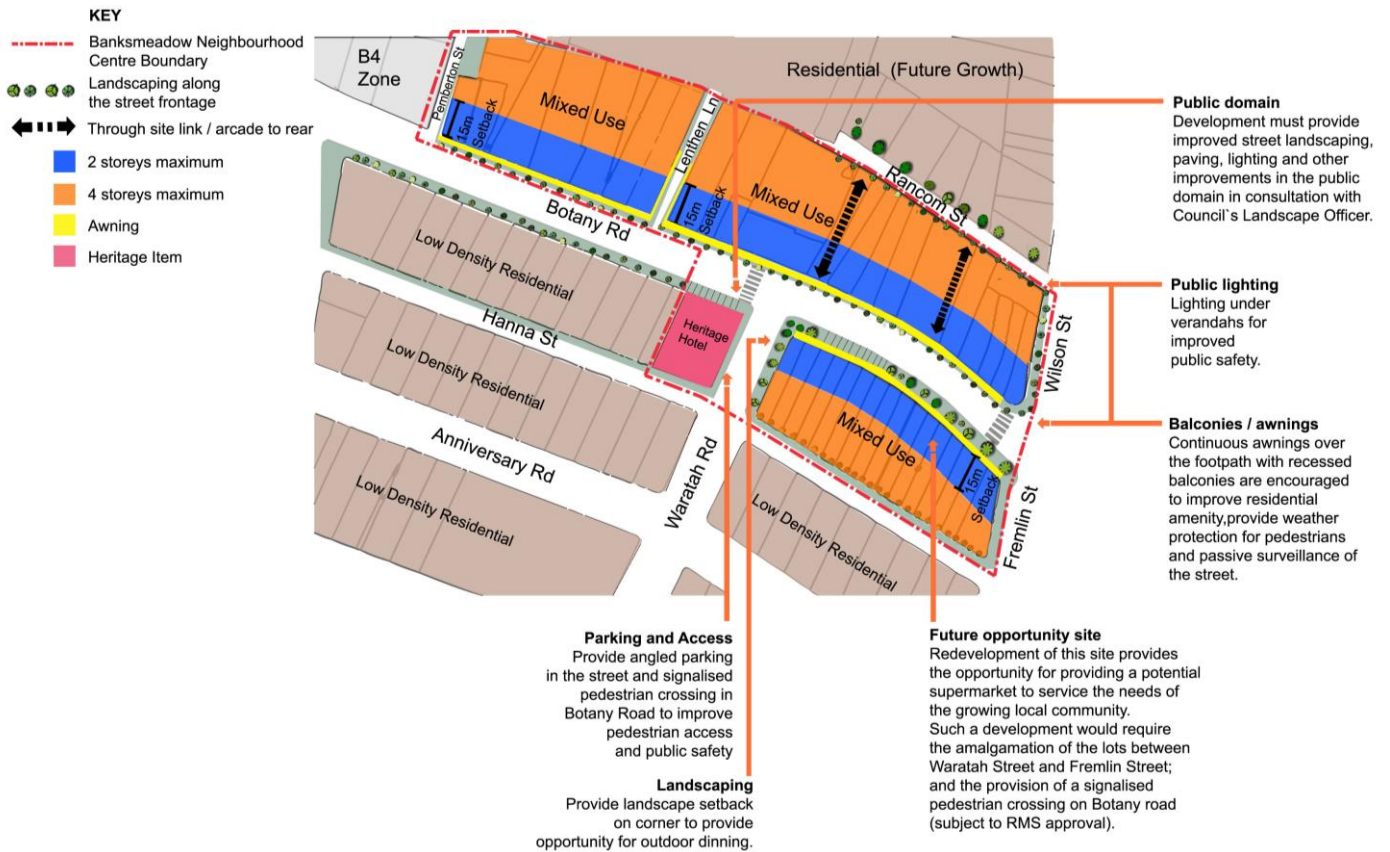
**Note:** Setbacks may be required for the provision of street trees.

Figure 12 - Desired Future Character - Banksmeadow Neighbourhood Centre: Botany Road



**Note:** Setbacks may be required for the provision of street trees.

Figure 13 - Desired Future Character - Banksmeadow Neighbourhood Centre





**Figure 14 - Banksmeadow Neighbourhood Centre: Site Amalgamation**

Redevelopment requires site amalgamation in accordance with the defined amalgamation parcels (ie A, B, C, D, E, F, G, H, I, J)





#### 5.2.2.4 Maloney Street Neighbourhood Centre

Photo 3 - Maloney Street Neighbourhood Centre



#### Existing Character

The Neighbourhood Centre is located along Maloney Street on a flat section of land. It is a small centre with less than 10 shops (refer to **Figure 15** and **Photo 3**). The Centre comprises several inter-war (1950's) two-storey shop-top buildings, on both sides of the road. The shop-top buildings are all built to the street alignment with mostly continuous awnings and parapets.



Figure 15 - Maloney Street Neighbourhood Centre







## Historical Development

Eastlakes was originally known as Botany Swamps. It began in 1858 as the Botany Swamps Water Supply Scheme when the area became Sydney's third source of water. Water was pumped from the Botany swamps to a reservoir in Paddington from 1859. But after less than 20 years its water supply was depleted. The Botany Swamps Water Supply Scheme had included a group of dams that supplied water to a pumping station close to the present Sydney Airport. The majority of the Botany pumping station was dismantled in 1896.

The local Eastlakes Primary School started in 1938 in the local church hall. It moved to its present location in 1943.

The residential area took off significantly in the 1960's with the redevelopment of the Rosebery Racecourse into a part residential and part commercial area

## Built Form

The building stock around the Maloney Neighbourhood Centre is represented by mainly detached residential dwellings. The houses are predominantly single-storey Federation Bungalows and California bungalows.

The existing commercial buildings are predominantly two storeys in height and are of a simple post war design, with attractive art deco detailing on the facades. There are also several residential buildings within the Centre and a service station.

## Heritage

There are no Heritage Items within the Maloney Street Neighbourhood Centre. Refer to **Table 3** for Heritage Items listed under Bayside Local Environmental Plan 2021 in the vicinity of the Centre.

**Table 3 - Heritage Items in the vicinity of Maloney Street Neighbourhood Centre**

Item No	Suburb	Name	Address	Lot and DP	Significance
I320	Mascot	House Group	62–64 King Street	Lot A DP304230 Lot B DP304230	Local

## Public Parks and Community Facilities

The area is provided with several community facilities including Sparks St Reserve, L'Estrange Park, and The Lakes Golf Club and Course.

## Public Domain

The planter tubs in the Centre provide a limited standard of pedestrian amenity. Public domain improvements including street landscaping, paving and extension of the footpath, public seating, lighting and other improvements will greatly improve the amenity of the Centre.



## Access and Circulation

The Maloney Street Neighbourhood Centre is well serviced by public transport with a bus stop located outside the Centre. Most shoppers would be local and would use car transport or arrive on foot from nearby residences. The street parking is adequate for the level of retail activity.

## Views and Aspect

The Centre is surrounded by mainly single storey and some two storey detached dwelling houses.

## Noise

The Centre is affected by the 20 to 25 ANEF Contour and road traffic noise.

## Desired Future Character

The Maloney Street Neighbourhood Centre is a small local shopping centre which must cater for the needs of the local community. The attractive art deco façades of the existing buildings in the centre must be retained in any redevelopment of the shops, as they add to the character of the centre. Public domain improvements, such as landscaping, footpath paving and public seating, would also greatly improve the aesthetics of the shops and will be required with any future redevelopment, in accordance with **Figures 16 and 17**.

The Objectives and Controls for the Desired Future Character for the Maloney Street Neighbourhood Centre are as follows:

### Objectives

- O1** To retain and conserve the shopping strip and encourage a viable and attractive Neighbourhood centre with an improved and safer public domain;
- O2** To ensure that development recognises and retains predominant streetscape qualities (i.e. existing building height along the street frontage & design features such as the art deco building façades);
- O3** To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;
- O4** To allow reasonable redevelopment and to retain the architectural quality of the existing building stock;
- O5** To retain a coherent streetscape with a consistent street wall and parapet line;
- O6** To encourage the viability of the shopping area with increased on-site car parking;
- O7** To improve and extend the pedestrian environment and to encourage appropriate outdoor uses with good solar access, such as cafes;



- O8** To encourage development of awnings as balconies for residential units above (to improve amenity for unit dwellers and promote passive surveillance of streets);
- O9** To protect the distinctive and characteristic elements of the Maloney Street Neighbourhood Centre and ensure the integration of these features into subsequent development; and
- O10** To ensure that the amenity of nearby residential properties is protected.

## Controls

### Public Domain/Streetscape

- C1** Redevelopment of the Maloney Street Shops is contingent upon the provision of the public domain improvements such as landscaping, paving of the footpaths and lighting identified by Council, generally in accordance with **Figures 16** and **17**.
- C2** Pedestrian amenity and safety must be enhanced in front of the shops in conjunction with new development. The extension of the footpath on the corner of Maloney and Harry Streets will provide the opportunity for active retail uses such as outdoor dining.

### Site Amalgamation

- C3** Redevelopment of the shops requires site amalgamation generally in accordance with **Figure 18** to avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.

### Building Form and Design

- C4** The design of development must be generally consistent with the desired future character of the centre identified in **Figures 16** and **17**.
- C5** Any redevelopment of the shops must retain and incorporate the existing traditional two storey building facade including the existing architectural features/detailing.
- C6** A maximum height of 12 metres applies under Bayside Local Environmental Plan 2021. A maximum street wall height of two stories also applies along the street frontage, with a third level permitted which is setback from the street frontages and the rear (where the shops adjoins a residential property). The setback from the rear is to be determined following a detailed site analysis at development application stage and must satisfy Council that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity. Applicants must therefore demonstrate with the development application that impacts on the residential area are minimised.
- C7** With redevelopment of the Centre, landscape planting must be provided along the rear or side boundary where a site adjoins a residential property, to provide a visual separation between the shops and the residential area.



- C8** All development must address the street frontage.
- C9** All designs must provide awnings above the footpath. Awnings above the footpath are encouraged as trafficable verandahs for the use of residents on the first floor. If the verandah is built over the street then a lease fee is payable to Council. The fee is set out in **Council's Fees and Charges**.
- C10** The design of development must improve the residential amenity for the housing above the shops by providing direct access to balconies and private open space; and provide for passive surveillance of the surrounding streets and pedestrian walkways.
- C11** The design must encourage active street life while providing a high residential amenity and provide for small scale shops that will serve the local community.
- C12** A street number for the property is to be clearly identifiable from the street.
- C13** Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians.
- C14** Air conditioners must not be installed on street awnings or the front facade of buildings.
- C15** Development must comply with Council's sustainable development requirements as identified in **Part 3H - Sustainable Design**.

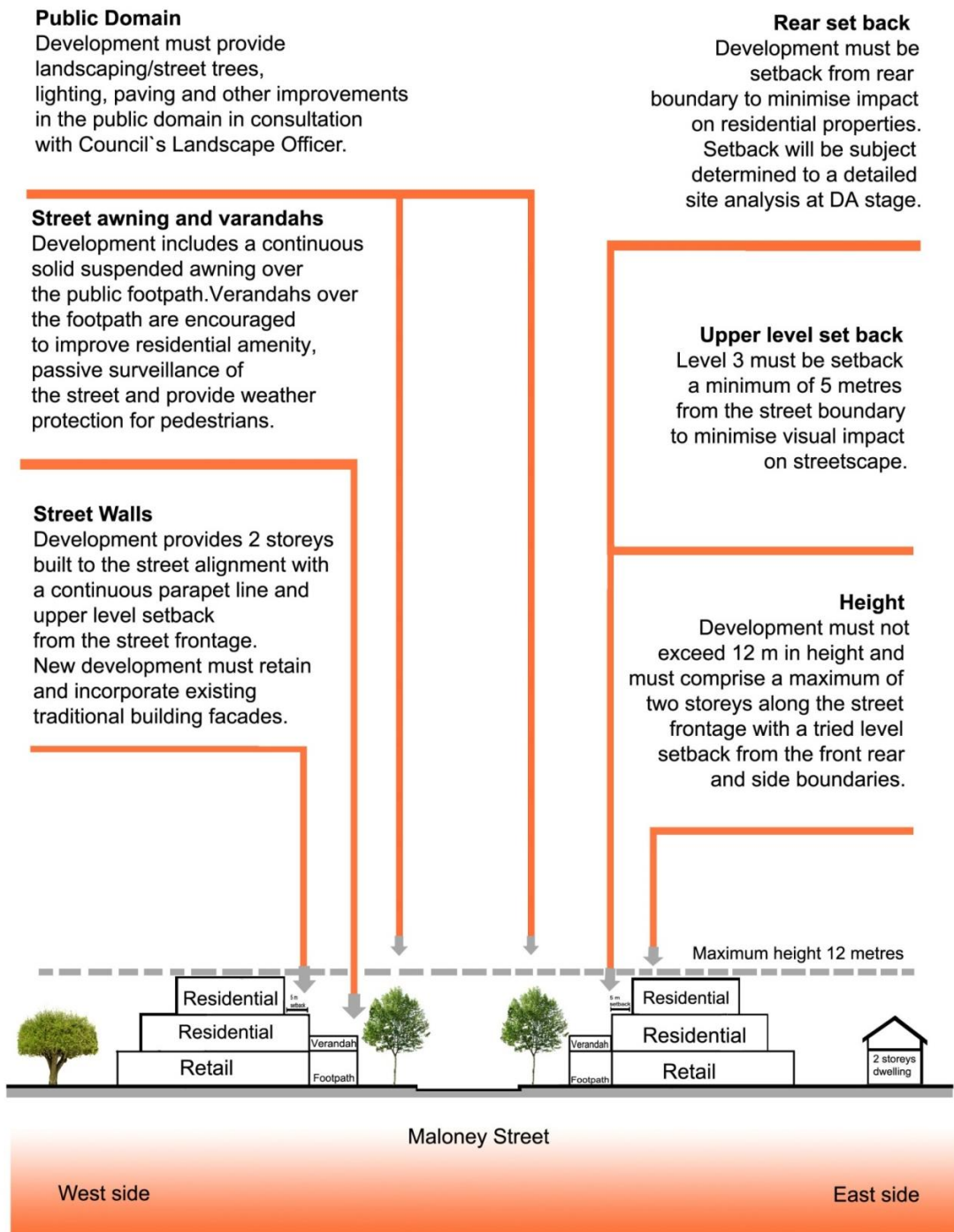
#### **Advertising and Signage**

- C16** Maintain limited advertisements and business signage to minimise visual impact on the residential area.
- C17** Restrict signage to the awning fascia, under the awning or behind the shop window at street level.
- C18** Development must comply with **Part 3D - Signage**.

#### **Stormwater**

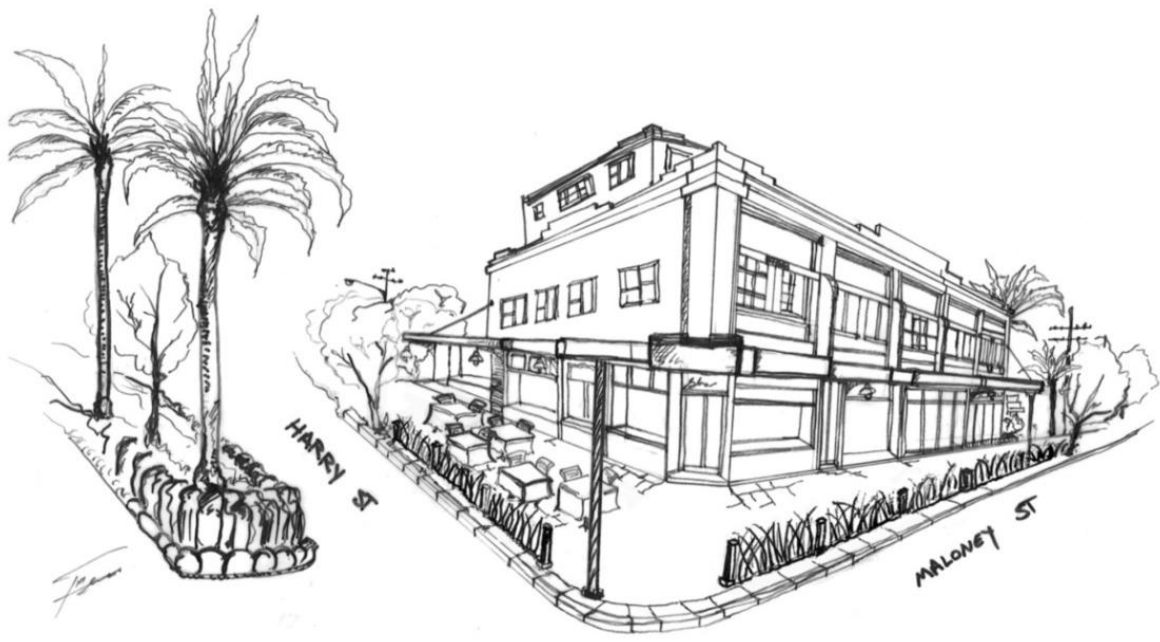
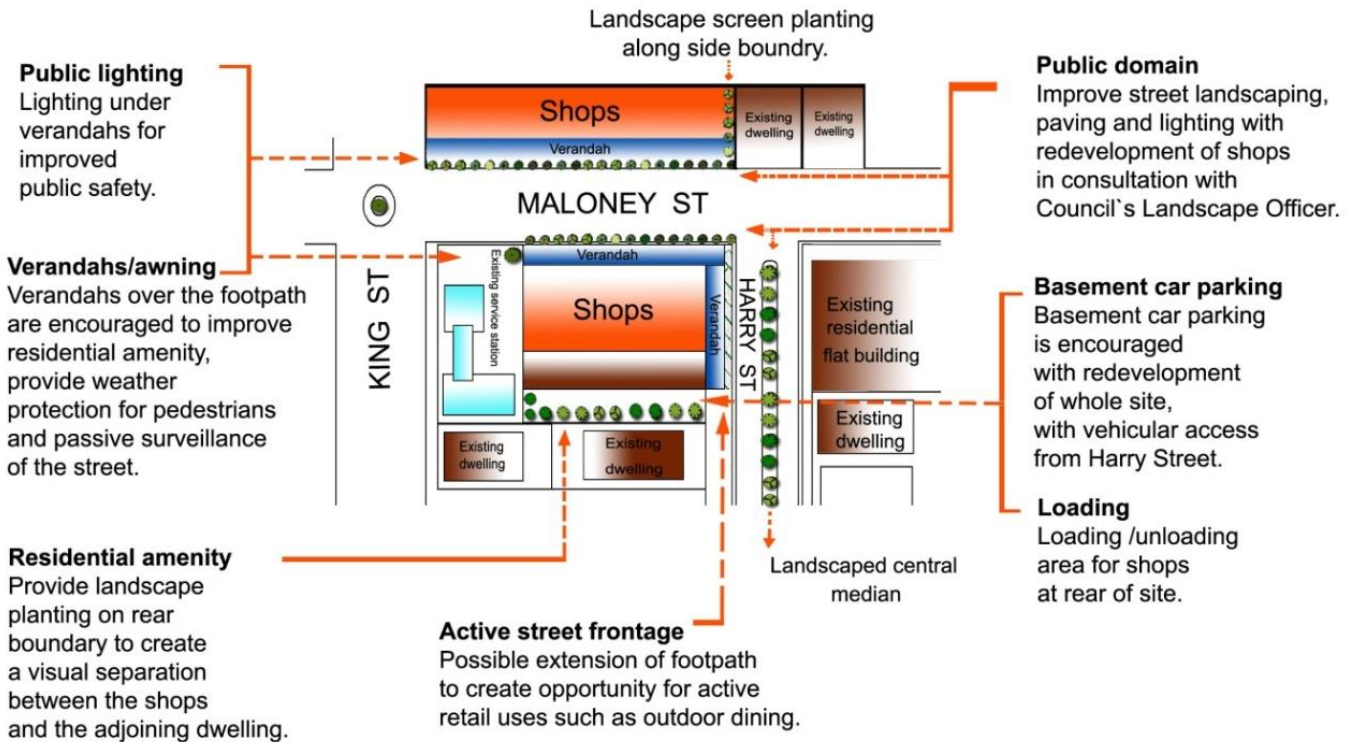
- C19** A Stormwater Management System is to be provided in accordance with **Part 3G - Stormwater Management**.

**Figure 16 - Desired Future Character - Maloney Street Neighbourhood Centre**



**Note:** Setbacks may be required for the provision of street trees.

**Figure 17 - Desired Future Character - Maloney Street Neighbourhood Centre**



**Note:** Setbacks may be required for the provision of street trees.



Figure 18 - Maloney Street Neighbourhood Centre – Site Amalgamation

Redevelopment requires site amalgamation in accordance with the defined amalgamation parcels (ie A, B, C, D, E )





### 5.2.2.5 Swinbourne Street Neighbourhood Centre

Photo 4 - Swinbourne Street Neighbourhood Centre



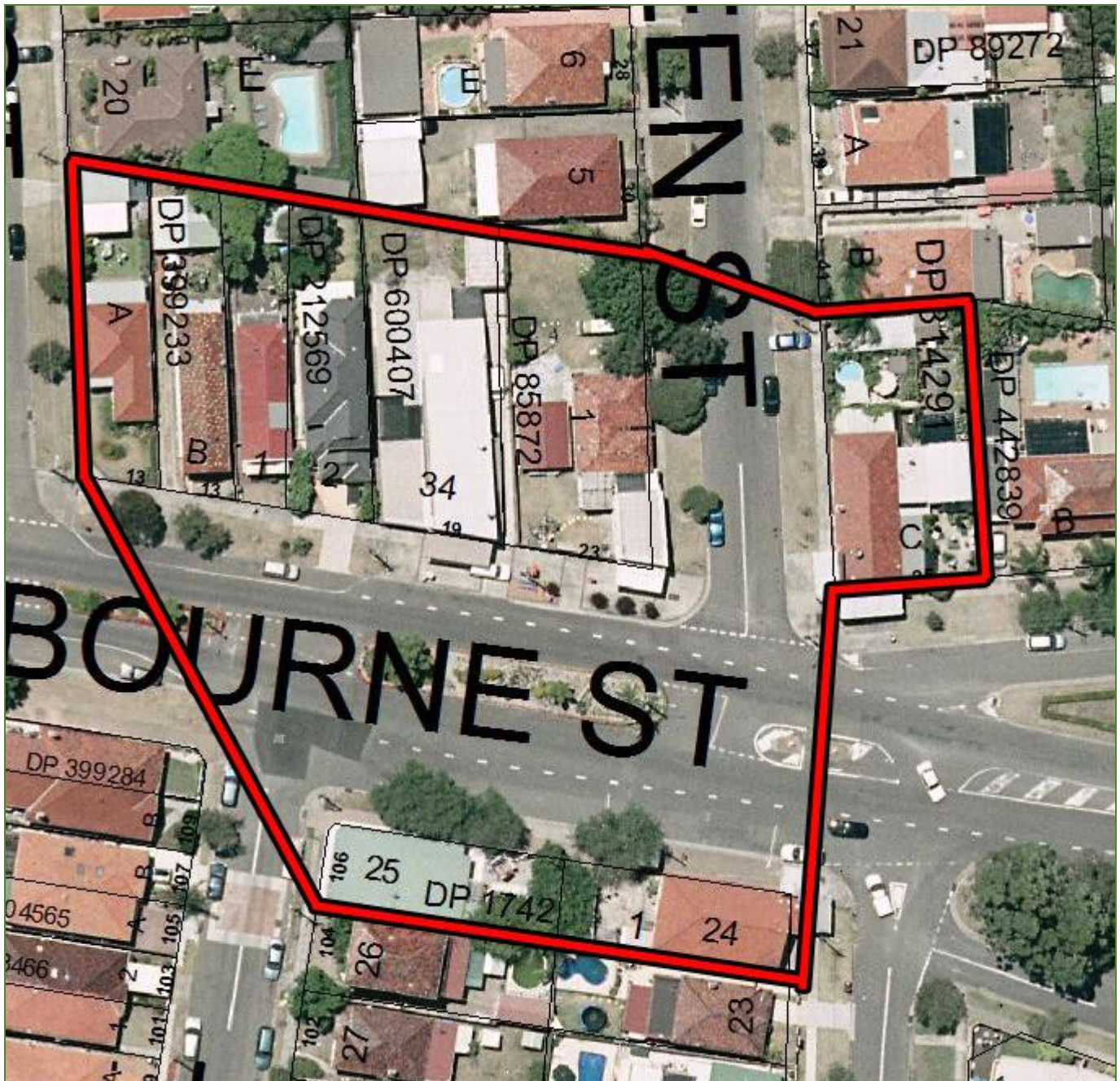
#### Existing Character

The Neighbourhood Centre is located along Swinbourne Street on a flat section of land with a large garden medium strip dividing the road (refer to **Figure 19** and **Photo 4**). It is a small centre with only four local shops. It has a café, corner store, and two other small shops.





Figure 19 - Swinbourne Neighbourhood Centre





## Historical Development

Swinbourne Street is located in the suburb of Botany. It was established in the 1920's with the subdivision of land known as "Wilson". The street was named after part of the famous Swinbourne & Stephen firm of wool scourers who set up business in the area due to the plentiful supply of water. Mr Swinbourne was the Mayor of Botany Bay in 1891-1892.

At the intersection of Swinbourne Street and Stephen Road the Kellogg's company started its operations in 1928, where it continues today. Most of the area around the shops is single storey residential dwellings with an industrial area located at the far (eastern) end of the street.

## Built Form

The building stock around the Swinbourne Street Neighbourhood Centre is represented by mainly detached single storey residential dwellings. There has been an increase in multi dwelling housing developments in recent years in the surrounding streets.

The Centre comprises of a small group of inter-war single storey shops on both sides of the road. The majority of retail buildings are built to the street alignment.

## Heritage

There are several Heritage Items within or in close proximity to the Swinbourne Neighbourhood Centre listed in Bayside Local Environmental Plan 2021 (refer to **Table 4**).

**Table 4 - Heritage Items within or in the vicinity of Swinbourne Street Neighbourhood Centre**

Item No	Suburb	Name	Address	Lot and DP	Significance
I77	Banksmeadow	Streetscape— Verge plantings of Canary Island Date Palm (Phoenix Canariensis)	Brighton Street	Road	Local
I215	Botany	Electricity Substation No 340	3 William Street (Corner of Swinbourne and William Streets)	Lot 1 DP669129	Local
I207	Botany	Streetscape— Verge plantings of Canary Island Date Palm (Phoenix Canariensis)	Swinbourne Street (William to Queen Streets)		Local



## **Public Parks and Community Facilities**

The area is provided with several community facilities including the Garnet Jackson Reserve and Banksmeadow Public School.

## **Public Domain**

The footpath and street furniture provide a reasonable standard of pedestrian amenity. Further public domain works are proposed in conjunction with future redevelopment of the shops including new landscaping, street paving/street closures, additional angle parking and improvements to the pedestrian environment which will improve the safety, functionality and amenity of the shops.

## **Access and Circulation**

The Swinbourne Street Neighbourhood Centre is on the bus route, although most shoppers would use car transport or arrive on foot from nearby residences. The street parking is adequate for the level of retail activity at present, but with future redevelopment would benefit from some further on-street angle parking. Due to the speed of vehicles travelling in Swinbourne Street certain traffic calming measures and some minor road closures are proposed to narrow the street and improve pedestrian safety.

## **Views and Aspect**

The Centre is located in a mainly residential area. It is a small group of shops which form a Neighbourhood Centre. There is a pleasant outlook over some significant heritage street trees in the middle of the street.

## **Noise**

The Centre is affected by road traffic noise.

## **Risk**

Part of the suburb is within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. Development Applications, planning proposals and rezoning of land received by Council for land within the Zone of Influence will be referred to the APA Group for consideration and comment.



## Desired Future Character

The Objectives and Controls for the Desired Future Character for the Swinbourne Street Neighbourhood Centre are as follows:

### Objectives

- O1** To promote a viable and attractive Neighbourhood Centre with an improved and safer public domain;
- O2** To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);
- O3** To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;
- O4** To retain existing heritage trees and supplement existing landscaping within the streetscape;
- O5** To allow reasonable redevelopment and to improve the architectural quality of building stock;
- O6** To retain a coherent streetscape with a consistent street wall and parapet line;
- O7** To ensure that access driveways do not dominate the streetscape; and
- O8** To ensure that shop top housing provides passive surveillance, resident interaction and addresses the street. To encourage development of awnings as balconies for residential and commercial units above (to improve amenity for unit dwellers and promote passive surveillance of streets).

### Controls

#### Public Domain/Streetscape

- C1** Development must provide landscaping, street trees, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with **Figure 20**.
- C2** Pedestrian amenity must be enhanced in front of the shops in conjunction with new development.

#### Site Amalgamation

- C3** Redevelopment is encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.

#### Building Form and Design

- C4** The design of development must be generally consistent with the Desired Future Character of the centre identified in **Figure 20**.



- C5** A maximum height of 12 metres applies under Bayside Local Environmental Plan 2021. Notwithstanding the 12 metre height limit, a maximum height of two stories applies along the street frontage with a third level permitted which is setback from the street frontages and the rear. The setback from the rear is to be determined following a detailed site analysis at development application stage and must satisfy Council that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity. Applicants must therefore demonstrate at development application stage that impacts on the residential area are minimised.
- C6** With redevelopment of the shops, landscape planting must be provided along the rear boundary where a site adjoins a residential property, to provide a visual separation between the shops and the residential area.
- C7** New development is to take into account and respond sympathetically to an established streetscape with strong architectural features and identity. New buildings are to reinforce these features and contribute to its character.
- C8** Alterations and additions are to reflect the architectural design of the existing building. Materials and finishes are to be compatible with the existing building.
- C9** Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the suburb.
- C10** Shop top housing must be provided in any redevelopment of the existing shops.
- C11** The design must improve the residential amenity for the housing above the shops by providing direct access to balconies and private open space; and provide for passive surveillance of the surrounding streets and pedestrian walkways.
- C12** All development must address the street frontage.
- C13** All designs must provide awnings above the footpath on the Swinbourne Street frontage.
- C14** Awnings above the footpath are encouraged as trafficable verandahs for the use of residents on the first floor. If the verandah is built over the street then a lease fee is payable to Council. The fee is set out in **Council's Fees and Charges**.
- C15** The design must provide good residential amenity for the housing above the shops by providing direct access to balconies and private open space; and provide for passive surveillance of the surrounding streets and pedestrian walkways.
- C16** The design must encourage active street life while providing a high residential amenity and provide for small scale shops that will serve the local community.
- C17** A street number for the property is to be clearly identifiable from the street.
- C18** Awnings must be provided continuously and at the same height along the shop frontages to



provide weather protection for pedestrians.

**C19** Air conditioners must not be installed on street awnings or the front façade of buildings.

**C20** Development must comply with Council’s sustainable development requirements as identified in **Part 3H - Sustainable Design**.

#### **Parking and Access**

**C21** Development must comply with **Part 3A - Car Parking**.

#### **Advertising and Signage**

**C22** Maintain limited advertisements and business signage to minimise visual impact on the surrounding residential area.

**C23** Restrict signage to the awning fascia, under the awning or behind the shop window at street level.

**C24** Development must comply with **Part 3D - Signage**.

#### **Stormwater**

**C25** A Stormwater Management System is to be provided in accordance with **Part 3G - Stormwater Management**.

Figure 20 - Swinbourne Street Neighbourhood Centre

**Street verandahs & awnings**

Development that has a first floor is encouraged to provide verandahs and awnings over the footpath to create private open space for housing above the shops, passive surveillance of the streets and weather protection for pedestrians. Single storey development must have an awning over the footpath, the width of the building and to the street kerb.

**Public Domain**

Development must provide landscaping/street trees, lighting, paving, other Infrastructure and improvements in the public domain in consultation with Council's landscape officer.

**Rear setback**

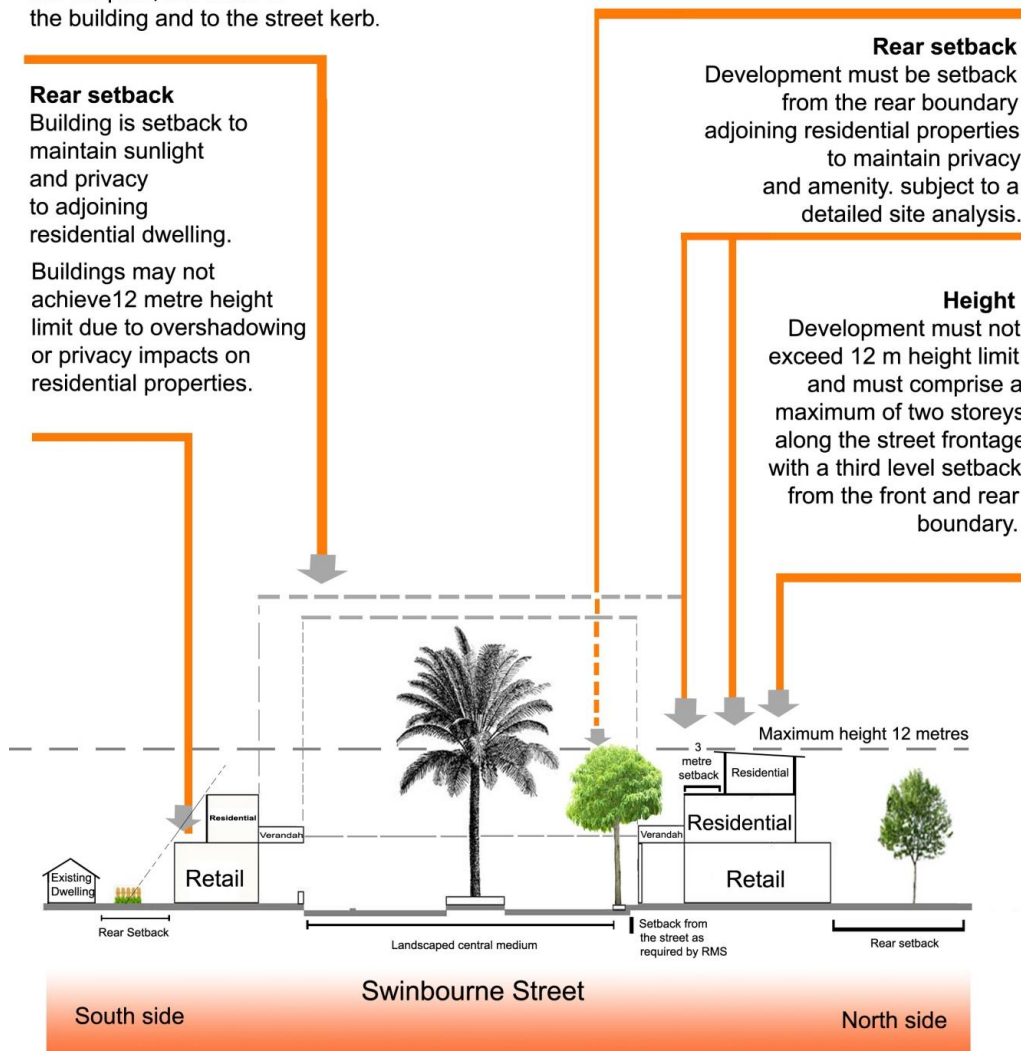
Building is setback to maintain sunlight and privacy to adjoining residential dwelling. Buildings may not achieve 12 metre height limit due to overshadowing or privacy impacts on residential properties.

**Rear setback**

Development must be setback from the rear boundary adjoining residential properties to maintain privacy and amenity, subject to a detailed site analysis.

**Height**

Development must not exceed 12 m height limit and must comprise a maximum of two storeys along the street frontage with a third level setback from the front and rear boundary.



**Note:** Setbacks may be required for the provision of street trees.



### 5.2.2.6 Rosebery Neighbourhood Centre

Photo 5 - Rosebery Neighbourhood Centre



#### Existing Character

Rosebery Neighbourhood Centre is located along Gardeners Road and Botany Road on a flat section of land. The Centre consists of a good mix of local shops (around 100 shops) which service the local community (refer to **Figure 21** and **Photo 5**).

Along Botany Road the centre is zoned B2 Local Centre and along Gardeners Road the centre is zoned B1 Neighbourhood Centre.

The historic former Roxy Theatre is a Heritage Item is located at the middle of the Centre (along Gardeners Road) and provides a landmark for the Neighbourhood Centre.

#### Historical Development

The suburb of Rosebery was named after the fifth Earl of Rosebery, Archibald Phillip Primrose, who was Prime Minister of the United Kingdom, in 1894-95. The suburb was named in his honour after his visit to Australia for two months in 1883-84.

Rosebery was once the site of Rosebery Racecourse, which first opened as a pony track in 1906. The race track became an army camp during World War 2 and later after the war, it became the Sydney Turf Club training track.

#### Built Form

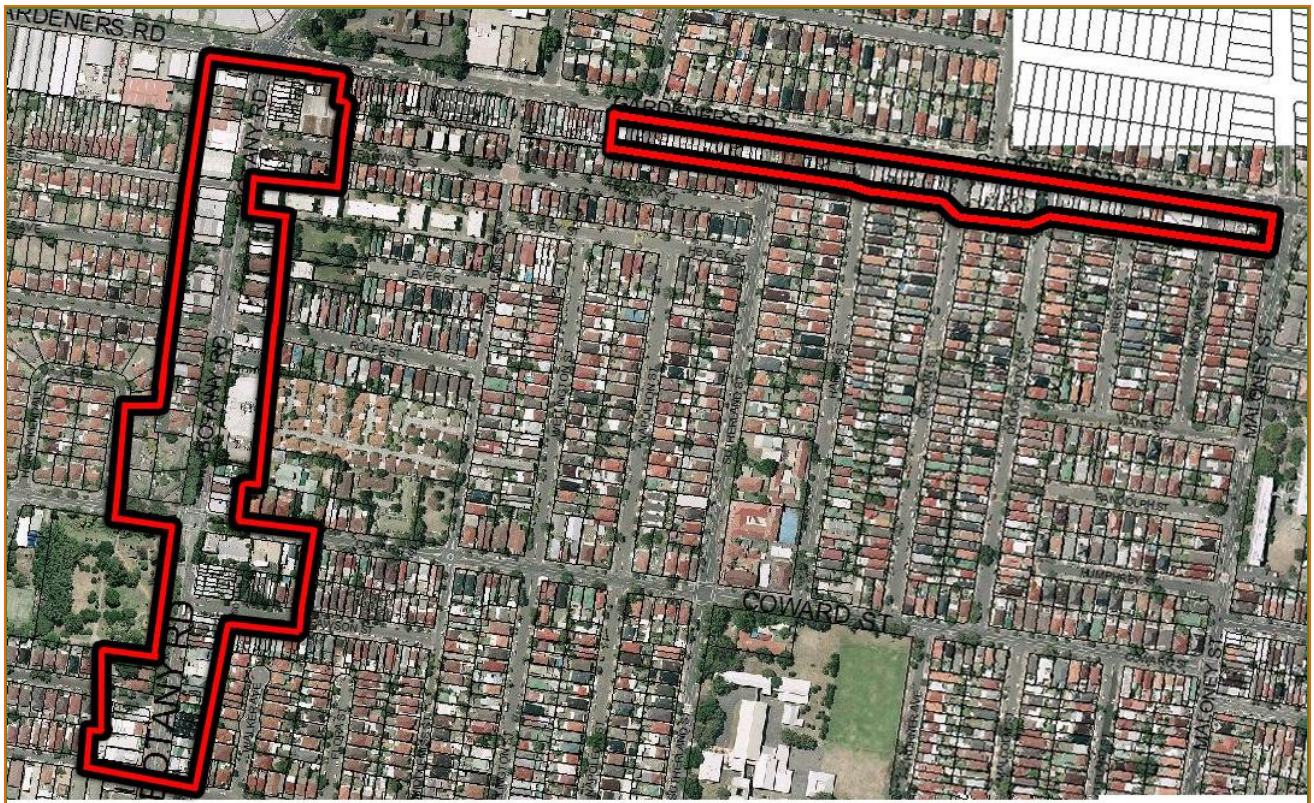
The building stock around Rosebery Neighbourhood Centre is represented by mainly detached residential dwelling houses. It is a “garden” suburb with most dwellings having reasonable amenity.





Rosebery Neighbourhood Centre comprises a long row of inter-war (predominantly) two-storey shop-top housing. The shop-top buildings are all built to the street alignment with continuous awnings and parapets

**Figure 21 - Rosebery Neighbourhood Centre**



## Heritage

There are several Heritage Items within or in close proximity to the Rosebery Neighbourhood Centre listed in Bayside Local Environmental Plan 2021 (refer to **Table 5**).

**Table 5 - Heritage Items Within or in the Vicinity of Rosebery Street Neighbourhood Centre**

Item No	Suburb	Name	Address	Lot and DP	Significance
I362	Rosebery	The Lakes Hotel	305 Gardeners Road (corner of Macquarie Street and Gardeners Road)	Cnr Lot A DP187154 Lot 10 DP 1142723	Local
I363	Rosebery	Former Roxy Theatre	409 Gardeners Road	Lot 1 DP217097 Lot 5 DP223717	Local
I364	Rosebery	Terrace Group	467–473 Gardeners Road	Lot 1 DP221797 Lot 2 DP221797 Lot 3 DP221797	Local



Item No	Suburb	Name	Address	Lot and DP	Significance
				Lot 4 DP221797	
I365	Rosebery	House	485 Gardeners Road	Lot B DP442890	Local
I366	Rosebery	Terrace Group	523-537 Gardeners Road	Lot A DP442415 Lot B DP442415 Lot 3 DP29124 Lot 4 DP29124 Lot 5 DP29124 Lot 6 DP29124 Lot 7 DP29124 Lot 8 DP29124	Local
I367	Rosebery	Terrace Group	539-543 Gardeners Road	Lot 1 DP75241 Lot 2 DP29124 Lot 6 DP215519	Local
I360	Rosebery	Former Bank Building	686 Botany Road (corner of Botany and Gardeners Roads)	Lot A DP411716	Local
I263	Mascot	Mature Ficus	818 Botany Road	Lot D DP420209	Local
I264	Mascot	Commercial Building Group	891-917 Botany Road	Lot A DP103750 Lot B DP103750 Lot C DP103750 Lot D DP103750 Lot 1 DP504610 Lot 2 DP504610 Lot A DP87517 Lot B DP87517 Lot 1 DP784041 Lot 1 DP80274 Lot 2 DP598272 Lot 3 DP598272 Lot 4 DP598272	Local
I266	Mascot	House Group	999 Botany Road	Part Lot 1 DP918245	Local
I267	Mascot	Electricity Substation No 147	1001 Botany Road	Lot 1 DP232836	Local
I268	Mascot	Former National Bank of Australasia	1005 Botany Road (corner Botany Road and Coward Street)	Cnr Lot A DP319304	Local
I269	Mascot	Coronation Hall	1007 Botany Road (corner of Coward and Botany Roads)	Lot 1 DP 202492	Local
I270	Mascot	Commercial Building Group	1009-1021 Botany Road	Lot 1 DP213130 Lot A DP349471 Lot B DP349471	Local



Item No	Suburb	Name	Address	Lot and DP	Significance
				Lot A DP440204 Lot B DP440204 Lot C DP440204 Cnr Lot D DP440204	
I271	Mascot	Mature Hoop Pine	1055 Botany Road	Lot 13 DP1035450	Local
I374	Rosebery	House	4 Macquarie Street	Lot B DP151267	Local
I262	Mascot	Memorial Park	814 Botany Road & 149A Coward Street	Lot 1 DP72528 Lot 2 DP611027	Local
I361	Rosebery	Newmarket Hotel	889 Botany Road (corner of Botany and Gardeners Roads)	Lot 2 DP215517 Lot 3 DP215517	Local

### Public Parks and Community Facilities

Lever Street Reserve is within walking distance of Rosebery Neighborhood Centre.

### Public Domain

The footpath and street furniture currently provide limited pedestrian amenity. Further public domain works including landscaping, paving of the footpaths, lighting, etc. are proposed that will improve the amenity and functionality of the shops.

The future redevelopment of the Centre would require the provision of further public domain improvements including the provision of public car parking and loading/unloading at the rear of the shops, the creation of street plazas and the introduction of a variety of traffic management measures to minimise impacts on the adjoining residential area.

### Access and Circulation

The Centre is located on a bus route, although most shoppers would use car transport or arrive on foot from nearby residences. The street parking is inadequate for the level of retail activity, particularly as Gardeners Road has clearway restrictions at certain times. The opportunity exists for redevelopment of the shops in the future, however any significant growth is contingent upon additional public car parking and traffic management measures being provided, as well as consolidation of allotments.

### Views and Aspect

The Centre is surrounded by single storey detached dwellings and fronts a classified road with high traffic flows. The shops look out across dwelling houses with an avenue of tall gums trees in the nature strip on the opposite side of Gardeners Road. The historic former Roxy Theatre provides a landmark heritage building at the middle of the Centre.



## Noise

The Centre is affected by the 20 to 25 ANEF Contour and road traffic noise.

## Desired Future Character

The Rosebery Neighbourhood Centre is a reasonable sized local centre which must cater for the needs of the local community. Public domain improvements, such as landscaping, footpath paving and public seating, are necessary to improve the amenity of the centre and will be required with any future redevelopment, in accordance with **Figure 22**. The Roxy Theatre is a visually prominent Heritage Building at the middle of the Centre along Gardeners Road which sets a benchmark for the scale and form of development within the centre along Gardeners Road.

The redevelopment of this area to provide increased densities in the future may be possible, however this would be contingent upon site consolidation occurring, in conjunction with considerable public domain improvements including increased public car parking and traffic management, through site pedestrian links etc. Further studies and analysis of the centre would be required to establish appropriate criteria/controls to facilitate redevelopment.

The Objectives and Controls for the Desired Future Character for the Rosebery Neighbourhood Centre are as follows:

### Objectives

- O1** To retain and conserve the Rosebery Neighbourhood Centre and encourage a viable and attractive Neighbourhood Centre by improving the public domain and the public/private interface;
- O2** To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);
- O3** To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;
- O4** To retain existing trees within the streetscape;
- O5** To allow reasonable redevelopment and to improve the architectural quality of building stock;
- O6** To retain a coherent streetscape with a consistent street wall and parapet line;
- O7** To encourage the viability of the shopping area with increased car parking;
- O8** To improve and extend the pedestrian environment and to encourage appropriate outdoor uses with good solar access, such as cafes;
- O9** To encourage development of awnings as balconies for residential units above (to improve amenity for unit dwellers and promote passive surveillance of streets); and



**O10** To protect the distinctive and characteristic elements of the Rosebery Neighbourhood Centre and ensure the integration of these features into subsequent development.

## Controls

### Public Domain/Streetscape

- C1** Development must provide landscaping, street trees, decorative fencing, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with **Figure 22**.
- C2** Pedestrian amenity and connectivity must be enhanced in conjunction with new development. Through site links and arcades to the rear are encouraged with redevelopment to provide improved access and safety for pedestrians. The creation of street closures in the side streets and the provision of decorative fencing and planting will assist in encouraging active street retail uses such outdoor dining.

### Site Amalgamation

- C3** Redevelopment is encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict development on a single lot.

### Building Form and Design

- C4** The design of development must be generally consistent with the Desired Future Character of the centre identified in **Figure 22**.
- C5** New development is to take into account and respond sympathetically to an established streetscape with strong architectural features and identity. New buildings are to reinforce these features and contribute to its character.
- C6** Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the suburb.
- C7** The maximum height of buildings identified under Bayside Local Environmental Plan 2021 is 14 metres. Whilst a maximum of four storeys is permitted, buildings must have a maximum height of two storeys along the street frontage with a continuous parapet line, consistent with existing development. The top two stories must be setback (a minimum of three metres) from Gardeners Road and Botany Road to create articulation of the street facades. A setback to the rear is also required and is to be determined following a detailed site analysis at development application stage and must satisfy Council that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity in accordance with **Figure 22**. Applicants must therefore demonstrate at development application stage that impacts on the residential area are minimised.



- C8** With redevelopment of the Centre, landscape planting must be provided along the rear boundary where a site adjoins a residential property, to provide a visual separation between the shops and the residential area. Such landscaping must not result in overshadowing of the residential property.
- C9** The design of new development must improve the residential amenity for the housing above the shops by providing direct access to balconies and private open space; and provide for passive surveillance of the surrounding streets and pedestrian walkways.
- C10** All designs must provide awnings above the footpath. Awnings above the footpath are encouraged to be trafficable verandahs for the use of residents on the first floor and to provide for passive surveillance of the streets. If the Verandah is built over the street then a lease fee is payable to Council. The fee is set out in **Council's Fees and Charges**.
- C11** The design of buildings must encourage active street life and provide for small scale shops that will serve the local community. The design must also improve the residential amenity for the housing above the shops and provide for passive surveillance of the surrounding streets.
- C12** Buildings must address the street and their entries are to be readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape. Buildings that are orientated across sites, contrary to the established development pattern, are intrusive and often overlook adjoining properties.
- C13** A street number for the property is to be clearly identifiable from the street.
- C14** Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians.
- C15** Air conditioners must not be installed on street awnings or the front facade of buildings.
- C16** Development must comply with Council's sustainable development requirements as identified in **Part 3H - Sustainable Design**.

#### **Parking and Access**

- C17** Vehicular access from Gardeners Road and Botany Road must be avoided where access is available from a side street or rear laneway.
- C18** Where a rear laneway exists loading and unloading must occur from the laneway and be occur within the site.
- C19** Development must comply with **Part 3A - Car Parking**.
- C20** The provision of through site pedestrian links or arcades from Gardeners Road to the rear and from Botany Road to the Lever Street Reserve are encouraged to improve pedestrian access, amenity and safety.



### Advertising and Signage

- C21** Maintain limited advertisements and business signage to minimise visual impact.
- C22** Signage is restricted to the awning fascia, under the awning or behind the shop window at street level.
- C23** Development must comply with **Part 3D - Signage**.

### Stormwater

- C24** A Stormwater Management System is to be provided in accordance with **Part 3G - Stormwater Management**.

**Figure 22 - Future Desired Character - Rosebery Neighbourhood Centre**

**Building Articulation**

Building articulation at the street alignment is in the form of balconies, verandahs or wall offsets.

**Street Awning**

Development must include a continuous solid suspended awning or verandah over the public footpath.

**Upper level set back**

Level 3 and 4 must be setback from the street boundary and must be no higher than the gutter line of the Roxy Theatre. A terrace balcony is permitted in the setback zone along the Gardeners Rd frontage.

**Street wall**

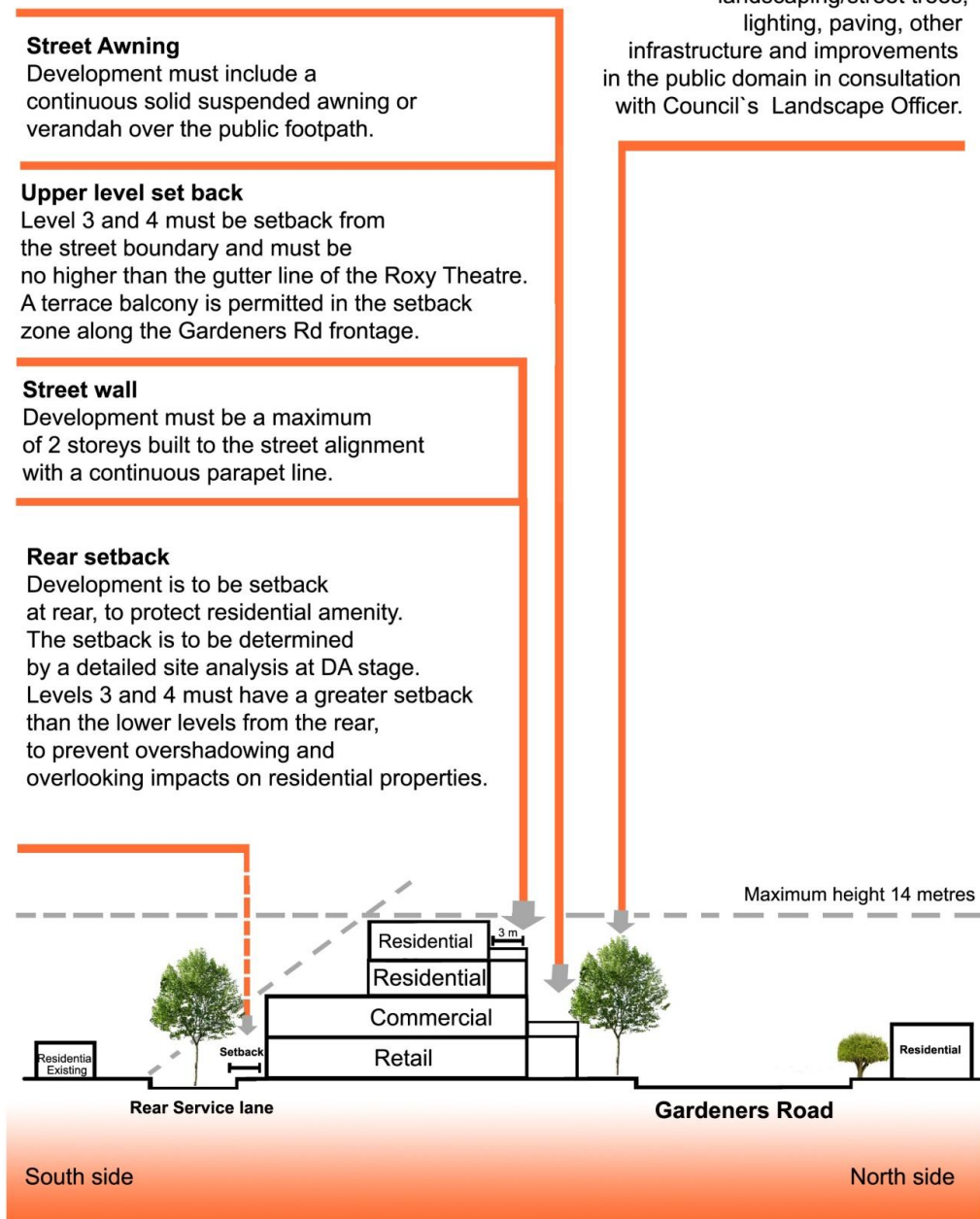
Development must be a maximum of 2 storeys built to the street alignment with a continuous parapet line.

**Rear setback**

Development is to be setback at rear, to protect residential amenity. The setback is to be determined by a detailed site analysis at DA stage. Levels 3 and 4 must have a greater setback than the lower levels from the rear, to prevent overshadowing and overlooking impacts on residential properties.

**Public Domain**

Development must provide landscaping/street trees, lighting, paving, other infrastructure and improvements in the public domain in consultation with Council's Landscape Officer.



**Note:** Setbacks may be required for the provision of street trees.

**Note:** Along Botany Road Level 3 and 4 must be setback from the street boundary.





### 5.2.2.7 Botany Local Centre

Photo 6 - Botany Local Centre



#### Existing Character

Botany Local Centre is located along Botany Road on a flat section of land (refer to **Figure 23** and **Photo 6**). It is a medium sized Local Centre with over 70 shops including a small local supermarket servicing the surrounding community. The Centre is located within the Botany Township Heritage Conservation Area and therefore is characterised by a considerable number of heritage buildings and traditional shopfronts/facades. The Botany Town Hall is a Heritage Item which forms a focal point at the southern end of the Centre. It has a good mix of local shops and service and it benefits from a Council carpark at the southern end of the Centre.

Figure 23 - Botany Local Centre





## Historical Development

The suburb of Botany was created in the 1830's with the creation of parishes in Sydney. The suburb evolved as subdivisions were approved. The area in the 1860's had a variety of landholdings but it wasn't until 1882 when the tramway came down Botany road that the area took off.

The easy availability of water in the Botany area encouraged industrial uses and the area expanded in the 1904 - 1914 period. Shops developed to cater for the factory staff that moved into the area as industry expanded.

## Built Form

The building stock around the Botany Local Centre is represented by mainly detached residential dwellings adjacent to extensive industrial areas.

The Botany Local Centre comprises a long row of inter-war two-storey shop-top housing, on both sides of the road. The shop-top buildings are all built to the street alignment with continuous awnings and parapets and many have traditional building facades.

## Heritage

Botany Local Centre is situated within the Botany Township Heritage Conservation Area and therefore there are a significant number of Heritage Items either within or within the vicinity of the Centre listed in **Table 6**.

**Table 6 - Heritage Items Within or in the Vicinity of Botany Local Centre**

Item No	Suburb	Name	Address	Lot and DP	Significance
I164	Botany	Post Office (c. 1923)	2 Banksia Street	Lot 1 DP208627	Local
I163	Botany	Fire Station (c. 1906)	1-3 Banksia Street	Lot A DP328019	Local
I165	Botany	House	6 Banksia Street	Lot A DP332049	Local
I166	Botany	House	7 Banksia Street	Lot 7 DP5177	Local
I167	Botany	House	8 Banksia Street	Lot B DP332049	Local
I169	Botany	Streetscape -Verge plantings of Canary Island Date Palm (Phoenix Canariensis)	Bay Street (western side of Botany Road)		Local
I170	Botany	House Group	10, 12 & 14 Bay Street	Lot 1, 2 & 3 DP748509	Local
I171	Botany	House	16 Bay Street	Lot 1 DP998741	Local
I173	Botany	House Group	45-57 Bay Street	Lot A DP436271 Lot B DP436271 Lot C DP436271 Lot D DP436271 Lot A DP439683 Lot B DP439683	Local



Item No	Suburb	Name	Address	Lot and DP	Significance
				Lot 1 Sec B DP3449	
I180	Botany	Botany Public School (c. 1869)	1076 Botany Road	Lot 1 DP.433364 Lot 1 DP194311	Local
I193	Botany	Police Station (c. 1871)	1441 Botany Road	Lot 100 DP1052312	Local
I181	Botany	Hippo's Friends Child Care Centre	1082 Botany Road	Lot 1 DP112970	Local
I182	Botany	Finnies Buildings	1094–1098 Botany Road	Lot 43 DP856900 Lot 44 DP856900 Lot 45 DP856900	Local
I186	Botany	Captain Cook Hotel	1114 Botany Road	Lot 1 DP1112025	Local
I184	Botany	House Group	1158–1168 Botany Road	Lot A DP438725 Lot B DP438725 Lot C DP353030 Lot D DP353030 Lot E DP353030 Lot A DP310296	Local
I188	Botany	Botany Uniting Church	1355 Botany Road	Pt Lot 4 Sec B DP1787 Part Lot 1 DP566495	Local
I189	Botany	John Brochie Kindergarten (formerly Botany School of Arts Hall)	1361 Botany Road	Lot 14 DP660975	Local
I190	Botany	House	1365 Botany Road	Lot 1 DP217275	Local
I194	Botany	Boarding House (front building)	1443 Botany Road	Lot 15 Sec 8 DP773	Local
I195	Botany	House	1447 Botany Road	Lot 1 DP1082257	Local
I191	Botany	Botany Town Hall (c 1898)	1423 Botany Road (corner of Botany Road and Edward Street)	Lot 14 DP3592 Cnr Part Lot 5 DP5177	Local



## **Public Parks and Community Facilities**

The area is provided with several community facilities including Booralee Park, Botany Aquatic Centre & Waterslides, and Botany Public School.

## **Public Domain**

The existing street furniture provides a reasonable standard of pedestrian amenity. Additional landscaping, decorative fencing and other streetscape improvements are proposed in conjunction with new development to further improve the public domain and to encourage active retail uses along the street such as outdoor dining.

## **Access and Circulation**

The Botany Local Centre is on the bus route, although most shoppers would use car transport or arrive on foot from nearby residences and business. The street parking is adequate for the level of retail activity, with a public car park located at the southern end of the Centre.

## **Views and Aspect**

The Centre is surrounded by single storey detached dwellings on one side and industrial development on the other. The Centre fronts a major arterial road that carries a substantial traffic load. The historic Botany Local Hall provides a landmark for the Centre.

## **Noise**

The Centre is affected by the 25 to 30 ANEF Contour and road traffic noise.

## **Risk**

Part of the suburb is within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. Development Applications, planning proposals and rezoning of land received by Council for land within the Zone of Influence will be referred to the APA Group for consideration and comment.



## Desired Future Character

The Objectives and Controls for the Desired Future Character for the Botany Local Centre are as follows:

### Objectives

- O1** To retain and conserve the Botany Local Centre and encourage a viable and attractive Local Centre by improving the public domain and the public/private interface;
- O2** To protect and reinforce the distinctive and characteristic elements (i.e. setbacks & traditional facades and design features) of the Botany Township Heritage Conservation Area;
- O3** To conserve and respect the main architectural features and form of Heritage Items;
- O4** To improve and extend the pedestrian environment and to encourage appropriate outdoor uses with good solar access, such as cafes;
- O5** To ensure new development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;
- O6** To retain existing trees and provide additional trees within the streetscape;
- O7** To retain a coherent streetscape with a consistent street wall and parapet line;
- O8** To ensure that dwellings provide passive surveillance, resident interaction and addresses the street;
- O9** To encourage development of awnings as balconies for residential and commercial units above (to improve amenity for unit dwellers and promote passive surveillance of streets); and
- O10** To encourage site consolidation and provision of through site pedestrian links and arcades.

### Controls

#### Public Domain/Streetscape

- C1** Development must provide landscaping, street trees, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with **Figure 24**.
- C2** Pedestrian amenity and connectivity must be enhanced in conjunction with new development. Through site links and arcades are encouraged with redevelopment to improve pedestrian access, amenity and safety.

#### Site Amalgamation

- C3** Redevelopment is encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.



## Heritage

- C4** New development is to take into account and respond sympathetically to the established heritage streetscape, within the Botany Local Heritage Conservation Area, which exhibits strong architectural features and identity. New buildings are to reinforce these features and contribute to its character by incorporating traditional shopfronts and building facades.

## Building Form and Design

- C5** The design of development must be generally consistent with the desired future character of the centre identified in **Figure 24** and the existing character of buildings within the Botany Township Heritage Conservation Area.
- C6** New development is to take into account and respond sympathetically to an established heritage streetscape with strong architectural features and identity. New buildings are to reinforce these historic features and contribute to its character.
- C7** A maximum height of 14 metres applies under Bayside Local Environmental Plan 2021. Building height along the street frontage is a maximum of two stories, with Levels 3 and 4 to be setback from the street in accordance with the desired future character identified for the centre in **Figure 24**.
- C8** A setback to the rear may be required where a site adjoins a residential area and is to be determined following a detailed site analysis at development application stage. Applicants must therefore demonstrate to Council with the development application that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity.
- C9** Buildings must address the street and their entries are to be readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape. Buildings that are orientated across sites, contrary to the established development pattern, are intrusive and often overlook adjoining properties (refer to **Figure 17**).
- C10** Dwellings within a mixed use development and shop top housing are to have windows and/or verandahs in the street elevation to encourage surveillance of the street. If the Verandah is built over the street then a lease fee is payable to Council. The fee is set out in **Council's Fees and Charges**.
- C11** Alterations and additions are to reflect the architectural design of the existing building. Materials and finishes are to be compatible with the existing building.
- C12** New development when viewed from the street is to be compatible with the character of buildings within the site's visible locality by using similar shaped windows, doors and similar building materials.
- C13** Building design is to ensure individual dwellings can be identified clearly from public streets.
- C14** A street number for the property is to be clearly identifiable from the street.



- C15** Awnings must be provided continuously along the shop frontages to provide pedestrian shelter to the footpath area.
- C16** Air conditioners must not be installed on street awnings or the front facade of buildings.
- C17** Development design is to encourage active street life while providing a high residential amenity.
- C18** Development must comply with Council's sustainable development requirements as identified in **Part 3H - Sustainable Design**.

#### **Parking and Access**

- C19** Vehicular access from Botany Road must be avoided where access is available from a side street or rear laneway.
- C20** Where a rear laneway exists loading and unloading must occur from the laneway.
- C21** Development must comply with **Part 3A - Car Parking**.
- C22** Through site links and arcades are encouraged with new development to improve pedestrian access and safety.

#### **Advertising and Signage**

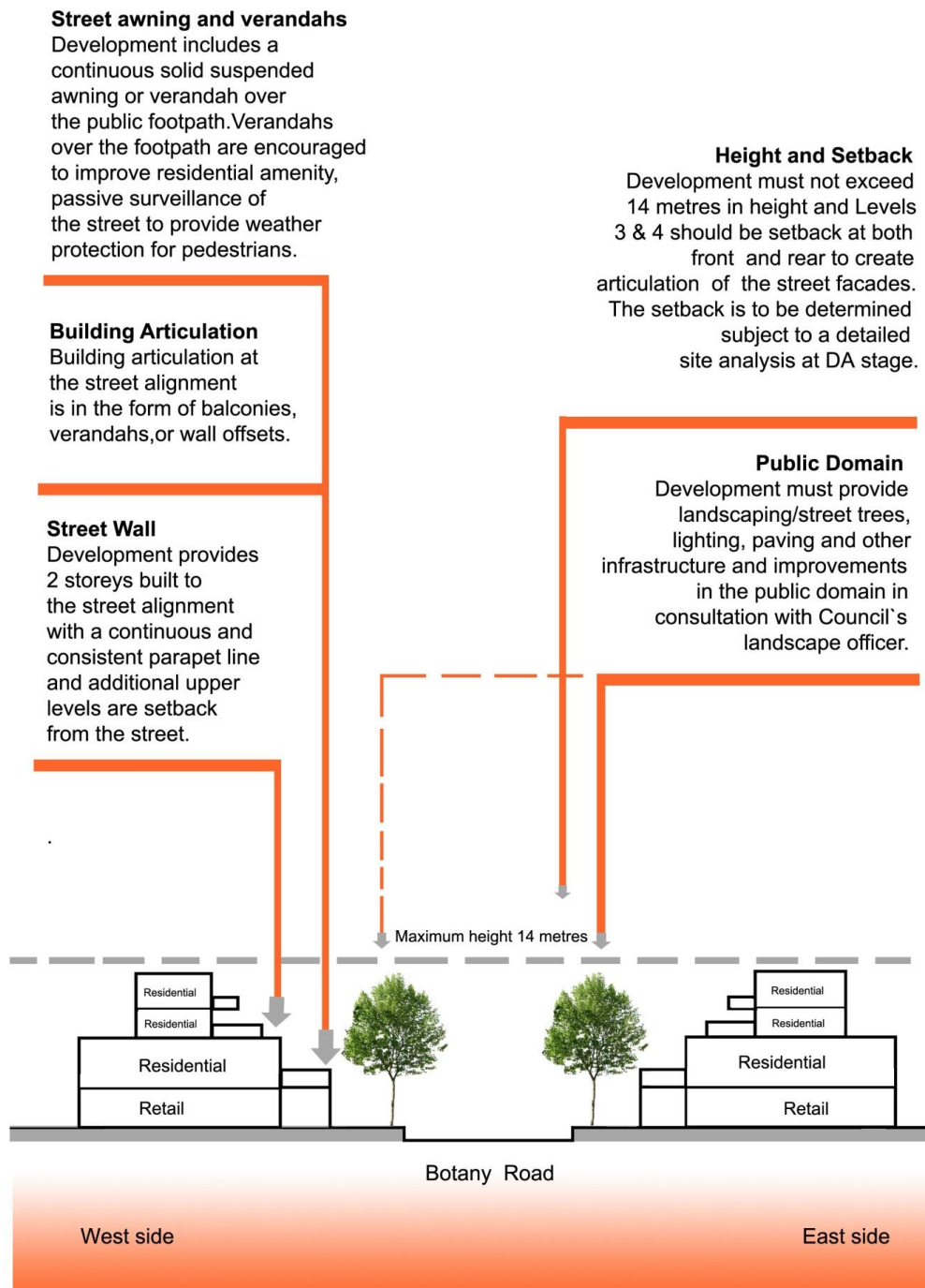
- C23** Maintain limited advertisements and business signage which is consistent with the Botany Township Heritage Conservation Area.
- C24** Restrict signage to the awning fascia, under the awning or behind the shop window at street level.
- C25** Development must comply with **Part 3D - Signage**.

#### **Stormwater**

- C26** A Stormwater Management System is to be provided in accordance with **Part 3G - Stormwater Management**.



**Figure 24 - Desired Future Character - Botany Local Centre**



**Note:** Setbacks may be required for the provision of street trees.

## 5.2.2.8 Mascot Local Centre (Botany Road)

Photo 7 - Mascot Local Centre



### Existing Character

The Mascot Local Centre is located along Botany Road on a flat section of land (refer to **Figure 25** and **Photo 7**). It is a medium size Local Centre with over 100 shops including a small local supermarket servicing the surrounding community. It has a good mix of local shops and services. It benefits from two Council car parking areas (one on either side of Botany Road) with over 140 public car spaces provided.



Figure 25 - Mascot Local Centre





## Historical Development

The first land grants in Mascot were made in the early 1830's with the main industry being market gardening. The area was originally known as North Botany until 1911 when the community voted to become known as Mascot.

It was in 1920 that Mascot was chosen as the site of a public airfield and the Commonwealth bought just over 150 acres for the purpose of building the airport in 1921. The first flights took off in 1924.

## Built Form

The building stock around the Mascot Local Centre is represented by mainly detached residential dwellings adjacent to extensive industrial areas.

The Mascot Local Centre comprises a long row of inter-war two-storey shop-top housing, on both sides of the road. The shop-top buildings are all built to the street alignment with continuous awnings and parapets.

## Height

Development which seeks the maximum building height under the Bayside Local Environmental Plan 2021 and is south of Hollingshed Street will penetrate the Obstacle Limitation Surface (OLS) and is required to be assessed the CASA, Airservices Australian and the Airlines before an application could be submitted to the Department of Infrastructure and Transport for their determination.

## Heritage

There are a number of Heritage Items either within or within the vicinity of the Mascot Local Centre listed in **Table 7**.

**Table 7 - Heritage Items within or in the vicinity of Mascot Local Centre**

Item No	Suburb	Name	Address	Lot and DP	Significance
I272	Mascot	House	1075 Botany Road	Lot 1 DP939651 Lot 1 DP314593	Local
I273	Mascot	Commercial Building Group	1133-1135 Botany Road, corner of Botany Road and King Street	Pt Lot 1 DP932383 Cnr Lot 1 DP930137	Local
I274	Mascot	Commercial Building Group	1171-1173 Botany Road	Lot 11 Sec 1 DP1873	Local
I275	Mascot	Commercial Building Group	1175-1177 Botany Road	Lot 3 DP617916 Lot 4 DP617916	Local
I276	Mascot	Commercial Building Group	1183-1185 Botany Road	Lot C DP341159	Local
I277	Mascot	Commercial Building Group	1187-1189 Botany Road	Lot 1 DP541076 Lot 2 DP541076	Local
I278	Mascot	Commercial Building Group	1193-1203 Botany Road	Lot 12 DP832835 Lot 1 DP1127006 Lot D DP402625	Local



Item No	Suburb	Name	Address	Lot and DP	Significance
				Lot E DP402625 Lot F DP402625 Lot A DP339491	
I279	Mascot	Commercial Building Group	1209-1223 Botany Road	Lot A DP445050 Lot B DP445050 Lot 1	Local
I280	Mascot	Single Storey Terrace Group	1239-1245 Botany Road	Lot 1 DP501790 Lot 2 DP501790 Lot 1 DP327594 Lot 1 DP911127	Local
I265	Mascot	Former Tennyson Hotel, now Mascot Inn	952 Botany Road (corner of High Street and Botany Road)	Lot 1 DP657249	Local
I285	Mascot	House	110 Coward Street	Lot 1 DP999395	Local
I288	Mascot	Uniting Church and Rectory	118-122 Coward Street	Lot 2 DP917174 Lot 1 DP917524 Lot 1 DP197503 Lot B DP155557	Local
I293	Mascot	Fire Station	139 Coward Street	Lot C DP330647 Lot 46 DP667051	Local
I294	Mascot	Botany Family Day Care	149 Coward Street	Lot 1 DP1136361	Local
I299	Mascot	House	16 Hardie Street	Lot 43 Sec 1 DP1873	Local
I300	Mascot	House	30 Hardie Street	Lot 35 Sec 1 DP1873	Local
I324	Mascot	House	159 King Street	Lot 1 Sec 1 DP977264	Local
I326	Mascot	House – “Beverley”	190A-190C King Street	Lot 201 DP 1246248 Lot 202 DP 1246248 Lot 203 DP 1246248	Local
I327	Mascot	House (front dwelling)	191 King Street	Lot 2 DP285422	Local
I328	Mascot	Terrace Group	192-204 King Street	Lot X DP440648 Lot Y DP440648 Lot Z DP440648 Lot A DP440093 Lot B DP440093 Lot C DP440093 Lot D DP440093	Local



## **Public Parks and Community Facilities**

The area is provided with several parks and community facilities including Mascot Memorial Park, Mascot Library and Mascot Public School. Former Botany Bay City Council's Administration Centre is at the northern end of the shopping strip.

## **Public Domain**

The footpath and street furniture provide a reasonable standard of pedestrian amenity. Additional landscaping and other streetscape improvements are proposed in conjunction with new development to further improve the public domain and encourage active retail uses along the street such as outdoor dining.

## **Access and Circulation**

The Mascot Local Centre is on the bus route, although most shoppers would use car transport or arrive on foot from nearby residences and business. The street parking is adequate for the level of retail activity and there are two Council public car parks. A portion of the western side of Botany Lane has been identified to be acquired for road widening purposes (refer to Bayside Local Environmental Plan 2021).

## **Views and Aspect**

The Centre runs north-south along Botany Road and is surrounded by a predominantly low density residential area. Botany Road is a major arterial road that carries substantial traffic volumes which impacts on the amenity of the Centre.

## **Noise**

The Centre is affected by the 25 to 30 ANEF Contour and road traffic noise.

## **Risk**

Part of the suburb is within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow. Development Applications, planning proposals and rezoning of land received by Council for land within the Zone of Influence will be referred to the APA Group for consideration and comment.



## Desired Future Character

The Desired Future Character for the Mascot Local Centre is as follows:

### Objectives

- O1** To retain and conserve the Mascot shopping strip and encourage a viable and attractive Local Centre by improving the public domain and the public/private interface;
- O2** To protect the distinctive and characteristic elements of Mascot Local Centre shops and ensure the integration of these features into subsequent uses;
- O3** To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);
- O4** To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;
- O5** To retain existing trees and provide additional landscaping within the streetscape;
- O6** To allow reasonable redevelopment and to improve the architectural quality of building stock;
- O7** To retain a coherent streetscape with a consistent street wall and parapet line;
- O8** To improve and extend the pedestrian environment and to encourage appropriate outdoor uses with good solar access, such as cafes;
- O9** To ensure that dwellings within a mixed use development provide passive surveillance, resident interaction and address the street;
- O10** To encourage development of awnings as balconies for residential and commercial units above (to improve amenity for unit dwellers and promote passive surveillance of streets); and
- O11** To encourage site consolidation and the provision of through- site pedestrian links or arcades that provide rear access to the public car parking areas.

### Controls

#### Public Domain/Streetscape

- C1** Development must provide landscaping, street trees, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with **Figure 26**.
- C2** Pedestrian amenity and connectivity must be enhanced in conjunction with new development. Through site links and arcades are encouraged with redevelopment to improve pedestrian access, amenity and safety.



## Site Amalgamation

- C3** Redevelopment is encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.

## Building Form and Design

- C4** The design of development must be generally consistent with the desired future character of the centre identified in **Figure 26**.
- C5** New development is to take into account and respond sympathetically to an established streetscape with strong architectural features and identity. New buildings are to reinforce these features and contribute to its character by incorporating traditional shopfronts and building facades.
- C6** A setback to the rear may be required where a site adjoins a residential area and is to be determined following a detailed site analysis at development application stage. Applicants must therefore demonstrate to Council with the development application that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access privacy and visual amenity.
- C7** Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the centre.
- C8** Buildings must address the street and their entries are to be readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape. Buildings that are orientated across sites, contrary to the established development pattern, are intrusive and often overlook adjoining properties.
- C9** Shop top housing must have windows and/or verandahs in the street elevation to encourage surveillance of the street. If the verandah is built over the street then a lease fee is payable to Council. The fee is set out in **Council's Fees and Charges**.
- C10** Alterations and additions are to reflect the architectural design of the existing building. Materials and finishes are to be compatible with the existing building.
- C11** New development when viewed from the street is to be compatible with the character of buildings within the site's visible locality by using similar shaped windows, doors and similar building materials.
- C12** A street number for the property is to be clearly identifiable from the street.
- C13** Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians.
- C14** Air conditioners must not be installed on street awnings or the front facade of buildings.





- C15** Development must comply with Council's sustainable development requirements as identified in **Part 3H - Sustainable Design**.

#### **Parking and Access**

- C16** Vehicular access from Botany Road must be avoided where access is available from a side street or rear laneway.
- C17** All loading and unloading is to be carried out on-site or from the rear laneway where it exists. Loading and unloading on Main Roads is to be avoided at all times.
- C18** Development must comply with **Part 3A - Car Parking**.

#### **Advertising and Signage**

- C19** Maintain limited advertisements and business signage to minimise visual impact.
- C20** Restrict signage to the awning fascia, under the awning or behind the shop window at street level.
- C21** Development must comply with **Part 3D - Signage**.

#### **Height**

- C22** A maximum height of 14 metres applies under Bayside Local Environmental Plan 2021. Building height at the street frontage is a maximum of two stories with Levels 3 and 4 to be setback from the street.
- C23** Development which seeks the maximum building height under the Bayside Local Environmental Plan 2021 and is south of Hollingshed Street will penetrate the Obstacle Limitation Surface (OLS) and is required to be assessed by CASA, Airservices Australian and the Airlines before an application can be submitted to the Department of Infrastructure and Transport for their determination.

#### **Stormwater**

- C24** A Stormwater Management System is to be provided in accordance with **Part 3G - Stormwater Management**.

**Figure 26 - Future Desired Character - Mascot Local Centre**

**Street awning and verandahs**

Development includes a continuous solid suspended awning or verandah over the public footpath. Verandahs over the footpath are encouraged to improve residential amenity, passive surveillance of the street to provide weather protection for pedestrians.

**Building Articulation**

Building articulation at the street alignment is in the form of balconies, verandahs or wall offsets.

**Street Wall**

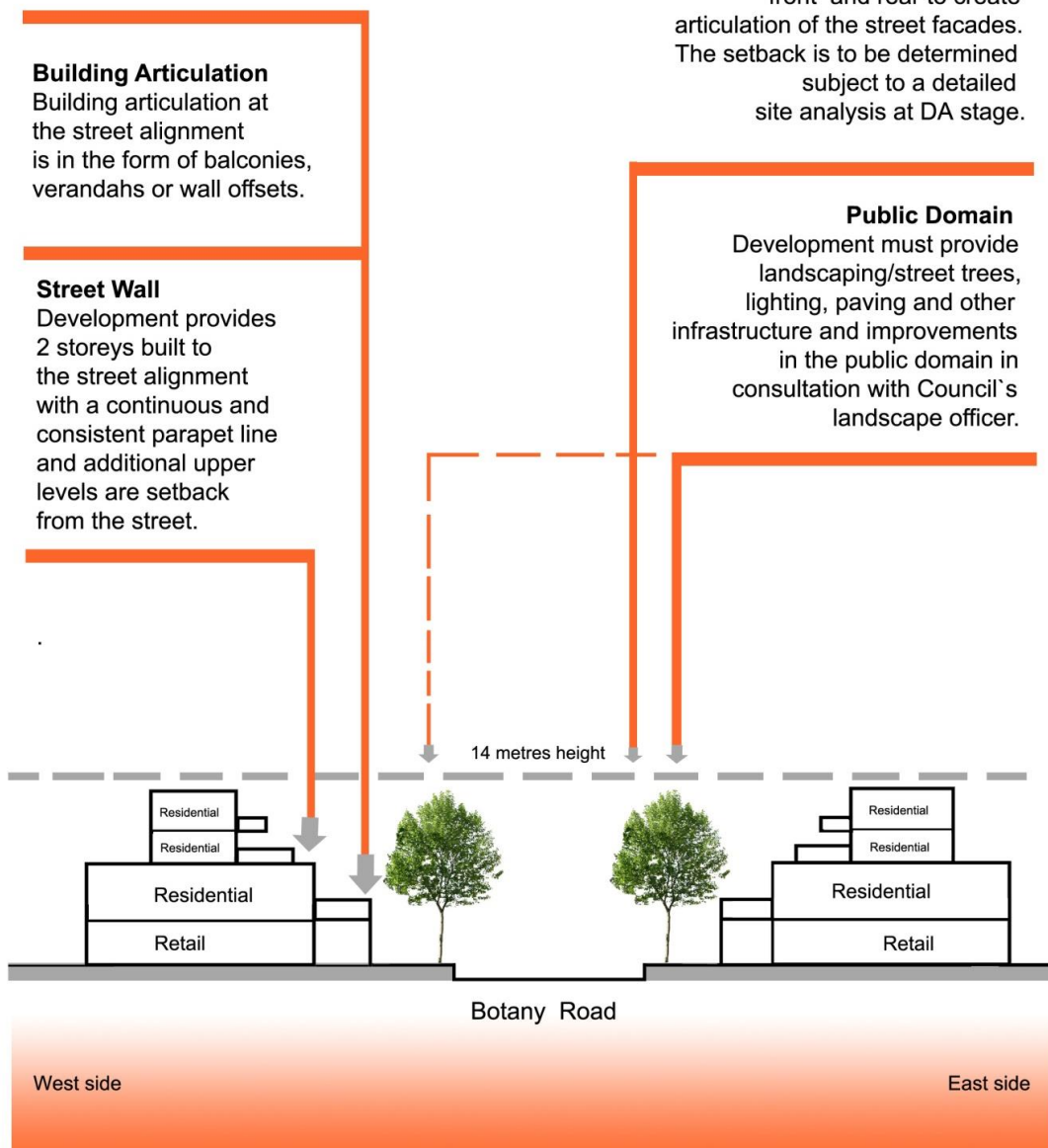
Development provides 2 storeys built to the street alignment with a continuous and consistent parapet line and additional upper levels are setback from the street.

**Height and Setback**

Development must not exceed 14 metres in height and Levels 3 & 4 should be setback at both front and rear to create articulation of the street facades. The setback is to be determined subject to a detailed site analysis at DA stage.

**Public Domain**

Development must provide landscaping/street trees, lighting, paving and other infrastructure and improvements in the public domain in consultation with Council's landscape officer.



**Note:** Setbacks may be required for the provision of street trees.



### 5.2.2.9 Hillsdale Local Centre

Photo 8 - Hillsdale Local Centre



#### Existing Character:

The Hillsdale Local Centre is located along the western side of Bunnerong Road (refer to **Figure 27** and **Photo 8**). It is a medium size Local Centre with a number of specialty shops and two supermarkets which service the surrounding community. It has a good mix of local shops and services within Southpoint Shopping centre.



Figure 27 - Hillsdale Local Centre





## Historical Development

Hillsdale is a predominantly residential suburb, with a high rise shopping centre called Southpoint (located on Bunnerong Road, which is a high-rise complex with retail shops and dwellings above. Hillsdale was part of the suburb of Matraville until the 1960s. Matraville was originally reserved for the Church and Schools Corporation with income generated intended to support clergy and teachers. It reverted to the crown in 1917 and was allocated for a settlement for soldiers returning from World War I. The suburb was split between Randwick and former Botany Councils. When problems arose from the division in 1961, Botany Council decided to rename its portion Gilmore, to honour Australian poet Dame Mary Gilmore (1864 - 1962). After the Post Masters General Office pointed out that there already was a Gilmore, New South Wales, the council chose Hillsdale to honour Patrick Darcy Hills, who was the New South Wales minister for local government. It was a controversial choice since most residents believed that a name will have been chosen that reflected Australia's history.

Many homes were built in Hillsdale after World War II including some by the Department of Housing.

## Built Form

The building stock around the Hillsdale Local Centre is represented by predominantly three storey residential flat buildings to the west and south and dwelling houses to the north.

The Hillsdale Local Centre is occupied by the multi storey Southpoint Shopping Centre and residential tower and associated car parking areas; and a mix of one, two and three storey commercial and residential buildings.

## Heritage

There are no Heritage Items within the Hillsdale Local Centre, with the closest heritage item is listed in **Table 8**:

**Table 8 - Heritage Items in the Vicinity of Hillsdale Local Centre**

Item No	Suburb	Name	Address	Lot and DP	Significance
I248	Hillsdale	Matraville Public School	310 Bunnerong Road (corner of Bunnerong and Beauchamp Roads)	Lot 238 DP752015 Lot 239 DP752015	Local

## Public Parks and Community Facilities

The area is provided with several public parks including Rhodes Street Reserve, Grace Campbell Reserve and some small pocket parks. Heffron Park and Matraville Sports Centre is located on the opposite side of Bunnerong Road within Randwick LGA.

Matraville Public School is located in Hillsdale at the corner of Bunnerong and Beauchamp Roads.



## Public Domain

The footpath and existing street landscaping provide a reasonable standard of pedestrian amenity. Additional landscaping and other streetscape improvements are proposed in conjunction with new development to further improve the public domain and encourage active retail uses along the street such as outdoor dining.

## Access and Circulation

The Hillsdale Local Centre is on the bus route, although most shoppers would use car transport or arrive on foot from nearby residences and business. Due to heavy traffic along Bunnerong Road, any new vehicular access to the shops is preferred from the rear service lane utilised by Southpoint Shopping Centre or from Flint Street.

Vehicular access to the existing Southpoint Shopping Centre is from Flint Street. Southpoint provides both undercover and open air parking which meets the needs of the existing centre. There is an existing right of way at the rear of the Bunnerong Road properties, which currently provides access to the loading bay for Southpoint Shopping Centre.

## Views and Aspect

The Centre runs north-south, on the western side of Bunnerong Road and is surrounded by older style three storey residential flat buildings to the south and west and a low density residential area to the north of Flint Street.

The existing Southpoint Shopping Centre occupies a majority of the Centre and provides a visual landmark for the centre along Bunnerong Road.

Bunnerong Road is a major arterial road that carries substantial traffic volumes which impacts on the amenity of the shops.



## Desired Future Character

The Hillsdale Local Centre is already substantially developed, with Southpoint Shopping Centre occupying a majority of the Centre. Development of the remaining allotments in Bunnerong Road and Flint Street can only occur if the parcels are amalgamated in accordance with **Figure 28** and vehicular access is from either the right of way at the rear of the Bunnerong Road properties or from Flint Street. Those properties along Flint Street are to provide a landscaped front setback, paving/landscaping of the footpath and passive surveillance of the street to improve the visual amenity and safety of the Centre where it abuts the low density residential area.

The Objectives and Controls for the Desired Future Character for the Hillsdale Local Centre are as follows:

### Objectives

- O1** To encourage a viable and attractive Local Centre by improving the public domain and the public/private interface;
- O2** To retain existing trees and provide additional landscaping within the streetscape;
- O3** To allow reasonable redevelopment and to improve the architectural quality of building stock;
- O4** To retain a coherent streetscape with a consistent street wall and parapet line;
- O5** To improve and extend the pedestrian environment and to encourage appropriate outdoor uses with good solar access, such as cafes;
- O6** To ensure that dwellings within a mixed use development provide passive surveillance, resident interaction and address the street;
- O7** To encourage development of awnings as balconies for residential and commercial units above (to improve amenity for unit dwellers and promote passive surveillance of streets); and
- O8** To encourage site consolidation.

### Controls

#### Public Domain/Streetscape

- C1** Development must provide landscaping, street trees, decorative fencing, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with **Figure 28**.
- C2** Pedestrian amenity and connectivity must be enhanced in conjunction with new development.



## Site Amalgamation

- C3** Redevelopment is encouraged through logical lot consolidation of sites and infill development in accordance with **Figure 29**. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.

## Building Form and Design

- C4** The design of development must be generally consistent with the desired future character of the centre identified in **Figure 28**.
- C5** A maximum height of 14 metres applies under Bayside Local Environmental Plan 2021. Building height at the street frontage is a maximum of two storeys with Level 3 and 4 to be setback from the front and rear boundary, subject to a detailed site analysis at Development Application stage.
- C6** A building setback along Flint Street is required to provide landscape planting along the front boundary to improve the visual amenity of the low density residential area opposite. This planting could also provide an attractive outlook for active uses such as outdoor dining which could adjoin the landscaped frontage.
- C7** Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character.

Council encourages diversity in building designs provided that development outcomes complement the existing character of the suburb.

- C8** Buildings must address the street and their entries are to be readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape. Buildings that are orientated across sites, contrary to the established development pattern, are intrusive and often overlook adjoining properties.
- C9** Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians.
- C10** Shop top housing must have windows and/or verandahs/balconies facing the street to encourage passive surveillance of the street.
- C11** Developments must be designed to:
- (i) Promote uses that attract pedestrian traffic along the ground floor street frontages;
  - (ii) Provide an active street edge;
  - (iii) Provide opportunities for active uses such as outdoor dining; and
  - (iv) Improve the safety and amenity of the Business Centre.
- C12** A street number for the property is to be clearly identifiable from the street.
- C13** Existing street trees must be retained and supplemented with new planting where required by Council's Landscape Officer.





**C14** Air conditioners must not be installed on street awnings or the front facade of buildings.

**C15** Development must comply with Council's sustainable development requirements as identified in **Part 3H - Sustainable Design**.

#### **Parking and Access**

**C16** Vehicular access to the development sites in Bunnerong Road is preferred from the existing carriageway at the rear of the properties or alternatively from Flint Street. This may require negotiation with the adjoining Southpoint Shopping Centre.

**C17** Where a rear laneway exists loading and unloading must occur from the laneway. All loading and unloading is to be carried out on the site.

**C18** Development must comply with **Part 3A - Car Parking**.

#### **Advertising and Signage**

**C19** Maintain limited advertisements and business signage to minimise visual impact.

**C20** Restrict signage to the awning fascia, under the awning or behind the shop window at street level.

**C21** Development must comply with Development must comply with **Part 3D - Signage**.

#### **Flooding**

**C22** Due to the proximity of Sydney Water stormwater channel in the area, finished floor levels of all habitable and non-habitable areas are to be a minimum 500mm and 300mm above the 1 in 100 year ARI flood level respectively.

**C23** No structure and/or filling are permitted or to be placed within the 1 in 100 year ARI flood extent unless suitable and adequate mitigation measures approved by Council have been proposed and implemented.

#### **Stormwater**

**C24** A Stormwater Management System is to be provided in accordance with **Part 3G - Stormwater Management**.

**Figure 28 - Future Desired Character - Hillsdale Local Centre**

**Desired Future Character - Hillsdale Shops**

Suggested Building Configurations

**Street Awnings and Balconies**

Development includes a continuous solid suspended awning over the public footpath. Balconies to the street frontage are encouraged to improve residential amenity, passive surveillance of the street and to provide weather protection for pedestrians.

**Height and Setback**

Development must not exceed 14 metres in height and Levels 2, 3 & 4 could be setback at both front and rear to create articulation of the street facades. The setback is to be determined subject to a detailed site analysis at DA stage.

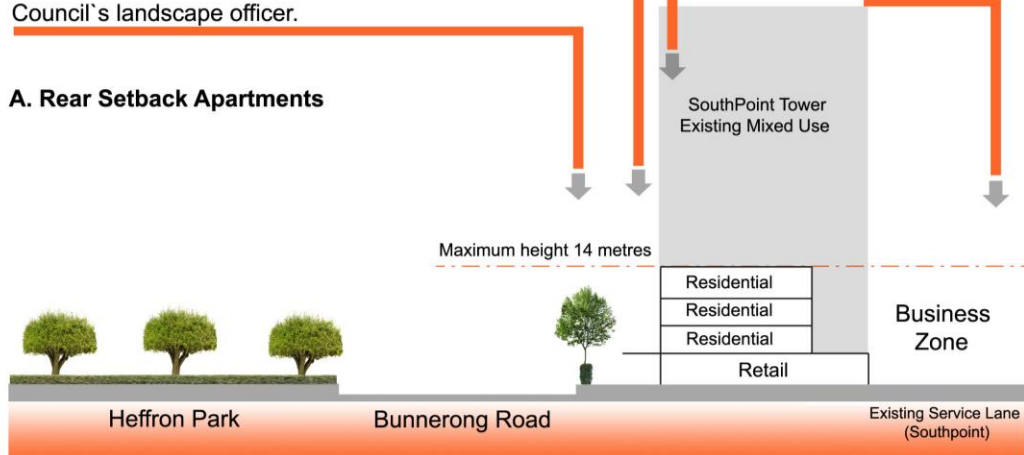
**Public Domain**

Development must provide landscaping/street trees, lighting, paving and other infrastructure and improvements in the public domain in consultation with Council's landscape officer.

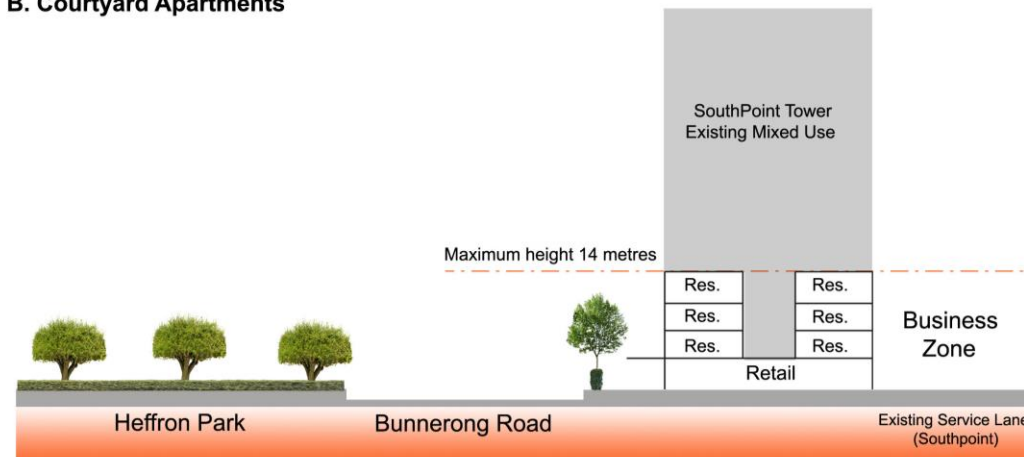
**Vehicle access / loading**

Loading / unloading and vehicular access is preferred from the rear service lane or side street.

**A. Rear Setback Apartments**



**B. Courtyard Apartments**



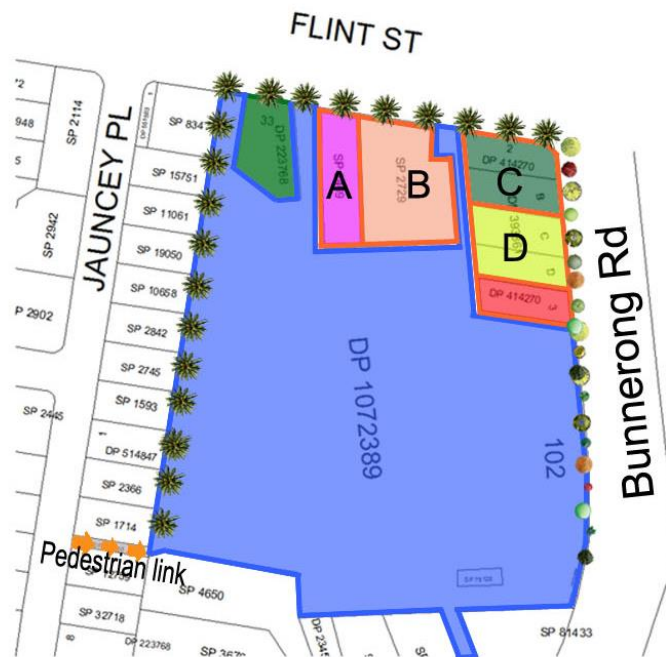
**Note:** Setbacks may be required for the provision of street trees.



Figure 29 - Hillsdale Local Centre: Site amalgamation

## Site amalgamation

Site amalgamations are encouraged. Suggested amalgamations include parcels A, B, C, D as shown.





## 5.3 General Controls

Bayside Local Environmental Plan 2021 establishes the primary objectives and controls for the business centres in Bayside. This Part supports and complements the Bayside LEP by providing detailed objectives and controls for all business development relating to:

- Built Form;
- Design; and
- Environmental Management.

### 5.3.1 Built Form

#### 5.3.1.1 Floor Space Ratio

##### Achieving Floor Space Ratio

- C1** Not all site developments may be able to achieve the maximum permissible FSR, due to particular site characteristics, such as:
- (i) The size, shape and topography of the land;
  - (ii) The presence of existing buildings on site, required to be retained;
  - (iii) The need to reduce adverse impacts on neighbouring residential sites; and
  - (iv) Not being able to satisfy Council's traffic, parking and vehicular access requirements.
- C2** In determining an appropriate FSR, applicants must demonstrate to Council, in their development application submission, that the bulk and scale of development is acceptable and will not result in adverse impacts on adjoining dwellings, heritage items or the streetscape in terms of:
- (i) Loss of Privacy;
  - (ii) Overshadowing/loss of natural light;
  - (iii) Loss of views;
  - (iv) Visual Amenity (Bulk and Scale); and
  - (v) Increased traffic generation.



### 5.3.1.2 Height

The building height controls work together with density (FSR) and setback controls to ensure that the overall built form is appropriate for the desired future character of each business centre. The primary controls relating to maximum height limits are found in the Bayside Local Environmental Plan 2021, however controls within this DCP further refine the maximum heights in storeys allowed within each business centre (refer to Character Statements for each Centre).

#### Objectives

- O1** To ensure the scale of new buildings is consistent with the Desired Future Character of each business centre;
- O2** To limit the height and scale of buildings so that they do not dominate the streetscape;
- O3** To ensure that developments complement the scale, massing and design of adjoining development;
- O4** To enable buildings, open space and public domain areas to achieve an acceptable level of daylight and sunlight access; and
- O5** To ensure development has minimal impact on neighbouring properties in terms of potential loss of views, loss of privacy, overshadowing or visual intrusion.

#### Controls

- C1** The maximum height of buildings must comply with the **Height of Buildings Map** and **Clause 4.3** of the Bayside Local Environmental Plan 2021.
- C2** In addition to C1, new buildings must also consider and respond to the predominant and characteristic height of buildings within the Centre; and consider the topography and shape of the site.
- C3** The maximum number of storeys must not exceed the maximum number of storeys identified in the relevant character statement for each Business Centre as set out in **Part 5.2 - Character Statements** for the Business Centres. If the maximum number of storeys is not identified in the Character Precinct, the maximum number of storeys must be consistent with the characteristic building height.

**Note:** Characteristic building height is defined as the average building height of the two adjoining buildings.



**Note 1:** A rear setback may apply in all of the above Business Centres where a site adjoins a residential area/property. The extent of the setback will be determined subject to a detailed site analysis at development application stage. The analysis must demonstrate to Council that the proposed development minimises impacts on its residential neighbours (refer to **Part 5.3.1.4 - Side and Rear Setbacks and Building Separation**).

**Note 2:** Bayside Local Government Area lies within the prescribed airspace for Sydney (Kingsford Smith) Airport. The prescribed airspace for Sydney over Botany consists of Procedures for Air Navigation Systems Operations (PANS-OPS) and Obstacle Limitation Surfaces (OLS).

The critical component of the prescribed airspace over Bayside LGA is the Inner Horizontal Surface (51.0 metres AHD) of the OLS for Sydney (Kingsford Smith) Airport. Any intrusion into prescribed airspace would constitute a controlled activity<sup>1</sup> and as such, must be referred to Sydney Airports Corporation Limited (SACL) for an approval process (Airports Act 1996 Section 186).

The approval process involves referral of the application to SACL for assessment relating to safety, efficiency and regularity of air traffic using Sydney (Kingsford Smith) Airport and then onto the Civil Aviation Safety Authority (CASA) and Airservices Australia (AsA) if required.

Consideration during the planning stages will be given to the operating heights of all construction cranes (short-term controlled activities) necessary for the proposed controlled activity. SACL advises that approval to operate construction equipment (ie cranes) will be obtained prior to any commitment to construct as the height of this equipment is generally significantly higher than the proposed structure, therefore approval may not be granted.

“Permanent controlled activities”<sup>2</sup> are not permitted to penetrate the Procedures for Air Navigation Services Operations surfaces (PAN-OPS) component of the prescribed airspace.

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<sup>1</sup> Section 182 of the Airports Act 1996 defines “Controlled Activities” as: constructing a building, or other structure, that intrudes into the prescribed airspace; altering a building or other structure so as to cause the building or structure to intrude into the prescribed airspace; any other activity that causes a thing attached to, or in physical contact with the ground to intrude into the prescribed airspace.

<sup>2</sup> Permanent controlled activity: any structure erected for a period of more than 3 months.



### 5.3.1.3 Street Setbacks

Street setbacks establish the front building line and help to create the proportions of the street.

The controls outlined in this Part will result in the enhancement of streetscape character and the continuity of street facades. It is anticipated that the street setbacks will also be used to enhance the setting for the building. In some cases, where the context is mixed use development where a component of the building is residential, they will provide for private open space in the form of balconies or verandahs above ground level. At upper levels they will provide for building articulation, a degree of openness in the street and a good spatial relationship between buildings that front streets. The spatial relationship of buildings is an important determinant of a good urban form.

#### Objectives

- O1** To ensure the scale of new buildings is consistent with the Desired Future Character of each business centre;
- O2** To provide for new buildings that spatially define streets with well articulated facades;
- O3** To define the street edge at the ground and lower levels of the retail and commercial areas;
- O4** To reduce bulk, ensure adequate exposure to sunlight and ventilation and create the opportunity for visual and acoustic privacy at the upper levels of mixed use buildings;
- O5** To provide a threshold which creates a transition between public and private space for mixed use buildings;
- O6** To enable mixed use buildings with a residential component to be situated with adequate private open space/balconies;
- O7** To ensure new development is compatible with the desired future streetscape character; and
- O8** To create cohesive streetscapes with consistent building alignments particularly at ground level.

#### Controls

- C1** Buildings are to be aligned along the street frontage to create a consistent street wall no higher than two storeys. A variation to the two storey wall height along the street frontage will only be permitted in certain circumstances where the height of adjoining buildings on the street exceeds two storeys or where the site is located on a street corner. In this instance applicants must submit a written justification to Council for this variation at development application stage. The variation will be considered by Council on its merits.
- C2** Setbacks for buildings which exceed two storeys are provided in the Character Precincts for each centre in **Part 5.2 - Character Statements for the Business Centres**.



### 5.3.1.4 Side and Rear Setbacks and Building Separation

#### Objectives

- O1** To ensure developments provide for buildings with appropriate massing and separations between buildings to provide residential amenity particularly for mixed use buildings;
- O2** To provide visual and acoustic privacy for residential dwellings within a mixed use development and also surrounding residential properties;
- O3** To provide building configurations that facilitate the provision of useable private and communal open space areas;
- O4** To position built forms to minimise overshadowing of adjacent properties and private or communal open space;
- O5** To reinforce the desired spatial character in terms of openness and density;
- O6** To minimise the visual intrusion of building bulk on neighbouring properties;
- O7** To enable view corridors between dwellings from streets, parks and surrounding developments; and
- O8** To minimise overshadowing of adjacent properties and open space.

#### Controls

- C1** Where a site adjoins residential development appropriate rear or side setbacks must be provided to ensure that potential impacts on adjoining or surrounding residential properties are minimised in terms of loss of privacy, sunlight and daylight access and visual amenity. The appropriate setback will be determined at development application stage, subject to a detailed Site Analysis. Applicants must therefore demonstrate to Council at development application stage that impacts on the residential area are minimised.
- C2** Developments to which State Environmental Planning Policy No 65 (SEPP 65) applies are to adhere to the Apartment Design Guide provisions for building separation.





### 5.3.1.5 Built Form and Streetscape

#### Objectives

- O1** To ensure that new buildings are consistent with the built form envisaged in the Desired Future Character Statements for each centre;
- O2** To achieve development that is of an appropriate scale and form in the context of adjoining land uses;
- O3** To ensure that individual development proposals are designed to an appropriate size, mass and separation to protect solar access to adjoining buildings and the public domain;
- O4** To ensure the built forms make a positive contribution to the street/public domain;
- O5** To allow for building design and development that comprises high quality architectural design features; and
- O6** To ensure built forms provide adequate amenity for occupants in terms of access to sunlight and natural ventilation.

#### Controls

- C1** Built form must be consistent with the Desired Future Character Statements for each centre and result in a high quality built form and energy efficient architectural design (refer to **Part 5.2 - Character Statements for Business Centres**).
- C2** Buildings must have a consistent street wall height and provide a continuous street frontage and awning height along the street frontage where appropriate.
- C3** Blank walls are to be avoided adjoining principle streets and the public domain. If they are unavoidable amelioration measures such as artwork or landscaping is required to enhance the visual amenity and reduce vandalism.



### 5.3.1.6 Excavation

#### Objective

- O1** To ensure that buildings respect the natural landform of a site.

#### Controls

- C1** Buildings must not dominate nor detract from the natural landform. The siting of buildings must relate to the site's natural context and topographical features.
- C2** Where steep or sloping sites exist, the building must not protrude from the landscape but must be staggered or stepped into the natural slope of the land.
- C3** Developments must avoid the unnecessary use of cut and fill by designing and siting buildings within the natural slope of the land. If cut and fill is required for drainage or other purposes, Council will consider its effect on the streetscape and adjoining properties.
- C4** Any excavation adjacent to RMS infrastructure must comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. A copy of this Technical Direction can be downloaded via the following link:  
<http://www.rms.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>



## 5.3.2 Design

### 5.3.2.1 Design Excellence

Bayside Local Environmental Plan 2021 aims “to create a liveable urban place, through the application of design excellence in all elements of the built environment and public domain.”

As such, all new development is required to achieve excellence in urban design, as detailed in the objectives and controls in this Part.

#### Objectives

- O1** To provide detailed design objectives and controls that encourage innovative design that positively responds to the character and context of the locality;
- O2** To create a highly liveable urban place, through promotion of design excellence in all elements of the built environment and public domain; and
- O3** To encourage architectural design that reflects an innovative and high quality building that responds to the context of the area and the Desired Future Character Statement for the Centre.

#### Controls

- C1** To achieve excellence in urban design, all development must:
  - (i) Take into consideration the characteristics of the site and adjoining development by undertaking a thorough site analysis;
  - (ii) Utilise innovative design which positively responds to the character and context of its locality;
  - (iii) Provide a design which is sustainable;
  - (iv) Enhance the streetscape character of the locality;
  - (v) Ensure that proposed development is consistent in height and scale with surrounding development;
  - (vi) Maintain established setbacks;
  - (vii) Design buildings to minimise impacts on neighbours by maintaining appropriate levels of solar access and privacy;
  - (viii) Ensure any development utilises materials and finishes which complement the locality;
  - (ix) Design for acoustic and visual privacy;
  - (x) Ensure dwellings and open space areas achieve good solar access, and are energy efficient;
  - (xi) Ensure building entries address the street and are clearly visible from the street or footpaths;
  - (xii) Design development that provides good quality landscaping;
  - (xiii) Consider the relationship of private open space to the layout of the dwelling;



- (xiv) Use design techniques which promote safety and discourage crime; and
- (xv) Encourage active street frontages

**C2** The Development Application must identify, through a design statement, how design excellence will be achieved in the proposed development. The design statement must include drawings and examples of the building features, textures, materials, finishes and colours and how they are suitable to the subject site and its context.



### 5.3.2.2 Building Design

#### Objectives

- O1** To provide detailed design objectives and controls that encourage innovative design that positively responds to the character and context of the locality;
- O2** To achieve building designs that compliment the urban design and character of the Business Centres;
- O3** To promote visual continuity throughout the Business Centres; and
- O4** To protect the visual privacy and amenity of sensitive land uses (i.e. residential).

#### Controls

- C1** Building construction must be undertaken in compliance with the Building Code of Australia (BCA). All development applications must submit a BCA report outlining the compliance of the building design with the BCA.
- C2** All development applications that contain residential development or are adjacent to residential development must provide a design statement addressing privacy and overshadowing of residential dwellings from the business component.
- C3** If the development is located in a heritage conservation area or adjoining a Heritage Item the objectives and controls contained in **Part 3B - Heritage** must be addressed in the Development Application and accompanying heritage impact statement.
- C4** If residential dwellings are proposed as part of a mixed use development, balconies, private open space area and communal open space areas must be screened to address any privacy impacts on adjoining residential properties.
- C5** All mechanical ventilation, exhaust towers and cooling systems must not be visible from any public space. These elements must not impact on the visual presentation of the building. Care is required in the location of any exhaust vent that may generate smells to ensure effects on the residential amenity are minimised.
- C6** Sustainable sourced or recycled building materials must be used in accordance with **Part 3H - Sustainable Design**.
- C7** A schedule of external finishes and materials must be submitted at development application stage to articulate the building's design complements the Business Centre.



### 5.3.2.3 Reflectivity

#### Objective

- O1** To reduce glare and reflection from business or mixed use developments that may impact on public safety and residential amenity.

#### Controls

- C1** The reflectivity of building materials must not result in glare to motorists, residents or pedestrians or endanger their safety.
- C2** Reflective glass must not be used in any external finishes.
- C3** The solar reflectance value of building materials must not exceed 20%. The schedule of building materials provided with the development application must include the manufactures solar reflectivity value for all external building materials to be used.
- C4** A reflectivity report may be required by Council at development application stage examining the effects of possible glare on pedestrians and motorists.



### 5.3.2.4 Awnings and Verandahs

Balconies and verandahs built above Council footpaths can provide additional floor space for both commercial and residential use. The community can benefit from upstairs outdoor dining with a restaurant, or as extra private open space for a residence. In both cases they provide passive surveillance of the local streets and weather protection for pedestrians.

Balconies, verandahs and awnings above public footpaths need to be designed with an emphasis on public safety. Posts and other structural elements must be sited clear of vehicle parking and movement paths, without unreasonably inconveniencing pedestrian flows.

Council will seek market rental rates for the occupation of balconies above public footpaths for commercial and a reduced rate for residential purposes. These revenues will cover administration costs, and provide for a return on the public asset to the Bayside community.

#### Objectives

- O1 To provide weather protection at street level for pedestrian traffic;
- O2 To improve pedestrian amenity and usability;
- O3 To encourage an active street frontage;
- O4 To encourage the provision of street trees;
- O5 To improve passive surveillance for the local streets; and
- O6 To provide opportunities for local outdoor dining.

#### Controls

- C1 New development must provide awnings above the footpath to provide weather protection for pedestrians.
- C2 Awnings and/or verandahs are to be setback a minimum 1m from the face of the kerb or in continuity with adjoining properties. In certain centres the setback will need to be increased to 1500mm from the kerb to allow for the planting of street trees. The appropriate setback for awnings can be determined at Pre- DA stage in consultation with Council and for classified roads with Roads and Maritime Services (RMS).

#### Note:

- Awnings and verandas along classified roads will be set back a minimum of 1.5 metres from the kerb;
- Awnings and verandas along local roads that intersect with classified roads will be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the intersection with the classified road; and



- At any signalised intersections (on local roads or classified roads), awnings and verandas will be set back a minimum of 1.5 metres from the kerb for a distance of up to 100 metres from the signalised intersection.

- C3** Awning design must be a solid suspended steel box type section, with a minimum soffit height of 3.2 metres. Awning height is required to provide continuity with adjoining properties, following the street grade, and must be of sufficient depth to provide good shade and shelter to pedestrians. It is required to make provision for street trees.
- C4** Under awning lighting is to be included; either recessed into the soffit of the awning or wall mounted on the building. It is required to be energy efficient and to minimise spillage into residential dwellings. The lighting must be robust and vandal resistant.
- C5** Further kerb-side setback condition (2.5 metres minimum) are to be required on major roads, in accordance with RTA “Clear Zones” provisions.
- C6** Verandahs are encouraged above awnings to assist with passive surveillance of the street and increased amenity for residential dwellings. They must be designed to remain standing in the event of removal of any one post or both corner posts with respect to a street corner. If the site is exposed to heavy traffic or where the posts/columns could interfere with pedestrian pathways, the structure may be required to be cantilevered. A structural engineer must certify all structures prior to the issue of the occupation certificate.

**Note:**

Commercial or residential occupation of balconies and verandahs above public roads is subject to Council approval and the issue of a permit under the Roads Act, 1993. For balconies and verandahs over classified public road boundaries please discuss the proposal with Roads and Maritime Services.

- C7** For verandahs that are built over the footpath or road reserve areas, a lease fee is payable to Council. A structural certificate issued by a qualified engineer is to be submitted to Council every year to ensure the structural integrity of the verandah.





### 5.3.2.5 Public Domain Interface at Ground Level

The redevelopment expected to occur within the Bayside business centres over the coming decade presents the opportunity to significantly improve the private and public domain interface at the ground level. This will promote a high level of pedestrian amenity.

Considerations of the interface at ground level will also consider ancillary elements such as driveways, parking areas and fencing. The quality and scale of public domain elements also affect the interface.

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

#### Objectives

- O1 To provide an attractive ground level interface between the private and public domain;
- O2 To ensure that all ground level elements of buildings visible from the street make a positive contribution to the public domain;
- O3 To design building entrances that provide a clear entry to the development that will assist in visitor orientation;
- O4 To ensure that access to parking does not dominate the streetscape; and
- O5 To ensure that buildings adjacent to parks address them.

#### Controls

- C1 Development must comply with the Desired Future Character objectives and controls identified in **Part 5.2 - Character Statements for the Business Centres**.
- C2 Development must be designed so that it has a clearly definable entry and addresses the street.
- C3 For mixed use development which contains residential dwellings, the primary area of outdoor private open space must not be located on the street frontage, unless it is on the first floor or above.
- C4 The visual and physical connection between the building frontage and the public domain must be considered in all development applications to ensure that the interface at ground level promotes a high level of pedestrian amenity.
- C5 Public domain improvement works such as footpath paving, reconstruction of kerb and gutter, landscaping, street trees, amenity area lighting and furniture may be required at the developers expense.



### 5.3.2.6 Active Street Frontages

Within the Business Centres certain land has been identified within the Bayside Local Environmental Plan 2021 as having an 'Active street frontage' on the Active Street Frontages Map. The objective for active street frontages within the Bayside Local Environmental Plan 2021 is to *promote uses that attract pedestrian traffic along certain ground floor street frontages*. The purpose of the ground floor must be for business premises or retail premises.

Under Bayside Local Environmental Plan 2021 a building has an "active street frontage" if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

#### Objectives

- O1 To promote uses that attract pedestrian traffic along certain ground floor street frontages;
- O2 To provide an active street edge;
- O3 To provide opportunities for active uses such as outdoor dining; and
- O4 To improve the safety and amenity of the Business Centres.

#### Controls

- C1 Development is to provide active street frontages in accordance with the Active Street Frontages Map and **Clause 6.11 Active Street Frontages** under Bayside Local Environmental Plan 2021.
- C2 New developments must consider building setbacks to allow for outdoor seating opportunities.
- C3 Developments must identify landscaping, street paving and furniture etc along the active street frontage to improve the private and public domain interface at the ground level. Any proposed works in the public domain must be approved by Council and be consistent with the Desired Future Character for the centre, as identified in **Part 5.2 - Character Statements for the Business Centres**.
- C4 Any outdoor seating must be proposed so as not to compromise pedestrian safety and access or reduce vehicle sight lines. There must be a minimum of 2 metres available on the public footpath (clear of any obstruction) for pedestrian access.
- C5 Where it is proposed to occupy the Council footpath for outdoor dining, the applicant must obtain development consent, in addition to a lease agreement with Council.
- C6 Active street frontage where possible must take advantage of public open spaces, and views and vistas etc to orientate the active uses on the ground floor. (i.e. café outdoor seating must be orientated to parks and open spaces to improve visual amenity for patrons.)
- C7 If the active street frontage adjoins a Heritage Item the setback, design and scale of the active street frontage must complement the Heritage Item.



### 5.3.2.7 Heritage

#### Objective

- O1 To ensure that development is compatible with existing Heritage Items and/or buildings within a Heritage Conservation Area.

#### Control

- C1 If a site is a heritage item or in the vicinity of a Heritage Item or within either the Botany Township Heritage Conservation Area or Daceyville Heritage Conservation Area you also need to address **Part 3B - Heritage**.

**Note:** Council requires a Heritage Impact Statement to accompany a development application if it is considered that the proposed development may have an impact on the heritage value of a Heritage Item, or Heritage Item in the vicinity of a site; or if the site is located within or adjoining a Heritage Conservation Area.



### 5.3.2.8 Interface between Business Zones and Adjoining Landuses

It is essential that an appropriate interface be created between the business zone and the adjoining landuse to ensure that there are no detrimental effects on residential amenity and that the built forms are complimentary.

#### Objectives

- O1** To address the impact of business zones at their interface with adjoining landuses; and
- O2** To conserve the privacy, solar, access and overall amenity of neighbouring properties.

#### Controls

- C1** Clear boundaries between the public and private domain must be created to enhance security, privacy and safety.
- C2** Shadow diagrams must be provided for all development proposals for the summer and winter solstices. Shadow diagrams must show shadow impacts at 9am, 12 noon and 3pm for both solstices. Additional building setbacks may be required where internal site shadow impacts or impacts on adjoining properties are considered by Council to be unreasonable.
- C3** The design and positioning of all mechanical plant and equipment (i.e. air conditioning units, mechanical ventilation, duct work and exhausts) must be taken into account early on in the design process. The non residential use must not have a negative influence on residential uses concerning noise or odour.
- C4** Noise emissions are to comply with the following noise criteria:
  - (i) The operation of all plant and equipment will not give rise to an equivalent continuous (LAeq sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
  - (ii) The operation of all plant and equipment when assessed on any residential property will not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
  - (iii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises will not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
- C5** For assessment purposes, the above LAeq sound levels will be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.



- C6** For some uses a noise impact assessment is required to be submitted with a development application for an industrial development adjoining a residential property, verifying that these noise criteria can be satisfied. The report will identify all possible noise sources/activities from the proposed development and is to be prepared by a suitably qualified consultant who is a member of the Australian Acoustical Society (AAS).
- C7** Development will be designed to locate sources of noise such as garbage collection, loading/unloading areas, air conditioning plant/other machinery, and parking areas away from adjoining residential properties and where necessary, be screened by walls or other acoustical treatment.
- C8** A dense landscape buffer of 2-3 metres in width must be provided at the residential - non-residential interface and must include suitable screening trees and shrubs.
- C9** Development of 4 storeys or more in height adjacent to a school are to consider the following:
- (i) Mitigation of overshadowing impacts on the school and its grounds through setbacks and controlled bulking and scaling of buildings;
  - (ii) Orientating internal spaces so that low occupancy rooms face school property; and
  - (iii) Windows and balconies are to be designed to reduce opportunities for overlooking school grounds.



### 5.3.2.9 Landscaped Area

Landscape design contributes to the amenity and aesthetic quality of building settings and the public domain. It is fundamental to the design of mixed use building and business centres, and must be integrated with architectural design from the site planning stage. Landscape spaces must not be generated by leftover spaces resulting from building siting and location. The consideration of optimal planting conditions for soft landscape must be integral to building design. Landscape planting can also contribute to environmental amenity and sustainability, through microclimatic amelioration, biodiversity, and the reduction of heat island effects in urban areas.

#### Objectives

- O1 To improve microclimate and solar performance within blocks;
- O2 To enhance the public domain at the edges of developments; and
- O3 To reduce heat in the urban environment.

#### Controls

- C1 Residential setbacks from streets and parks are to support planting, at a scale that allows passive surveillance of the public domain. This requirement may vary with each block.
- C2 The use of appropriate plant species for screening that do not unreasonably block sunlight and air movement on neighbouring sites is required.
- C3 Provide a sufficient depth of soil on podium areas in accordance with the Councils Technical Guideline for Landscape in Development Sites (refer to **Part 10 - Landscape Technical Guidelines for Development Sites**).
- C4 Minimize maintenance by using robust landscape elements (refer to **Part 3L – Landscaping and Tree Management**).
- C5 Ensure that planter boxes are designed to optimize the long term health of plants, with suitable drainage and irrigation systems.
- C6 All landscaping must comply with Councils Technical Guideline for Landscape in Development Sites (refer to **Part 10 - Landscape Technical Guideline for Development Sites** and **Part 3L – Landscaping and Tree Management**).



### 5.3.2.10 Private Open Space and Communal Open Space

Private and communal open spaces are vital to all development sites where residential units are proposed, particularly in the business centres where deep soil planting is not required for mixed use or commercial buildings. Communal open spaces must be predominantly landscaped, although site constraints will often mean that planting is not within a deep soil zone.

#### Objectives

- O1** To enhance the public domain at the edges of developments;
- O2** To provide residents within the Business Centres with opportunities for both passive and active recreation;
- O3** To enable residents to have a pleasant outlook; and
- O4** To maximise provision of private and communal open space.

#### Controls

- C1** The primary area of outdoor private open space must not be located at grade on the street frontage.
- C2** Communal open space can be provided at grade or on podiums and roof tops. The space must be appropriately landscaped and provided with a recreational facilities or features, for example BBQ area, seating, children's play area, landscape features or the like and must include pedestrian scale lighting, to be shown in the detailed landscape plan.
- C3** More than 70% of the communal open space area must be capable of growing plants, grasses and trees of carrying height and canopy.
- C4** Where a site adjoins a residential property, 3 metre wide landscape planting must be provided along the common boundary to provide a visual separation between the residential and the non-residential development. The area is to be mass planted with tall shrubs and suitable dense trees.
- C7** All landscaping must comply with Councils Technical Guideline for Landscape in Development Sites (refer to **Part 10 - Landscape Technical Guideline for Development Sites** and **Part 3L – Landscaping and Tree Management**).



### 5.3.2.11 Materials and Finishes

The use of sympathetic building materials, finishes and colour schemes, ensures that the visual character of the Business Centres is enhanced.

#### Objectives

- O1** To ensure that the choice of external materials, colour schemes and building details on new development reinforces existing development in the locality and enhances the streetscape; and
- O2** To encourage the use of energy efficient building materials.

#### Controls

##### General

- C1** A Schedule of Finishes and a detailed Colour Scheme for the building facade is to accompany all Development Applications involving building works (refer to Council's **Development Application Guide**).

The Schedule of Finishes is to consist of :

- (i) Samples of materials cross-referenced with manufacturer's details and product code; and
  - (ii) A detailed colour scheme to be shown in the form of coloured building elevations which is cross-referenced with a colour sample chart showing manufacturer's details and product code.
- C2** The use of intrusive materials and practices for new development is not permitted. This includes extensive areas of glass sheeting and glass blocks; the painting, rendering or bagging of any original unpainted masonry or sandstone surfaces; and cladding that requires maintenance.
  - C3** All materials and finishes utilised must have low reflectivity. The use of dark tinted or reflective glass is not a suitable material and must not be used.
  - C4** Alterations and additions are to match the existing building (in colour, form and materials) to ensure that the additions/alterations are integrated with the overall appearance of the building and streetscape.

##### Colour Schemes

- C1** New development must incorporate colour schemes that are consistent with the predominant colour schemes in the street. No expansive use of white, light or primary colours which dominate the streetscape are permitted.
- C2** Where a first floor addition is proposed the materials, colours and textures must be of a compatible material with those used on the ground floor of the existing dwelling.





## Heritage

- C3** Development of a Heritage Item or building within a Heritage Conservation Area must utilise colours and materials which are sympathetic with the heritage character or the Heritage Item or Heritage Conservation Area.



### 5.3.2.12 Servicing

The impact of service vehicles on footpaths and laneways can be detrimental to pedestrian traffic and residential amenity. Onsite loading and unloading areas are required to ensure that delivery vehicles do not block roads and result in amenity and safety issues.

#### Objectives

- O1** To encourage the use of energy efficient building materials.
- O2** To minimise the negative impact on pedestrian traffic and residential amenity; and
- O3** To ensure that vehicles do not stand on the road, footway or public domain while loading/unloading goods.

#### Controls

- C1** New commercial or mixed use buildings must provide a loading dock on-site. Where this is not viable loading and unloading may be permitted from to a rear lane or side street subject to Council's engineer approval.
- C2** Loading and unloading areas must be well screened from the public domain and located underground where practical.
- C3** Service vehicles must enter and leave the loading dock in a forward direction.
- C4** Delivery and operation of loading docks is to be restricted to the approved trading hours.
- C5** No garbage collection is permitted between 10pm and 6am.
- C6** Loading docks must comply with AS 2890/2 (2002) - Offstreet commercial vehicle facilities.
- C7** The largest delivery vehicle permitted will be restricted to Medium Rigid Vehicle (MRV) as denoted by AS 2890.2. Vehicles larger than MRV may be considered by Council for a large development site with loading and unloading to be carried out on-site only.



### 5.3.2.13 Access & Mobility

#### Objectives

- O1 To have buildings, businesses and places that are accessible to all people, regardless of mobility restrictions or sensory impairment, consistent with requirements under the *Disability Discrimination Act 1992* and the Building Code of Australia;
- O2 To have accessible design principles considered in all new development and significant alterations and additions to existing development; and
- O3 To have accessible places and buildings to promote dignity independence and safety for all the community.

#### Controls

- C1 Development must comply with **Part 3C - Access and Mobility**.
- C2 Accessibility must be enhanced as a result of retail shop conversions and/or renovations. No development will be approved that reduces access to a site.



### 5.3.2.14 Crime Prevention, Safety and Security

There are 3 key elements to safety and security, these include:

- (i) Security through crime risk prevention;
- (ii) Safety through building construction and installation of fire safety equipment within developments; and
- (iii) Consideration of the impacts of surrounding land uses (i.e adjoining rail corridors, major roads, dangerous good routes and hazardous industries).

#### Crime Prevention

The Crime Prevention and the Assessment of Development Applications Guideline details how local government is to consider Crime Prevention Through Environment Design (CPTED) Principles. Before a decision can be made on a development application, council must consider the application under section 79C of the *Environmental Planning and Assessment Act 1979* including the consideration of the following:

- The likely impacts of that development, including the environmental impacts on the natural and built environments, and social and economic impacts on the locality; and
- The public interest.

Council has an obligation to ensure that a development provides safety and security to users and the community. If a development presents a crime risk, these guidelines can be used to justify modification of the development to minimise the risk of crime, or refusal of the development on the grounds that crime risk cannot be appropriately minimised.

Council will endeavour to support the minimisation of crime risk as part of all development applications. Council may if required for certain types of development refer to the development application to the NSW Police Local Area Command for assessment against CPTED principles where the proposed land use or design of the development poses a crime risk.

There are four key assessment principles within CPTED that will be applied. These include:

**Surveillance** - The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

**Access control** - Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

**Territorial reinforcement** - Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals.

**Space management** - Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.



## Building Construction and Fire Safety

Another safety and security measure for the occupation of a building is compliance with Building Code of Australia requirements which relate to sound building construction and installation of fire safety equipment including smoke detectors, building sprinkler systems for certain types of land uses, hazard management systems, warning systems and emergency lighting. These elements ensure that the occupation of the building can be managed in a safe manner. Surrounding land uses that will be considered include the freight rail corridor, major roads, the dangerous goods routes and potentially hazardous industry. Consideration of these surrounding land uses may result in changes to site boundary treatments, the development of risk management plans and changes to site access for safe vehicular movements.

**Note:** Applicant will be aware that referral to the NSW Police for CPTED assessment may result in amendments being required to the design of the development or the installation of security devices.

**Note:** For further information applicants will refer to Crime Prevention and the Assessment of Development Applications issued by the Department of Urban Affairs and Planning.

### Objectives

- O1** To reduce opportunities for seclusion through the adoption of appropriate design of site boundary treatments (i.e. fencing, landscaping, driveways and open spaces);
- O2** To reduce opportunities for crime through the use of natural surveillance, building design and siting;
- O3** To promote definition between public and private spaces and management of these spaces to reduce crime risk; and
- O4** To support the safe occupation and use of buildings.

### Controls

- C1** Any construction plans with the development application must show the location of smoke detectors, together with a specification on their installation in accordance with the Building Code of Australia (BCA).
- C2** Boundary fences will not provide opportunities for seclusion and will be of a height that does not prevent the surveillance of streets.
- C3** Development must comply with **Part 31 - Crime Prevention, Safety and Security**.
- C4** Buildings and open space areas will be designed to:
  - (i) Enable casual surveillance of streets, open space and entrances to buildings;
  - (ii) Minimise access between roofs, balconies and windows of adjoining developments; and
  - (iii) Ensure adequate lighting to access routes, car park areas and open space.



- C5** External lighting must provided to mixed use developments, commercial developments and industrial areas where pedestrian ways, main building entries, driveways, communal areas and car parks require public access at night or after normal trading hours.
- C6** External lighting is to comply with the requirements of Section 9.21: Lighting in the Vicinity of Aerodromes, Manual of Standards, Part 139 – Aerodromes Version 1.1, February 2003. All lighting, regardless of location, which may affect the safe operation of aircraft operating at Sydney Airport are required to be compatible with the above requirements.
- C7** Access to car parks from common areas are to be secured by lockable doors.
- C8** An audio or video intercom system is to be provided at the entry or in the lobby for visitors to communicate with residents within mixed use developments.
- C9** Applications for development over 20 dwellings are to be accompanied by a formal crime risk assessment.
- C10** Blank walls addressing the street frontage and other public places will be avoided. Where it is unavoidable, planting for screening purposes or anti-graffiti paint will be used.
- C11** Entry to basement parking areas will be through security access via the main building. This access will be fitted with a one-way door from the foyer into the basement.
- C12** Provide clear signage and identification of buildings or dwellings, ie: clear numbering. Location maps and directional signage will be provided for larger developments.
- C13** Access and egress routes and dark or sheltered areas will be clearly illuminated. All lighting must comply with relevant Australian Standards.



### 5.3.2.15 Advertising and Signage

Advertising and the related signage are important features of business centres. It is important that they contribute to the public domain and enhance the streetscape rather than detract from it. Signage must be integrated into the building design.

#### Objectives

- O1 That the placement and design of signage and advertising is incorporated into the architectural design of a development;
- O2 That the future character of a streetscape is considered in any design of advertising and signage;
- O3 To ensure that signage is access and visually impaired friendly;
- O4 That the public domain is considered in the assessment of signage;
- O5 To prevent negative impacts on the local amenity and streetscape from excessive advertising;
- O6 To minimise the impacts by illumination on the community including motorists;
- O7 To protect the existing and potential roof scapes and to maintain views; and
- O8 To require that the position and design of signage is considered in conjunction with road safety and traffic management principles.

#### Control

- C1 Signage must comply with **Part 3D - Signage**.



### 5.3.3 Amenity

#### 5.3.3.1 Acoustic Privacy

Acoustic privacy is an important factor to be taken into account when achieving satisfactory living environments, particularly in medium to high density environments. By considering layout, design and materials within the development proposal acoustic impacts from noise sources can be minimised.

##### Objectives

- O1** To ensure new development provides adequate acoustic privacy levels internally and externally for neighbouring dwellings and residents of mixed use buildings;
- O2** To maximise outlook to the public domain whilst maintaining acoustic privacy;
- O3** To reduce the impact of ambient noise by appropriate landscaping and architectural detailing; and
- O4** To minimise the impact of aircraft and traffic noise on residential accommodation.

##### Controls

- C1** Dwellings close to high noise sources such as busy roads, railway lines and airports must be designed to locate noise sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.
- C2** Habitable rooms of dwellings adjacent to high levels of external noise are to be designed to limit internal noise levels to a maximum of 45dB(a) in accordance with relevant Australian Standards for acoustic control.
- C3** Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport**.
- C4** The introduction of noise abatement measures to achieve compliance with the current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape.
- C5** All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008' (DNRCBR 2008).
- C6** New development adjacent to high noise sources (e.g. busy roads) are to generally locate habitable rooms and private open spaces away from noise sources. Alternatively, if such spaces/rooms front a major noise source they must be protected by appropriate noise shielding devices to minimise noise intrusion.





- C7** Where the height of the proposed development is higher than the existing height of the localised building stock (and the proposed development has a direct line of sight to the seaport and/or the airport) an acoustical assessment by an accredited acoustical consultant is required which takes into account noise from the operations of Port Botany and Sydney Kingsford Smith.



### 5.3.3.2 Visual Privacy

Visual privacy must be maintained to achieve satisfactory living environments. Designing for adequate levels of privacy is an important consideration, particularly where there is an increase in density.

#### Objectives

- O1** To ensure new development provides adequate visual privacy within development sites and externally to neighbouring developments during the day and at night; and
- O2** To ensure that the outlook from key rooms within dwellings can be maximised without compromising privacy.

#### Controls

- C1** In some cases potential visual privacy impacts can be mitigated by incorporation of one or more of the following design measures:
  - (i) Fixed screens of a reasonable density (min 75% block out);
  - (ii) Fixed windows with translucent glazing (providing natural ventilation is not compromised);
  - (iii) Appropriate screen planting or planter boxes;  
**Note:** This option is only acceptable where it is demonstrated that the longevity of the screen planting will be guaranteed.
  - (iv) Windows are to be off-set or splayed; and
  - (v) Windows with sill heights of 1.8 metres or more above floor level or fixed translucent glazing to any part of a window lower than 1.8 metres above floor level.



### 5.3.3.3 Solar Access and Shadow

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 is a priority in designing for mixed use precincts.

#### 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 minimise the need for artificial light sources;
- O4** To minimise overshadowing that would reduce the amenity of neighbouring developments; and
- O5** To ensure development does not unreasonably diminish sunlight to neighbouring properties and within the development site.

#### Controls

- C1** Development must demonstrate:
  - (i) Neighboring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and
  - (ii) 30% of any communal open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.
- C2** 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.
- C3** 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.



### 5.3.3.4 External Lighting

#### Objectives

- O1** To provide lighting which will promote the architectural features of the building and enhance public safety within the development; and
- O2** To provide privacy and amenity to residential developments where external lighting is used in a Business Centre.

#### Controls

- C1** External lighting must not detract from the residential amenity of a building or adjoining residential development by shining directly into habitable residential areas or private open spaces.
- C2** External lighting must be considered in communal open spaces within the development to promote safety and passive surveillance.
- C3** External lighting must be used to enhance an architectural feature of the building.
- C4** External lighting must be integrated into the built form.
- C5** Energy efficient lighting must be used.
- C6** Floodlighting is not permitted.
- C7** Flashing or moving external lighting is not permitted.
- C8** The location and spill of external lighting must be depicted in the streetscape perspective submitted with the development application.



### 5.3.3.5 Reflectivity

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



### 5.3.3.6 Stormwater Management and Flooding

#### 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 **Part 3G - Stormwater Management**, which provides controls relating to:
  - (i) Stormwater management;
  - (ii) Water Sensitive Urban Design (WSUD);
  - (iii) Water quality; and
  - (iv) Flood management.
- C2 All development must comply with the Stormwater Management Technical Guidelines (refer to **Part 10 - Stormwater Management Technical Guidelines**).