

Explainer:

Part 3 General Development Provisions

This Part of the draft *Bayside Development Control Plan 2022* contains general development provisions relating to a variety of planning topics.

These include:

Site Analysis and Locality	Landscaping, Private Open Space and Biodiversity	Obstacle Limitation Surface and Airspace
Design Excellence	Tree Preservation and Vegetation Management	Noise, Wind, Vibration and Air Quality
Energy and Environmental Sustainability	Stormwater Management and Water Sensitive Urban Design	Late Night Trading
Heritage	Flood Prone Land	Signs and Advertising
Transport, Parking and Access	Contamination	Telecommunications Facilities
Social Amenity, Accessibility and Adaptable Design	Waste Minimisation	Utilities and Mechanical Plant

Chapter 3.1 – Site Analysis and Locality

The key to good design outcomes is firstly understanding the context of the site. Site analysis is used to assess how future dwellings will relate to the immediate surroundings and to each other to produce a design that will minimise negative impacts on adjoining developments and the neighbourhood.

This section provides guidance on undertaking a site analysis, including:

- Context of the site;
- Constraints and opportunities; and
- Built and natural elements of the area (such as active street frontages and views).

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.1 Site Analysis and Locality			
3.1.1 Site Analysis Plan			From Part 3 Site Analysis
3.1.2 Interface with Public Domain			Centralises public domain interface controls from various land use chapters
3.1.3 Crime Prevention through Environmental Design		From Part 3I Crime Prevention, with elaborations	
3.1.4 Active Street Frontages		From 5.3.2.6 Active Street Frontages	

3.1.5 Views			From 4.1.1 Views and Vistas
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Chapter 3.2 – Design Excellence

This section contains objectives and provisions to guide design excellence and fine grain urban form in significant development. All buildings contribute to the urban and public domain character of Bayside Council, and it is important that design excellence is a key consideration in the assessment of Development Applications.

This chapter complements controls located in Clause 6.10 of *Bayside Local Environmental Plan 2021* (LEP). It must also be read alongside the *Draft Government Architect's Design Excellence Competition Guidelines (2018)*.

Bayside Council contains a number of urban renewal areas and large development sites. Within these areas it is important that development achieves high design quality standards and design variety. The chapter aims to achieve design excellence by requiring close consideration of *Bayside Council's Design Excellence Guidelines*. It also explains what must be included in a Design Excellence Report (if required to be prepared alongside a Development Application).

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.2 Design Excellence	New control, elaborating upon Bayside LEP 2021 Clause 6.10		

Chapter 3.3 – Energy and Environmental Sustainability

This chapter sets out controls for the application of ecologically sustainable development principles in the design, construction and operation of buildings across the Bayside LGA.

Bayside Council encourages energy and water efficient buildings. Energy efficient buildings require less energy for construction and maintenance, heating and cooling, lighting, and ventilation. This chapter outlines principles of 'green building design' and contains objectives and controls for achieving this through:

- Energy and water efficiency (both residential and non-residential buildings);
- Natural daylight and ventilation; and
- Reflectivity (controlling glare and reflection).

It also outlines instances where a report on energy and water efficiency would be required to accompany a Development Application.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.3 Energy and Environmental Sustainability		Partly adapted from 3H Sustainable Design	Partly adapted from 4.1.3 Water Management
3.3.1 General Controls		From 3H.2 Energy and Water Efficiency	
3.3.2 Natural daylight and ventilation (passive design)			From 4.4.3 Natural Lighting and Ventilation
3.3.3 Reflectivity			From 4.4.4 Glazing
3.3.4 Rating Tools	New subchapter elaborating upon rating tools: National Australian Built Environment Rating Scheme (NABERS), Green Star		
3.3.5 Energy Assessment			From 4.4.1 Energy Efficiency, with elaborations based upon NABERS and Green Star Rating Tools

Chapter 3.4 – Heritage

This chapter is to be used to guide proposed development or works to heritage items and within heritage conservation areas, as well as works proposed nearby. It includes objectives and controls which aim to ensure the conservation of heritage in Bayside LGA, while allowing appropriate change to occur. Specifically, it applies to:

- Land that is listed as a heritage item;
- Land that forms part of a group heritage listing;
- Properties that are located within heritage conservation areas; and
- Properties that are in the vicinity of heritage items and heritage conservation areas.

The chapter also outlines the information required to be provided in support of proposed development or works in relation to the above. The extent of information required in a heritage management document will depend on the heritage significance of the property, the contribution of the property to a heritage conservation area (if relevant), and the nature and scope of the development proposed.

This chapter also contains requirements for proposed development or works that will impact an Aboriginal object or Aboriginal place of heritage significance.

Additionally, this chapter contains requirements to be considered in the event that proposed development or works is located in an area with potential to contain archaeological deposits. These areas include:

- Archaeological sites: below ground evidence including building foundations, occupation deposits, features and artefacts and above ground evidence, including buildings, works, industrial structures and relics that are intact or ruined;

- Cultural landscapes: areas of land that display evidence of human activity, occupation or significance to a historic group or entity; and
- Maritime sites: shipwrecks, deposits, and structures in the water or within the tidal zone.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.4 Heritage		Partly adapted from 3B Heritage	Partly adapted from 4.1.2 Heritage Conservation
3.4.1 Heritage overview – General		Partly adapted from 3B.2 Development Applications	Partly adapted from 4.1.2 Heritage Conservation, Requirements for Heritage Reports
3.4.2 Aboriginal cultural heritage		From 3B.8.1 Aboriginal Heritage	
3.4.3 Archaeological management		From 3B.8.2 Archaeological Heritage	
3.4.4 European Heritage Items		Partly adapted from 3B.3 Heritage Items	Partly adapted from 4.1.2 Heritage Conservation, Development of Heritage Items
3.4.5 Development adjoining or in close proximity to Heritage Items		Partly adapted from 3B.7 Development in the Vicinity of Heritage Items or Heritage Conservation Areas	Partly adapted from 4.1.2 Heritage Conservation, Development in the vicinity of Heritage Items
3.4.6 Development in Heritage Conservation Areas		From 3B.4 Heritage Conservation Areas	

Chapter 3.5 – Transport, Parking and Access

This chapter provides controls for aspects of a development relating to movement, access and parking provision for different types of vehicle. The provisions aim to satisfy the parking demand likely to be generated by the development whilst discouraging unnecessary car use and encouraging other modes of transport.

This chapter also aims to ensure that development encourages greater pedestrian, bicycle, and public transport usage to improve local amenity, minimise pollution and the use of non-renewable resources. Parking areas, garages and driveways must be carefully designed so that they do not detract from the appearance of the development and the surrounding streetscape.

Objectives and controls contained in this chapter are generally carried over from one or both of the current *Botany Bay Development Control Plan 2013* and *Rockdale Development Control Plan 2011*. However, a new subchapter has been prepared relating to New and Emerging Transport and Parking Facilities. This contains requirements for certain new developments to provide electric vehicle charging points, or designed to be 'ready' for this

infrastructure. It also contains requirements for car share parking spaces in new developments.

An updated draft *Technical Specification – Traffic, Parking and Access* has also been prepared and must be considered alongside this chapter.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.5 Transport, Parking and Access		Partly adapted from Part 3A Car Parking	Partly adapted from 4.6 Car Parking, Access and Movement
3.5.1 Design of the Parking Facility		Partly adapted from 3A.3.1 Car Park Design	Partly adapted from: 4.6 Car Parking, Access and Movement; and 4.2 Streetscape and Site Context
3.5.2 Traffic Impact Assessment and Transport Plans		From 3A.3.2 Traffic and Transport Plans and Reports	
3.5.3 On-site Parking Rates		Partly adapted from 3A.2 Parking Provisions for Specific Uses (Car Parking Rates for Commercial, Industrial, Tourist and Visitor Accommodation, Infrastructure and Recreation; Various Controls)	Partly adapted from 4.6 Car Parking, Access and Movement (Car Parking Rates for Residential; Various Controls)
3.5.4 Bicycle and Motorcycle Parking		Partly adapted from 3A.3.2 Bicycle Park Design (Various Controls)	Partly adapted from 4.6 Car Parking, Access and Movement (Motorcycle and Bicycle Parking Rates; Various Controls)
3.5.5 Accessible Parking		From 3A.3.1 Car Park Design	
3.5.6 Loading Facilities		From 3A.3.4 On-Site Loading and Unloading Facilities	
3.5.7 Waste collection		From 3A.3.1 Car Park Design, with elaborations (including updated Technical Specifications)	
3.5.8 Basement Parking		From 3A.3.1 Car Park Design	
3.5.9 New and Emerging Transport and Parking Facilities	New subchapter		

3.5.10 Materials, Colours, Lighting, Landscaping and Signposting		Partly adapted from 3A.3.1 Car Park Design	Partly adapted from: 4.6 Car Parking, Access and Movement; and 4.2 Streetscape and Site Context
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Chapter 3.6 – Social Amenity, Accessibility and Adaptable Design

This chapter contains objectives and controls to improve the social amenity and access to the built environment for people with a disability. It requires that development demonstrate compliance with the Commonwealth *Disability Discrimination Act 1992* – which seeks to eliminate bias against people with disabilities and protect their rights – as well as relevant sections of the Building Code of Australia.

The chapter also contains requirements for specific housing types to demonstrate adaptable and universal design. This requires incorporating elements to meet people's changing mobility requirements over their lifetime and visitation by people with a disability. Typical features include level and relatively wide doorways, non-slip surfaces, easy to use door handles, reachable power plugs, hobless shower recesses, and reinforced bathroom walls to facilitate grab rails.

It also contains controls to allow for flexible apartment design, to accommodate a diverse range of lifestyle needs. This includes different household structures, live/work housing arrangements and future changes in use.

Additionally, this chapter contains new controls requiring the preparing of a Social Impact Assessment (SIA) in certain circumstances. This evaluates the social consequences of a propose development on affected groups of people and on their way of life, life chances, health, culture and capacity to sustain these.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.6 Social Amenity, Accessibility and Adaptable Design		Partly adapted from 3C Access Mobility, with elaborations	Partly adapted from 4.5 Social Equity
3.6.1 Accessibility		Partly adapted from 3C.2 Access, Mobility and Adaptability	Partly adapted from 4.5.2 Equitable Access
3.6.2 Adaptable Dwellings and Universal Housing		Partly adapted from 3C.2 Access, Mobility and Adaptability	Partly adapted from 4.5.1 Housing Diversity and Choice
3.6.3 Social Impact	New subchapter		

Chapter 3.7 – Landscaping and Biodiversity

This chapter contains objectives and controls to govern landscaped area, which includes all areas of a development site that is not occupied by buildings or structures, or primarily used for vehicle parking, access and movement. The intent of this is to retain and increase

vegetation canopy cover and drainage / water quality on a site, respond to biodiversity or drainage on adjoining sites and supporting efforts for 'urban cooling' and to reduce flood risk.

The chapter also regulates communal and private open space within a development site. This includes requirements to ensure that this space is useable for its intended purpose (for example, communal facilities or recreational activities).

Additionally, the chapter contains controls to ensure the conservation and enhancement of Bayside's biodiversity. This includes requirements to identify and appropriately manage key areas of biodiversity. The controls and mapping (at Appendix 1 of the draft DCP) to this subchapter elaborate upon Clause 6.4 Terrestrial Biodiversity of Bayside LEP 2021.

A separate subchapter applies to development which has the potential to impact on any threatened species, habitat or endangered ecological communities, which are defined under certain legislation, being:

- NSW *Biodiversity Conservation Act 2016*;
- NSW *Fisheries Management Act 1994*; and
- Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*.

These species habitats and communities are identified in mapping contained at Appendix 2 of the draft DCP.

An updated draft *Technical Specification – Landscape* has also been prepared and must be considered alongside this chapter.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.7 Landscaping and Biodiversity		Partly adapted from Part 3L Landscaping and Tree Management	Partly adapted from 4.3 Landscape Planning and Design
3.7.1 Landscaping			From 4.3.1 Open Space and Landscape Design
3.7.2 Planting Design and Species		From 3L.2 Planting Design and Species	
3.7.3 Communal and Private Open Space		Partly adapted from 3L.2 General Requirements	Partly adapted from: 4.3.2 Private Open Space; and 4.3.3 Communal Open Space
3.7.4 Public Open Space Interface Controls	New subchapter		
3.7.5 Landscaping in Carparks		From 3L.6 Landscaping in Car Parks	
3.7.6 Biodiversity	New subchapter, which elaborates upon Bayside LEP 2021 Clause 6.4 Terrestrial Biodiversity		

3.7.7 Key Threatened Species, Habitat and Endangered	New subchapter, which elaborates upon Bayside LEP 2021 Clause 6.4 Terrestrial Biodiversity		
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Chapter 3.8 – Tree Preservation and Vegetation Management

This chapter contains requirements for the clearing, pruning or removal of vegetation in Bayside LGA. It builds on Council's Tree Management Policy and the *State Environmental Planning Policy (Conservation and Biodiversity) 2021*.

The intent of these requirements is to recognise the importance of trees and their role as a key contributor to a high-quality urban environment. Council expects the retention of healthy and/or functional trees on all development sites. Developments should be designed to incorporate existing trees into the layout and design, to ensure that their health is not compromised by siting structures too close to trees, including trees on adjoining properties.

Certain changes have been made from current DCP requirements for tree removal, to ensure consistency with the *State Environmental Planning Policy (Exempt and Complying Development) 2008*.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.8 Tree Preservation and Vegetation Management		Partly adapted from 3L4 Tree Management	Partly adapted from 4.1.7 Tree Preservation
3.8.1 Tree Preservation and Vegetation Management		Partly adapted from 3L.4.2 Tree Works Requiring Council Approval, with elaborations based on <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i>	Partly adapted from 4.1.7 Tree Preservation, with elaborations based on <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i>
3.8.2 Tree and Vegetation Offset Controls	New subchapter		

Chapter 3.9 – Stormwater Management and Water Sensitive Urban Design

This chapter contains objectives and controls to ensure any proposed development adequately manages stormwater impacts both within the development site and on neighbouring properties, while also incorporating principles of water sensitive urban design.

An updated draft *Technical Specification – Stormwater Management* has also been prepared and must be considered alongside this chapter.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.9 Stormwater Management and Water Sensitive Urban Design		Partly adapted from Part 3G Stormwater Management, with elaborations (including updated Stormwater Management Technical Specification)	Partly adapted from 4.1.3 Water Management, with elaborations (including updated Stormwater Management Technical Specification)

Chapter 3.10 – Flood Prone Land

Local Government is the primary authority responsible for both flood risk management and land use planning in New South Wales. Both Local Government and State Government are responsible for managing floodplain risk.

This chapter contains objectives and controls for development and works proposed on land in Bayside LGA identified as flood-prone (identified on publicly available maps on Bayside Council's website). The contents of the chapter are based on NSW Government's updated *Flood Prone Land Policy* package (finalised in 2021), *Floodplain Development Manual* (2005) and Clause 5.21 Flood Planning of Bayside LEP 2021.

The NSW Government's *Flood Prone Land Policy* provides a flexible, merit-based approach to dealing with planning, development and building matters on flood-prone land. Council can provide a site-specific flood advice letter, or identify the need to obtain further information from a qualified civil engineer.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.10 Flood Prone Land	Mostly new controls, elaborating upon NSW Government Flood Prone Lands Policy package (2021) and Bayside LEP 2021 Clause 5.21 Flood Planning		

Chapter 3.11 – Contamination

Consideration needs to be given to the possibility that a previous or current land use has led to the contamination of soil and/or groundwater at the site and the potential health and environment risks of any contamination. Sites must be evaluated to determine if the proposed development is on land affected by soil or groundwater contamination and determine the remediation and controls required to make the land suitable for the proposed development.

This chapter contains objectives and controls to ensure any proposed development or works (including any associated landscaping) have adequately considered potential contamination, or contaminating activities, on the development site and that the development would not result in any risk to human health or the environment.

The chapter should be read alongside:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *NSW Contaminated Land Management Act 1997*;
- *NSW Environmental Planning and Assessment Act 1979*; and
- Current NSW Government planning guidelines for managing land contamination.

In certain circumstances, Council may also require that a Site Audit be undertaken, to ensure site conditions of land, once investigated or remediated, will be suitable for its proposed land use or development. This chapter outlines the circumstances requiring a Site Audit and the details that must be covered in a Site Audit Statement.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.11 Contamination		From Part 3K Contamination, with elaborations (incorporating latest NSW Government guidelines)	

Chapter 3.12 – Waste Minimisation and Site Facilities

This chapter contains objectives and controls to ensure any waste generated through the proposed development (including both construction and ongoing operation of the development) is managed effectively and that opportunities to minimise waste are investigated. The chapter contains a variety of detailed controls specific to certain residential and non-residential land uses.

An updated draft *Technical Specification – Waste Management* has also been prepared and must be considered alongside this chapter.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.12 Waste Minimisation and Site Facilities		From Part 3N Waste Minimisation and Management, with elaborations (including updated Waste Management Technical Specification)	

Chapter 3.13 – Obstacle Limitation Surface and Airspace

This chapter contains objectives and controls to regulate potential impacts of, and on, proposed development in the vicinity of Sydney Airport. In particular, the chapter covers:

- Effects of aircraft noise on proposed developments; and
- Height limitations placed on developments due to prescribed airspace.

The chapter provides a means of assessing the effect of aircraft noise on development proposals, against the Australian Noise Exposure Forecast (ANEF) chart, that takes into account long-term operating procedures and air traffic forecasts at Sydney Airport. These controls apply to all development within specific ANEF contours.

It also provides applicants with an understanding of the predicted level of potential height limits, due to prescribed airspace, on proposed development sites and the potential for developments to cause mechanical windshear. These controls apply to all land within Bayside LGA.

The objectives and controls of this chapter are informed by Bayside LEP Clauses:

- 6.7 Airspace Operations; and
- 6.8 Development in Areas Subject to Aircraft Noise.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.13 Obstacle Limitation Surface and Airspace		Partly adapted from Part 3J Development Affecting Operations at Sydney Airport, with elaborations (based on Bayside LEP 2021 Clause 6.7 Airspace operations and 6.8 Development in areas subject to aircraft noise)	Partly adapted from 4.4.6 Noise Impact, with elaborations (based on Bayside LEP 2021 Clause 6.7 and 6.8)

Chapter 3.14 – Noise, Wind, Vibration and Air Quality

This chapter contains objectives and controls regulating a variety of amenity-related impacts associated with proposed developments or works (both residential and non-residential). Controls are included that relate to potential noise and vibration impacts of a proposed development on nearby land uses, as well as any potential impacts of nearby land uses on the proposed new development.

The chapter also contains controls to ensure that new development take into account potential wind impacts on, and as a result of, a proposed development.

It outlines the circumstances requiring assessment of these impacts, as well as the details that must be covered in these assessments.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.14 Noise, Wind, Vibration and Air Quality		Partly adapted from various land use based chapters	Partly adapted from 4.4 Sustainable Building Design

Chapter 3.15 – Late Night Trading

This chapter provides a clear set of objectives and requirements for local businesses, operators, venues, and the community, that balances the growth of a vibrant night time economy in the Bayside LGA with the need to meet community expectations regarding residential amenity and Bayside being a liveable place. This section should be read in conjunction with subchapter 6.2.1 Outdoor Dining.

The chapter defines a range of land uses that would constitute late-night premises. It also assigns these uses to a low or high impact category, based on the nature and capacity of the proposed use, proximity to sensitive uses (such as residential accommodation) and the intent of the zone and area that these premises would likely occur. Requirements for late-night premises contained in this chapter, including hours of operation, are based on these categories.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.15 Late Night Trading		From Part 7G Licensed Late night trading, with elaborations (based on other LGA examples)	

Chapter 3.16 – Signs and Advertising

This chapter encourages signs and advertisement signage that contribute positively to the public domain by achieving high design quality. The objectives and controls promote signage that is appropriately located and will protect the significant characteristics of buildings, streetscapes, views and also protect the amenity of residents, workers and visitors, and ensure the safety of all road users.

The chapter should be considered as part of an assessment of any proposed signage under *State Environmental Planning Policy (Industry and Employment) 2021*.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.16 Signs and Advertising		Partly adapted from Part 3D Signage	Partly adapted from 6.4 Advertising and Signage

Chapter 3.17 – Telecommunications Facilities

This chapter contains objectives and controls to manage the potential impacts of telecommunication facilities on sensitive surrounding land uses, such as residential accommodation. This includes ensuring site selection, design and construction minimises potential impacts, as well as encouraging the co-location of telecommunication infrastructure.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.17 Telecommunications Facilities			From 6.3 Telecommunications Facilities

Chapter 3.18 – Utilities and Mechanical Plant

This chapter contains requirements for the utilities and mechanical plant associated with a proposed development, with the intent of minimising visual impacts and conflicts with surrounding land uses and the public domain.

Comparison with current Development Control Plans

Chapter / Subchapter	New chapter / subchapter?	Adapted from Botany Bay DCP 2013?	Adapted from Rockdale DCP 2011?
3.18 Utilities and Mechanical Plant		Moved from various land use based chapters into new standalone chapter	