

Draft Bayside Development Control Plan 2022 (Post-Exhibition Report)

Attachment 6: Responses to Submissions Received

Community Submissions (Email / Have Your Say)		
Submission	Issue	Council Officer Response
1.	Concerns raised over level of development along Rocky Point Road. There are 3-4 storey residential flat buildings between Robert Street and Part Road, with further plans for higher density developments. With 3 lanes along Rocky Point Road, there are concerns with the area's capacity to accommodate traffic. Suggested further road widening and removal of on-street parking during weekends, to improve traffic flow (similar to King George Road, Hurstville and Wiley Park).	<p>No change. The areas referenced in this submission are zoned under the BLEP 2021 for a mix of low to high density development, which permits residential flat buildings and mixed use buildings up to 16m in height.</p> <p>The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP however no changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>As a part of more detailed future planning in line with priorities and actions contained in Bayside Council's strategic planning framework, localised development issues may be investigated further.</p>
2.	Information provided in the draft DCP helps to identify directions Council is taking on future growth. Concerns raised that planning for Brighton Le Sands has not helped it achieve its full potential. Bay Street is in need of activation for residents and businesses. Suggests further uplift can be accommodated in this area (such as the draft Planning Proposal for the car park site at The Boulevard, which Council resolved not to support in 2021).	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>As a part of more detailed future planning in line with priorities and actions contained in Bayside Council's strategic planning framework, localised development issues may be investigated further.</p>
3.	Concerned over increased population density in Bayside LGA and the lack of extra car parking near public transport hubs. Concerned that Council is replacing street parking with traffic calming measures. Understands the demand for higher densities in Bayside's suburbs, but infrastructure improvements should occur before increases to residential density (such as new residential flat buildings and granny flats).	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes – including any changes to densities.</p> <p>Rather, the proposed controls reflect the densities that were existing under the former controls. Whilst some changes were made to improve opportunities for sustainable transport, no significant changes were made to the existing transport and parking controls.</p> <p>As a part of more detailed future planning in line with priorities and actions contained in Bayside Council's strategic planning framework, localised opportunities for revised planning controls at centres and the appropriateness for revised parking and transport controls may be investigated further.</p>
4.	<p>Considers that the draft DCP does not adequately reflect the objectives of Bayside's Local Strategic Planning Statement and Local Housing Strategy particularly when it comes to encouraging the construction of Medium Density Development.</p> <p>Page 9 of the Bayside LSPS states:</p> <p><i>“Ensure our land use planning controls encourage a mix of dwelling types and increase the number of affordable rental housing to meet the housing needs of our community. this will include a review of our land use planning controls to encourage more medium density development, not just apartments.”</i></p> <p>Both overarching Strategy documents state they are to focus on shifting development to Medium Density Housing in Bayside.</p> <p>The draft DCP introduces more barriers to developing Medium Density Housing than that of the existing DCPs. If you want to encourage development of medium density dwelling and attached dwellings the rules should be relaxed.</p>	<p>The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies, in line with priorities and actions contained in Bayside's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p> <p>With regard to part 3 of this submission, it is agreed that this should be amended to read as “site frontage width” instead of “site width”. This ensures consistency with other similar width controls in the DCP.</p>

Examples of poor Controls introduced in the Bayside DCP 2022

1. Rear Setback

Rockdale DCP	Botany DCP	Bayside DCP 2022
<ul style="list-style-type: none">min 3m for single storey building or ground floor of a two storey buildingmin 6m for first floor of a two storey building, except when fronting a lane may be set back 3m	C13 Rear building setbacks are to match the characteristic setback on adjoining properties. Where the adjoining properties are not characteristic a minimum rear boundary setback of 6 metres is required.	C10 Two or three storey development is only permitted on the front of an allotment and may extend to a maximum of 70% of the depth of the site measured from the property boundary.

The introduction of this new maximum 70% depth is a hand break on developing a site to its maximum potential. It also conflicts with C5 of the Bayside DCP 2022. This will cause so many problems between applicants and planning officers in deciding which rule to implement.

C10 should be deleted.

2. Side Setback

Rockdale DCP	Botany DCP	Bayside DCP 2022
<ul style="list-style-type: none">min 4.5m, except where dwellings does not primarily address side boundaries, side setbacks may be a min of 3m, andmin 7.5m where setback includes side driveway	The following side boundary setbacks apply (refer to Figure 8): <ul style="list-style-type: none">i. A minimum setback of 900mm for single storey development (for buildings up to 4 metres in height);ii. A minimum setback of 1.5 metres for two storey development (for buildings up to 7 metres in height);iii. A minimum setback of 3 metres (for buildings greater than 7 metres in height); andiv. A minimum setback of 3 metres where a site adjoins a business or industrial property.	Minimum building setback to a side boundary is: For the front two- thirds of site: <ul style="list-style-type: none">a. 0.9m (ground floor) and 1.5m first floor and above.b. For the rear third of the site: 4m

It is unclear why the draft DCP tries to reduce setbacks the further the development gets closer to the rear setback. The proposed DCP should delete the reference to the rear third of the site having a 4m setback. Shadow diagrams and landscaping requirements will take care of suitable built form and impacts.

3. Site Width

C1 - Minimum site width is 18m. Note: site width of less than 18m is unlikely to be able to achieve the full extent of the permissible FSR under the Bayside LEP 2021.

This can be confusing particularly on changes to side widths throughout a block. This should be clarified and updated to state:

*Minimum site **frontage** is 18m*

4. 5.2.3.3 - C6. Setbacks are to be deep soil zones

This creates ambiguity for applicants and Council, see below some examples,

- Location of rainwater tanks

	<ul style="list-style-type: none"> Living spaces orientated towards the side boundaries requiring a hard paved area at the sliding doors. You can't exit a living room onto grass. <p>C6 should just be deleted as landscaping requirements are covered elsewhere in the DCP.</p> <p><u>Lack of Medium Density Supply</u> Data provided by Council demonstrated that approvals for multi-dwelling housing was limited to only 180 townhouses over the past 5 years.</p> <p>Data shows that 10,150 dwellings were completed in Bayside. Only 1.77% of these dwellings were in the form of multi-dwelling housing. Council has failed in the delivery of medium-density housing between 2016-2021 and will fail in 2021-2026, unless drastic action is taken.</p> <p>There have been no zoning changes to encourage multi-dwelling houses and the existing zoned land is most likely extinguished in its ability to provide more medium density stock due to site configurations and ownership patterns. If R2-zoned land were rezoned to R3, with lot size and amalgamation requirements, it will be difficult to provide feasible sites. There is a mismatch between the proposed draft DCP controls for multi-dwelling housing and land sizes throughout Bayside LGA.</p> <p>Suggests the following changes:</p> <ul style="list-style-type: none"> Quarantine the current DCP rules as those that apply to multi-dwelling housing in the R3 zone. Create a new section in the DCP that applies to multi-dwelling housing in the R4 zone Within this new section, ensure multi-dwelling housing in the R4 zone is accessible from the ground floor whether direct access from the street or from a common hallways Within this new section, also require that each individual multi-dwelling unit in the R4 zone has a minimum internal GFA of 130 sqm and built form controls are to be in accordance with the Apartment Design Guide. <p>Council can then pick certain locations for these new R4 zones. These new R4 zones should have a default 12m height limit and 1:1 FSR. Under Clauses 4.3 and 4.4 of the Bayside LEP 2021, stipulate that if development incorporates multi-dwelling housing, that part of the development can have an additional 1.5:1 FSR and 6m building height.</p> <p>What will result is multi-dwellings on the ground floor and units on the top. The above is a very high level summary but highlights a pathway to encourage more multi-dwelling development.</p>	
5.	Supports Draft DCP – No comment made	Noted
6.	<p>Concerns raised over content of draft DCP. Would like to see new residential buildings constructed with sustainable and climate friendly features and bigger garden-to-building ratio, along with trees being planted.</p> <p>A 3m-long garden is insufficient in size, affects privacy and depressing for young and old.</p> <p>There is no preservation protection for historical federation style homes.</p>	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes, including additional sustainability measures.</p> <p>Council is supportive of improved sustainability controls and appropriate targeted sustainability work will be undertaken to further strengthen the Bayside LEP and DCP provisions in the medium term. In the interim, State Environmental Planning Policy (Sustainable Buildings) 2022 will come into effect in 2023 with improved sustainability requirements for all developments. With respect to residential apartment buildings, SEPP 65 continues to govern most of the design elements for this land use type.</p>
7.	Supports Draft DCP – No comment made	Noted
8.	Bay Street, Brighton Le Sands is in need of activation and regeneration.	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>As a part of more detailed future planning in line with Council's strategic planning framework, localised opportunities for revised planning controls at centres may be investigated further.</p>

9.	<p>The Local Aboriginal Land Council in the decision making process should be the relevant one for the location. Metropolitan Land Council does not cover all of Bayside LGA.</p> <p>Renaming should allow for some changes to existing places outside the strict rules suggested, including changing some names to Aboriginal names, regardless of it they do not fit suggested rules.</p>	<p>No change. There is a requirement under 3.4.2 Aboriginal cultural heritage that any development proposal requiring an Aboriginal heritage assessment report should contain evidence of consultation with the relevant Local Aboriginal Land Council(s). This is sufficiently worded to factor in both the Metropolitan and La Perouse Aboriginal Land Councils.</p> <p>Further, in accordance with Action 10.1 of Bayside's LSPS, Council will finalise and adopt an Aboriginal Heritage Study for Bayside LGA. This will involve a review of relevant DCP provisions to ensure consistency with the findings of this study.</p>
10.	Strongly supports Draft DCP – No comment made	Noted
11.	<p>Minimum site width of 15m should be required for dual occupancy development without the 'out' clause.</p> <p>The minimum site width for dual occupancy should be maintained at 15m with no scope for variation which will bring certainty to neighbours. Low density streets are already overdeveloped with granny flats and no parking. The current Rockdale DCP 2011 control for minimum 700sqm for dual occupancies should also be maintained to preserve the character of our street.</p>	No change. Clause to remain as is. The discussion around circumstances where a variation will be supported is important information for applicants to have. DCP controls are intended to be flexibly applied under appropriate circumstances.
12.	<p>Suggests removal of \$22,000 granny flat levy especially with the currently affordable housing shortage. Granny flats should be encouraged not only for affordable housing but also for multi-generational living.</p> <p>There should also be exceptions from requiring DAs for granny flats on blocks larger than the required sqm.</p>	No change. The submission primarily relates to details contained in Bayside's Local Infrastructure Contributions Plans. These matters are separate to the draft Bayside DCP 2022.
13.	Does not support Draft DCP – No comment made	Noted
14.	<p>Suggest protecting the integrity of suburbs like Bardwell Valley by placing limits on new developments that demolish existing period properties.</p> <p>What controls are in place to stop the continuing erosion of heritage values to suburbs like Bardwell Valley. The appalling destruction that is occurring is distressing and ignores the integrity of a suburb with period homes. Why does council allow homes in good repair to be replaced with over sized tasteless boxes which do not fit in with the streetscape. These abominations flatten gardens and replace them with concrete driveways. Street trees are removed and not replaced. See 3 and 1 Lorraine Ave, Bardwell Valley for examples.</p>	<p>No change. Areas and items of heritage significance are identified in the BLEP 2021. The draft Bayside DCP 2022 provides detailed controls which elaborate on those existing areas and items recognised in the LEP.</p> <p>A review of potential new heritage conservation areas has been carried out by independent consultants on Council's behalf. A number of candidate areas were identified in this review and endorsed at a strategic level by Council in late 2020. In response to Council's resolution, a draft Planning Proposal is being prepared to introduce new heritage conservation areas under the BLEP 2021, which will be considered by Council in the short term. This will involve a review of relevant DCP provisions to ensure consistency with any future LEP amendments.</p> <p>Separately, a Heritage Strategy for Bayside LGA will soon be finalised and adopted by Council, in line with Action 11.1 of Bayside's LSPS. A review of relevant LEP and DCP provisions will be carried out to ensure consistency with this draft strategy, in accordance with LSPS Action 11.2.</p>
15.	<p>Concerned over limited bicycle infrastructure. Between Wolli Creek and Botany Bay, there are at least markings of a bike track.</p> <p>West of Bexley North, there are good bike tracks up to King Georges Road and further, but not so good. Between Bexley North and Wolli Creek, there is no bike track at all (only ineffective bike markings). Some roads are very narrow and cycling is dangerous around Turrella Station. Suggest better apportionment of road infrastructure for cycling (e.g. one-way roads for vehicle traffic).</p>	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>The concerns raised in this submission primarily relate to strategic transport planning matters. Council will shortly consider a draft Transport Strategy and Bike Plan for Bayside LGA (including Action Plan). Should these be endorsed by Council, a review of relevant DCP provisions will be carried out to ensure consistency with the documents.</p>
16.	<p>Figure 86 H1 area and its surrounding areas should not be considered as low-density area.</p> <p>These areas need higher FSR controls due to very small land size and building sizes. Smaller FSR controls are insufficient for family households in city-living lifestyle. Suggest FSR up to 200%.</p>	<p>No change. Figure 86 identifies an area within Rosebery as being subject to permitted increased heights and densities in the form of terrace style housing. This is reflective of existing provisions within the Botany Bay DCP 2013.</p> <p>No changes to the primary development framework under BLEP 2021 (including FSR) form a part of the exhibited changes. However, as a part of more detailed future planning in line with Council's strategic planning framework, localised opportunities for revised planning controls may be investigated further.</p>

17.	Does not support Draft DCP – No comment made	Noted
18.	Does not support Draft DCP – No comment made	Noted
19.	Does not support Draft DCP and the merger of planning documents between former Botany Bay and Rockdale LGAs. Demerger should be considered.	Noted and no change. As no proposed demerger is proceeding, Council is obliged to update its planning controls (including DCP) to reflect the consolidated LGA.
20.	Supports Draft DCP – No comment made	Noted
21.	Concerns raised over availability of parking at Sutherland Street, Mascot, opposite Le Strange Park.	No change. Vehicle parking provisions for new developments under the draft Bayside DCP 2022 have generally been carried over from existing provisions under Rockdale DCP 2011 and Botany Bay DCP 2013. Further, the draft Bayside DCP 2022 does not seek to alter the types and densities of permitted development, but rather reflect those included in the BLEP 2021. Concerns have been referred to Council's City Infrastructure department for consideration.
22.	Concerns raised over length of time to considered development applications.	Noted. This information has been passed on to Council's Development Assessment team, but is not strictly relevant for the DCP.
23.	<p>Suggest changes to draft DCP in relation to setbacks for free-standing narrow plots in low-density residential areas.</p> <p>The current DCP states that the minimum side setbacks for dwellings less than 12.5 meters are "Assessed on merit based – depending on visual impact to street, pattern of adjoining development, sunlight and natural daylight access, privacy, visual amenity of adjoining residential properties and streetscape"</p> <p>This statement has been removed from the new draft DCP. It is noted in the draft DCP (p.195), however, that this control is still in place for dual occupancy and semi-detached dwellings: "Building setbacks to a side boundary less than the minimum are only permitted on lots with a width less than 12.5m."</p> <p>For all free-standing dwellings, the draft control 5.2.1.3 Setbacks only states "Minimum building setback to a side boundary is 0.9m (ground floor) and 1.5m (first storey and above)". There are many narrow plots (<12.5 m) in Mascot and these setbacks will make it impractical for narrow plots to add second-storey additions because of the limited floor space.</p> <p>Suggest amending the draft DCP so that the setbacks for second-storey additions to free-standing residential dwellings (<12.5m) are assessed on a case-by-case basis. Can the statement "Building setbacks to a side boundary less than the minimum are only permitted on lots with a width less than 12.5m" be explicitly stated under Control 5.2.1.3 C6 on p.189.</p>	<p>Chapter 5.2.1 largely carries over and consolidates existing provisions from Rockdale DCP 2011 and Botany Bay DCP 2013. Some rationalisation of controls is required to ensure that these can be applied consistently across Bayside LGA.</p> <p>Following post-exhibition review of the draft DCP by Council officers, it is agreed that an additional control can be introduced to 5.2.1.3 Setbacks, to allow consideration of building setbacks to a side boundary less than the minimum, where lots have a width less than 12.5m, in certain circumstances. This will take into account provisions contained in Botany Bay DCP 2013.</p> <p>Recommend amending 5.2.1.3 Setbacks, to introduce new Control C10: <i>Building setbacks to a side boundary less than the minimum may only be considered on lots with a width less than 12.5m. Variations to these controls are assessed on merit with consideration given to visual impact to street, pattern of adjoining development, sunlight and natural daylight access, privacy, visual amenity of adjoining residential properties and streetscape.</i></p>
24.	Concerns raised over inconsistent heritage listing of properties. Those with near zero heritage features or significance are listed, preventing development in the area (particularly in Mascot).	No change. See response to Submission 14 above.
25.	Does not support Draft DCP – No comment made	Noted
26.	<p>Concerns raised over encouragement of residential flat buildings. Road infrastructure cannot cope with the density of development (e.g. Wolli Creek).</p> <p>Requests better placement of pedestrian crossings, away from roundabouts. There are only two main access areas to Arncliffe from Princes Highway, which are often gridlocked. Pedestrian crossings are the main culprit in Wolli Creek.</p>	No change. The draft Bayside DCP 2022 does not seek to alter the types and densities of permitted development, but rather reflect those provisions included in the BLEP 2021.
27.	Chuter Ave is becoming increasingly busy with traffic. The 60km zoning is equivalent to Grand Parade and therefore contributing to the high volume of traffic. Suggest reducing Chuter Avenue speed limit to 50km, as the road is predominantly residential with minimal crossings available for safe road crossings.	No change. This is not a matter which is controlled by the draft DCP. Concerns have been referred to Council's City Infrastructure department for consideration.
28.	<p>Page 322 is difficult to read the colour difference between 3 and 5 storeys. It appears that there are no 5 storey street interfaces. If this is the case, it should be made more clear through colour.</p> <p>If this control is indeed 5 storeys, this is not an appropriate height transition to low-scale residential.</p>	Draft DCP Chapter 7.4 Arncliffe and Banksia has been carried over from an existing chapter in Rockdale DCP 2011, without change. The existing DCP chapter itself was recently introduced in response to State Government-initiated LEP amendments to zoning, building heights and densities in this precinct (commenced October 2018). Chapter 7.4 is not envisaged to be reviewed in the short term.

		However, it is agreed that minor amendments will be made to the Figures contained in this chapter to improve legibility.
29.	Land in Arncliffe West (4-12a Booth Street) should be rezoned for high density residential, in line with surrounding buildings.	<p>No change. The draft Bayside DCP 2022 does not seek to alter the types and densities of permitted development, but rather reflect those provisions included in the BLEP 2021.</p> <p>In accordance with Bayside's LSPS, Council will undertake strategic land use planning for Arncliffe West in the short term. In response to a Council resolution of 9 June 2021, this planning will include the establishment of a 'Precinct Committee', to seek feedback from the community and stakeholder on the future built form direction for this area. Should any LEP amendments proceed for the area, by way of a Planning Proposal, a review of relevant DCP provisions will also be undertaken to ensure consistency with those LEP amendments.</p>
30.	<p>5.2.2 Duplex development needs more control particularly where it impinges on the amenity of current residents where it removes privacy and blocks sunlight.</p> <p>There appears to be a lack of control of these 2 aspects. In the privacy controls, the addition of "blinds" externally does not suffice and the blocking of natural sunlight encourages mould growth and does not provide environmental sustainability.</p>	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies (including dual occupancies), in line with priorities and actions contained in Bayside's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p> <p>Additionally, the controls in 5.2.2 are designed to be in addition to the controls outlined in 5.2.1 for low-density development.</p>
31.	<p>Concerned that the draft DCP is too extensive and stifles a lot of development opportunity and creative outcomes.</p> <p>At first glance there are too many specific controls and restrictions aiming to control a number of various aspects of any development. A lot more flexibility and merit based assessment controls should be incorporated. A 500 page DCP is not a document that is inviting to read and appears to be a DA-reactive document to prohibit controversial developments within the last decade, in lieu of creating a relatively simple and straight forward text to read.</p> <p>Provisions under the <i>SEPP (Exempt and Complying Development Codes) 2008</i> should be highly considered and compared for appropriate typologies and harmonised, where possible.</p> <p>The new DCP should aim to attract development via a DA rather than pursue alternative options via SEPP and complying development certificates, which is the current desire for most developers, applicants and investors.</p> <p>Please reconsider large parts of the DCP prior to formalising and publishing.</p>	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>The DCP has included appropriate consolidation of controls – with the two former DCPs totalling over 1300 pages and the subject document approximately 500 pages. The provisions in the DCP only relate to development that cannot be undertaken through the SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP), and the controls are tailored to the types of development Council envisages for non-Codes SEPP development.</p>
32.	<p>Disagrees with development over 3 storeys in Botany. This results in terrible congestion that apartment density brings in Mascot and Zetland.</p> <p>Bayside should encourage quality 3-storey apartment and townhouse development with amenities that also benefit the area.</p>	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>As a part of more detailed future planning in line with Council's strategic planning framework, localised opportunities for revised planning controls may be investigated further in accordance with the recommendations of the Bayside Local Strategic Planning Statement.</p>
33.	Land in Arncliffe West (4-12a Booth Street) should be rezoned for high density residential, in line with surrounding buildings.	No change. See response to Submission 29 above.
34.	Suggests improvements to bicycle road infrastructure accessibility.	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>See also response to Submission 15 above.</p>

35.	<p>Residential flat building heights should be limited to 2 storeys. Parking should be provided on-site for 2 cars per unit, as parking is already difficult in Brighton Le Sands.</p> <p>Timed parking and residential parking permits (1 per house, not apartments) should be introduced, as residents are unable to park on the street in summer. Size of vehicles parking on the street should be limited to a certain size.</p> <p>Addition residential development in the area may worsen the quality of life, due to traffic, hooning and disruptive behaviour.</p>	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>Given the LEP outlines the general statutory framework for delivering housing targets through FSR and Height controls, the DCP control related to height in storeys must reflect the approved LEP framework.</p> <p>Concerns relating to timed parking and residential permits for Brighton Le Sands have been referred to Council's City Infrastructure department for consideration.</p>
36.	<p>Supportive of environmental policies surrounding tree canopy coverage, native flora and stricter tree removal provisions.</p> <p>Would like to see more controls around affordable housing development and encouraging high density developments.</p>	<p>Noted and no change. The DCP framework has provided some additional work related to environmental policies, ecological and tree canopy coverage. A future review of DCP details will be initiated via the implementation of a draft Environment Strategy for Bayside LGA, in line with Bayside's LSPS.</p> <p>Affordable housing delivery is managed through the LEP and SEPP (Housing) 2021, which are not being amended through the subject DCP. Similarly, the DCP controls for density reflect the framework set out in the LEP, and do include a number of areas with high density development.</p>
37.	<p>Does not support more high-rise buildings in Brighton Le Sands.</p> <p>More pedestrian crossings are needed to improve safety for children at Brighton Le Sands Public School.</p>	<p>No change. The draft Bayside DCP 2022 does not expand or lessen the areas within the LGA within which high rise development is permissible, which is administered by the Bayside Local Environmental Plan 2021. The draft DCP provides more detailed development controls, and largely replicates existing provisions for development within both the Rockdale DCP 2011 and Botany Bay DCP 2013.</p> <p>Concerns have been referred to Council's City Infrastructure department for consideration.</p>
38.	<p>Does not support unnecessary side setbacks for residential corner blocks.</p>	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>Following post-exhibition review of the draft DCP by Council officers, it is agreed that an additional control can be introduced to 5.2.1.3 Setbacks, to allow consideration of building setbacks to a side boundary less than the minimum, where lots have a width less than 12.5m, in certain circumstances.</p> <p>Recommend amending 5.2.1.3 Setbacks, to introduce new Control C10: <i>Building setbacks to a side boundary less than the minimum may only be considered on lots with a width less than 12.5m. Variations to these controls are assessed on merit with consideration given to visual impact to street, pattern of adjoining development, sunlight and natural daylight access, privacy, visual amenity of adjoining residential properties and streetscape.</i></p> <p>Further, Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies, in line with priorities and actions contained in Bayside's LSPS and LHS. These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p>
39.	<p>Residential Subdivision (O1) includes a minimum frontage width of 6m.</p> <p>Queried how this compares to current frontage controls.</p>	<p>No change. This control has been taken from the former DCP controls and does not reflect a change from the former framework.</p>
40.	<p>Development should positively make Bayside LGA a better place to live and enjoy.</p> <p>Have had difficulty developing place of residence in Arncliffe, due to requirements for residential corner blocks. Setbacks are extreme and should be revised to reflect small size and width of lots in the area. For example, secondary street frontage of 3m, as well as 0.9m to neighbouring lot, results in nearly 4m of side setbacks.</p>	<p>Section 5.2.1.3 of the draft Bayside DCP 2022 proposes the following setback controls for dwelling houses and dual occupancies / semi-detached dwellings (unless an area is subject to more specific provisions under Chapter 7 – Specific Places):</p> <ul style="list-style-type: none"> 1.5m to a secondary street; and

	On average, frontages of properties of 12-13m, so with setback requirements, this would result in very narrow homes.	<ul style="list-style-type: none"> Side setbacks of 900mm for the ground floor and 1.5m for the upper floor. <p>See also response to Submission 38 above.</p>
41.	Supports increasing high-rise development in Bayside LGA.	<p>No change. The draft Bayside DCP 2022 does not expand or lessen the areas within the LGA within which high rise development is permissible and the associated density controls, which is administered by the Bayside Local Environmental Plan 2021.</p> <p>The draft DCP provides more detailed development controls, and largely replicates existing provisions for development within both the Rockdale DCP 2011 and Botany Bay DCP 2013.</p>
42.	<p>Not supportive of more residential flat buildings. This has an impact on road capacity in Mascot in area, where residential streets are being used as thoroughfares between Botany Road and O'Riordan Street and driveways are being used by non-residents to reverse vehicles.</p> <p>Construction workers for new developments are also using up available parking, as are residents from nearby apartments.</p> <p>There has also been an increase in crime and delinquent behaviour, while lack of street lighting exacerbates this.</p>	<p>No change. The draft Bayside DCP 2022 does not expand or lessen the areas within the LGA within which residential flat buildings are permissible, which is administered by the Bayside Local Environmental Plan 2021. The draft DCP provides more detailed development controls, and largely replicates existing provisions for development within both the Rockdale DCP 2011 and Botany Bay DCP 2013.</p> <p>Council would also encourage that any criminal behaviour witnessed by reported to NSW Police.</p>
43.	Noted the extensive requirements for new residential development, including subdivision, setbacks, landscaping, privacy and parking. Raised concerns over potential overdevelopment of areas including Sans Souci, Ramsgate, Ramsgate Beach, Monterey, Brighton Le Sands and Kyeemagh. Requested that any future plans for these areas are made available to the public.	<p>No change. The provisions and requirements outlined within the draft Bayside DCP 2022 largely replicate existing provisions for development within both the Rockdale DCP 2011 and Botany Bay DCP 2013.</p> <p>Any future plans to revise planning controls within specific areas of the LGA will be publicly exhibited with comments and submissions invited from the public.</p>
44.	<p>Supports draft DCP, particularly environmental provisions.</p> <p>Suggest requiring a native tree planted per new residence.</p> <p>Suggest new park on corner of Downey and Mimosa Street, with landscaping around roundabout to add curb appeal and opportunities for new trees. Location is not encumbered by overhead wires, traffic will not be hindered and road safety will be improved.</p> <p>Supports tree planting on Preddys Road and streets around Bexley Park. Encourages tall tree planting on Mimosa Street, John Street and St Georges Road.</p>	<p>Noted and no change. The DCP framework has provided some additional work related to environmental policies, ecological and tree canopy coverage. A future review of DCP details will be initiated via the implementation of a draft Environment Strategy for Bayside LGA, in line with Bayside's LSPS.</p>
45.	<p>Makes the following comments and suggestions:</p> <ul style="list-style-type: none"> There are references to the former EP&A Act 1979 numbering. The previous test for impacts on biodiversity in s5A of the EP&A Act is now in the <i>Biodiversity Conservation Act</i>. P12: list of Acts and other documents should include <i>Fisheries Management Act</i>, which is referenced elsewhere No mention of the position of the 'seaward' boundary of the LGA and what responsibilities Council has for protecting and managing the marine environment. P12: Planning Principles adopted by Land and Environment Court are referenced in this list. These are important, but not laws. They are more in the way of guidance, value depends on particular features of a case. Various mentions to EP&BC Act (Cth). This Act is likely to be revised in the near future. Has important implications for development, but Council has no role to play in assessment EP&BC Act matters. Matters may be referred to the Commonwealth – normally by proponent – either before or after consideration by the consent authority under NSW legislation. EP&BC Act is particularly important due to attention to migratory species, which occur in Bayside LGA. May give rise to concerns about how Council manages the relevant habitats within its jurisdiction. Green and gold bell frog is listed as endangered in the NSW <i>Threatened Species Conservation Act 1995</i> and EP&BC Act. Seems to have been omitted in maps as in the final report for the tunnelling for the underground for the M6 Motorway, it was clearly marked in maps 5-6 (Habitat Sites) in the top end of Barton Park by RMS/TfNSW. NSW National Parks and Wildlife Service registered these sites around the disused Illinden Soccer Grounds eastern end, between Cooks River and the oval. 2.5: Potential for internal conflict between different aims and objectives. E.g. potential for conflict between needs of passive and active recreation uses and between conservation of biodiversity and public use. 2.5: point about transport is important, but LGA has many major transport facilities including port, airport, railway lines (with major upgrades planned for the freight line to the port) and major roads including M5, M6, Southern 	<p>Overall, a future review of DCP details will be initiated via the implementation of a draft Environment Strategy for Bayside LGA, in line with Bayside's LSPS. Further, Council will be undertaking further sustainability and landscape testing as part of future updates to the DCP.</p> <p>With regard to application of relevant State and Commonwealth legislation, including published mapping for threatened species, it is agreed that the relevant DCP provisions will be reviewed prior to adoption to ensure consistency with these.</p> <p>With regard to flood planning matters, the State Government's Flood Prone Land Policy was updated in 2021, including updates to the Standard Instrument LEP. The draft DCP provisions reflect the details contained in this updated Policy.</p> <p>With regard to references to Planning Principles, no changes are proposed. It is considered that these are a useful reference point for users of the DCP.</p> <p>With regard to tree planting provisions and tree species references, no changes are proposed. These provisions have been introduced in consultation with Council's environmental technical staff and are supported by an updated draft Landscape Technical Specification, which provide elaborations on landscaping and tree species requirements.</p> <p>With regard to provisions relating to lighting, no changes are proposed. The draft DCP enables protection for light spill whilst also ensuring appropriate lighting.</p>

	<p>Cross Drive. These have major impacts on quality of environment for local residents, but over which Council has virtually no control.</p> <ul style="list-style-type: none"> Recent months have shown that specific controls for flood prone land may need to be revised in the relatively near future. P14: Note the inclusion of an image of a market garden. These are an important aspect of Bayside's heritage, and also provide opportunities for retention of agricultural production in the LGA, but concerns about creeping expansion of West Botany Street market garden into adjoining areas of conservation value. 3.1.1, Control C3e: as worded, includes: Established Trees – which might be both remnant trees in natural vegetation and planted trees and protected vegetation/biodiversity. Neither protected vegetation or biodiversity are defined in the dictionary, require elaboration to clarify what is expected to be included in the map. 3.11, Control C3i: Prevailing Winds – not necessarily the strongest wind, which might be experienced in a site. Brief very strong winds from different directions may be of particular concern. 3.11, Control C4h: What is meant by 'potential wildlife corridors'? Does it imply an intention to identify areas which could be planted and managed to act as wildlife corridors, or areas of habitat which may be of corridor value to wildlife species which have not yet been investigated? 3.4.1: Cultural landscape is included in the overview, but not natural areas or potential individual native trees. Should be included for consideration on the heritage list (the inclusion of the Burra Charter as a guiding document indicates that natural features are not to be considered, which in the case in many local councils but is unnecessarily restrictive. P72: Support inclusion of provisions relating to electric vehicle charging P73: Lighting raising many issues. Impact of poorly sited lights, inappropriate hours of operation and wavelengths of light emitted on wildlife should be considered. P77, Control C2b: In areas which may be subject to future sea level rise or local flooding due to heavy rain, should be provision for entrances which have measures to limit likelihood of flood water ingress P80: Important to consider role of future climate change in survivability of many urban trees. Many species currently grown may not be capable of surviving expected temperatures. More frequent and more intense local rainfall may cause local flooding, with adverse impacts on many tree species. Under future climate conditions, current requirements for deep soil provision may be inadequate for survival of many tree species. P85, Control C34, C35: Reference is made to indigenous canopy trees, but these are not defined. Are these indigenous to Australia, or locally indigenous. P85, Control C34, C35: Specification requires a minimum height, but also important to consider potential maximum height and possibly impose restrictions to prevent future issues P85, Control C34, C35: Some small native trees which have become popular are possibly inappropriate. E.g. Tuckeroos produce large numbers of fruit which are widely distributed, creating problems for neighbours. Also examples where unexpected branch shedding has occurred. 3.7.2, Control C1: Distinction is implied here between native and indigenous 3.7.2, Control C2: Does this need to include 'ornamental', why not just 'deciduous'? P86, Control C9: Planting potentially invasive species (including some natives) should not occur. Competition should not just be for space. E.g. Species which flower profusely over extended periods can attract pollinators at expense of less profusely flowering species in adjacent ecological community. P86, Control C11: Guidance required on appropriate native ground covers to prevent planting of species like Lippia. 3.7.6: Definition of biodiversity does not accord with definition in International Convention on Biological Diversity, or definitions in State and Commonwealth legislation. Enhancing biodiversity is the head concept which needs to be approached very carefully. Communities are components of biodiversity and reed swamps (e.g. Patmore Swamp) are important communities which are naturally dominated by reeds. Records show reed swamps were present in 1788 and should be considered as a natural part of area's heritage. P94: <i>Fisheries Management Act</i> is mentioned here. Should note that matters covered under this Act are excluded from the NSW <i>Biodiversity Conservation Act</i>, coverage is very broad (e.g. dragonflies and other insects). Assessment of impacts of development should be cognisant that consideration of fisheries matters may be required. E.g. some species of dragonflies listed under the FM Act are endangered in upper reaches of Georges River, could potentially be endangered in Bayside LGA. P95, Control C2: very important that mitigation hierarchy is followed and that offsetting is a last resort. Focus should be in avoiding and minimising impacts. P95, Control C4a: Although consent is not required for removal of dead and dying trees, Council should be notified. Not only should arborist report the tree is dead, but also investigate possible causes and action should be taken if human activity is involved. P95, Control C6: what does 'substantially commenced' mean in this context? 	<p>With regard to heritage provisions, no changes are proposed. The draft DCP does not set areas or items of heritage significance, but rather contains detailed provisions which elaborate on existing areas or items identified in the BLEP 2021.</p>
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	<ul style="list-style-type: none"> • P95, Control C7e: SULE is a term referring to life expectancy of tree being safe. I.e. not imposing a risk to human life. From ecological perspective, old and dying trees may develop hollows and other features making them valuable as habitat. Where no obvious direct threat to human health, should retain these trees. • Requirements to replant trees of same species should be treated carefully. Appropriate in some circumstances, but not where species are susceptible to pathogens and pests (e.g. replacement Myrtaceae species susceptible to myrtle rust should be discouraged). • Queried whether Biodiversity maps are the result of independent mapping undertaken by Council, or derived from statewide biodiversity values map • Concerns raised over scarcity of areas mapped in northern part of Rockdale wetlands corridor. Absence of mapping of Landing Lights and associated wetlands is also apparent in Appendix 2 (Map 005), although Eve Street Wetland is covered on Maps 005 and 004. Wetlands is not defined but appears to not include at least some water bodies. • Green and gold bell frog also does not appear on Wetlands Maps. • 9.1 Dictionary is brief and many terms about which public understanding is limited are excluded. 	
46.	Does not support current draft DCP, in relation to construction of new homes. Concerned that the 3m secondary street setback is not necessary when blocks of land are narrow. Discourages construction of housing on corner blocks.	No change. This control has been taken from the former DCP controls and does not reflect a change from the former framework.
47.	Concerned about overdevelopment and insufficient infrastructure to support it. New residential units have 1 car parking space, but this does not reflect reality for families.	No change. Vehicle parking provisions in the draft Bayside DCP 2022 are generally carried over from existing provisions in Rockdale DCP 2011 and Botany Bay DCP 2013. The approach carried forward is supported by Council's evidence base and provides a calculated balance between surplus and demand for parking spaces. It is also broadly consistent with approaches adopted in neighbouring LGAs.
48.	Does not support high-rise around Eastgardens. Insufficient public transport to support this development, traffic, parking, amenity and safety issues as a result.	No change. The draft Bayside DCP 2022 does not expand or lessen the areas within the LGA within which residential flat buildings are permissible, which is administered by the BLEP 2021. The draft DCP provides more detailed development controls, and largely replicates existing provisions for development within both the Rockdale DCP 2011 and Botany Bay DCP 2013.
49.	Concerned about insufficient parking, delivery stopping and access for people with disabilities along Grand Parade and General Holmes Drive. Only having one off-street parking space, means other vehicles need to park on street. Noise, congestion and hooning is unacceptable.	No change. See response to Submission 47 above.
50.	<p>Proposed controls for Part 5.1.2 are too onerous. In particular, rear/side lane ancillary development, which does not allow for creative design solutions and is far too restrictive in numerical benchmarks, particularly for beachside suburbs. Will result in dated design solutions that do not cater to needs of current or future living standards. These should be primarily merit-based assessment in place of numerical controls.</p> <p>Proposed controls for Part 5.2.2 (dual occupancies and semi-detached dwellings) should further encourage these developments on lots narrower than 15m. Suggest a minimum frontage/lot width of 12m, but with a minimum site area/depth control.</p> <p>A number of sites in the LGA are in the 12-15m width range and are 50+m deep. These would be capable of accommodating redevelopment with minimal adverse impacts. Off-street parking can be in the form of shared basement and/or open hardstand spaces within the front setback, in lieu of garage enclosures to minimise streetscape impacts.</p> <p>Proposed controls for Part 5.2.7 Boarding Houses and Co-living are too onerous and beyond the SEPP (Housing) 2021 provisions. The SEPP should be the primary document and those controls are fit for purpose. Proposed controls should be reconsidered and reworded to reflect the SEPP. In particular, the frontage width control C2 (24m) is absurd and effectively stifles developments. These should be encouraged in areas close to transport hubs and it is very rare of lots to be 24m or wider.</p>	<p>No change. These controls have largely been taken from the former DCP controls and do not reflect a change from the former framework. Overall a DCP is intended to be applied as a flexible document with merit assessment where applicants can demonstrate consistency with the Section objectives.</p> <p>Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies, in line with priorities and actions contained in Bayside's LSPS and LHS. These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p> <p>With regard to provisions for boarding and co-living housing, the draft DCP provisions have been largely transitioned from previous controls and will also operate within the hierarchy of the Housing SEPP.</p>
51.	Previous negative experience discussing a first floor addition with reasonable FSR with Bayside Council. Maximum FSR control is extremely low for the average single dwelling plot. Results in narrow hallways, small bedrooms, removed study nook etc. This space will just be roof space and voids, posing no material impact if it were developed and utilised.	<p>No change. FSR controls are detailed in the BLEP 2021 and are not considered under this process.</p> <p>Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies, in line with priorities and actions</p>

	<p>Application of FSR should be based on types of dwellings, land size and consideration to material impact on an FSR that exceeds the control. Should take into account rising cost of living and home ownership. There is a middle ground between current FSR controls and those that will allow monstrosities.</p> <p>Proposed controls result in virtually no way to erect a covering over a driveway. Climate change will result in more erratic weather, impacting insurance premiums for vehicles. No material impact to erecting a cover (visual, line of site, shading etc) and there are discrete solutions that are not allowed. Should also take into account future growth in domestic charging for electric vehicles.</p>	<p>contained in Bayside's LSPS and LHS. These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p>
52.	<p>Concerned about traffic and parking infrastructure and ability to receive food deliveries to the door, particularly for the elderly.</p>	<p>No change. The DCP controls do not prevent deliveries for food and other groceries. Controls for parking in higher density developments consider opportunities for deliveries.</p>
53.	<p>Concerned about traffic and parking infrastructure and ability to receive food deliveries, visitors.</p>	<p>No change. See above</p>
54.	<p>Suggests minimum lot size of 650 sqm for dual occupancies, rather than 700 sqm.</p>	<p>No change. Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies (including dual occupancies), in line with priorities and actions contained in Bayside's LSPS and LHS. These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p>
55.	<p>Concerned about blocking access to Grand Parade from Teralba Road. Owns an apartment on Grand Parade and do not want to travel further to an adjacent road to access the residence.</p>	<p>No change. The concern raised is a site specific matter related to the road network at Brighton-Le-Sands which is not a matter of discussion within the draft DCP.</p> <p>Concerns have been referred to Council's City Infrastructure department for consideration.</p>
56.	<p>Generally supports draft DCP, in particular protection of trees, considering Bayside has one of the lowest tree canopies across Sydney councils. Better reinforcement of tree replacement and acoustic management is required, specifically:</p> <p>3.7.1 Landscaping, Control C8 – residential properties to have one tree per each 400 sqm.</p> <p>3.8.1 Tree Preservation, Control C20 – no timeframe to replace a tree.</p> <p>3.14.2 Noise and Acoustic Privacy – residential – does not cover for acoustic measures for neighbouring private home theatres or entertainment areas. Double glazed windows should be standard (for new developments and renovations). This would also improve energy efficient of a building.</p>	<p>No change. A future review of DCP details will be initiated via the implementation of a draft Environment Strategy for Bayside LGA, in line with Bayside's LSPS.</p> <p>With regard to the final concern raised, window glazing for residential dwellings largely sits within the existing BASIX framework and should not be mandated through the DCP.</p>
57.	<p>Not strongly wording enough to protect against proliferation of low-rise complying development certified development and associated noise. Previously one per every 2-3 blocks 10 years ago, but now at least 2 in every block. This has also caused amenity issues from frequent construction.</p>	<p>No change. Complying Development is governed by the SEPP (Exempt and Complying development Codes) 2008, which is a state policy not managed by Council. Therefore it cannot be prevented through DCP controls.</p>
58.	<p>Suggest more recreational space upgrading Arncliffe Park and introducing more retail food options in Arncliffe Town Centre. Resident living 9a-11 Eden Street, Arncliffe. Concerned about future compulsory acquisition to facilitate development envisioned for this block in draft DCP. In particular:</p> <ul style="list-style-type: none"> • impact of Wooroona Reserve redevelopment on this property; • impact of mixed-use redevelopment with pedestrian precinct adjacent to this property; • North side (approved mixed-use development); • East and South sides (Arncliffe Central). <p>If acquisition will be involved, owners and residents should be notified. Logistics measures and compensation program should also be in place for residents in Eden Street, in response to noise, dust, increased traffic and services disruptions during nearby constructions.</p>	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes.</p> <p>As a part of more detailed future planning in line with Council's strategic planning framework, localised opportunities for revised planning controls may be investigated further in accordance with the recommendations of the Bayside Local Strategic Planning Statement.</p> <p>With respect to Arncliffe specifically, controls for this Precinct were finalised by Council in 2018 following the rezoning of the Bayside West Precincts led by the NSW Department of Planning and Environment. No acquisition of property is planned adjoining Wooroona Reserve, which is expected to develop in line with the concept plan (Figure 32 of the draft DCP) as a result of landowner initiated development on surrounding lots.</p>
59.	<p>Resident of Sarsfield Circuit, Bexley North expressing concerns about tall residential developments in Bexley North. This results in:</p> <ul style="list-style-type: none"> • partial blocking of access to Sarsfield Circuit due to construction vehicles (interrupts use of visitor and basement car parks); 	<p>No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP and the Botany Bay DCP. No changes to the primary development framework under BLEP 2021 form a part of the exhibited changes, including at Bexley North.</p>

	<ul style="list-style-type: none"> increase in population and worsening of congestion at Slade Road-Bexley Road intersection and driveway to Bexley North community car park; deep ground drilling and excavation can cause damage to foundations and underground water table; amenity impacts due to length of construction time, with various emissions resulting from the construction. 	The specific matters raised by the submitter are matters considered as a part of the development application (DA) process.
60.	Suggest changing minimum lot size for subdivision to 400 sqm.	<p>No change. Generally, controls for site subdivision and consolidation are carried over from existing provisions in Rockdale DCP 2011 and Botany Bay DCP 2013. Any reviews of these provisions will typically occur as part of a higher-level strategic review, including relevant lot size controls under BLEP 2021.</p> <p>In particular, Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies (including dual occupancies), in line with priorities and actions contained in Bayside's LSPS and LHS. These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p>
61.	<p>Concerned about traffic problems at Stanley Lane, Arncliffe, including illegal parking and road safety issues.</p> <p>Please review the Stanley lane traffic problem. Not only put up the sign (no parking) only . Please apply fine to the illegal parking. There are many problems traffics with Stanley lane, just happen one accident in there. Please make the review and improve on it.</p>	<p>No change. This matter is not strictly relevant for the DCP which contains controls for new development.</p> <p>Concerns have been referred to Council's City Infrastructure department for consideration.</p>
62.	<p>Supports draft DCP provisions for Daceyville, which is a unique suburb and should continue to be protected for its heritage value.</p> <p>Separately, Astrolabe Park is an extremely popular park for dog owners and the broader community. It is important for maintaining biodiversity including local bird life. Such open, green spaces will become even more critical as the population and development density increase in neighbouring Kingsford (Randwick Council), East Gardens and other nearby suburbs. Controls to protect Astrolabe Park and other existing green spaces should be a focus of the draft DCP.</p>	Noted.
63.	<p>On page 218 of the draft DCP, under 5.2.7.1 General, Control C2 specifies a minimum lot width of 24 metres. This would be problematic and restrictive to many shoptop housing boarding houses zoned B1 Neighbourhood Centre (soon to be zoned E1 Local Centre), especially on smaller 3-4 storey developments, which have significantly smaller average widths compared to the typical R2, R3 or R4-zoned properties.</p> <p>This would result in a low number of affordable housing being developed in the local centre and prevent certain smaller developments occurring. Suggest reducing the minimum frontage width in relation to shoptop housing developments containing boarding houses, to a more achievable figure (potentially 18m), especially on land zoned E1 Local Centre.</p>	No change. The draft Bayside DCP 2022 largely carries over existing provisions contained within the Rockdale DCP 2011 and the Botany Bay DCP 2013. The minimum width size for boarding houses were carefully considered to manage density within local and neighbourhood centres and ensure good design and amenity outcomes. Provisions will also be considered within the context of the Housing SEPP requirements.
64.	Concerns raised around licenced late night trading and proximity to residential areas. Council should clearly state that licenced premises in residential areas should not be permitted to operate past 10pm. This area was not covered under Rockdale DCP 2011 and was vastly expanded from provisions under Botany Bay DCP 2013.	No change. All applications involving development with late night trading will be considered as part of the assessment framework and will be a considered on their individual merits.
65.	<p>Request changes to 7.1 Bexley Town Centre, on behalf of Bexley Chamber of Commerce, as follows:</p> <p>Urban renewal of Bexley Town Centre is now well underway. There are a number of recently completed successful 5/6 story mixed use developments including 1-3 Harrow Road and 165 Frederick Street. There are also a number currently in construction including 8-18 Stoney Creek Road, 410 - 414 Forest Road and 290 - 292 Forest Road. There are also approved developments yet to commence construction including at 356 & 358-368 Forest Road.</p> <p>Whilst Council may consider planning of Bexley Town Centre a long term priority, owing to limited public transport connectivity, it is important that a master plan for Bexley Town Centre be developed as a high priority and reflected in Council's DCP to ensure that future developments reinforce a common theme for the Centre. If we are to wait 10+ years for a masterplan, opportunities will be lost.</p> <p>The provisions for Bexley Town Centre in 7.1 of the draft DCP have been largely carried over from Rockdale DCP 2011 (and before that DCP68, effective from 2005 until 2011). The chapter is centred around providing an arcade connection from Forest Road to Albyn Lane, redevelopment of the recently refurbished Albyn Street carpark as a new public open space, with active frontages along Albyn Street and Albyn Lane. This concept does not recognise the importance of maintaining the Albyn Street carpark in view of the loss in February 2020 of shopfront parking along Forest Road to create a free alternative to the M5 and M8 Motorways.</p>	<p>No change.</p> <p>As one of Bayside's Town Centres, Bexley is earmarked for future investigation under Bayside's LSPS. The overarching principle of these investigations is that land use planning should be aligned with transport infrastructure to support growth and sustainable outcomes. Planning for growth will be staged to coincide with existing and planned future public transport.</p> <p>Bayside's centres are prioritised according to transport connectivity and readiness to accommodate growth, including Immediate (12 months following adoption of LSPS), Short term (1-5 years), Medium term (6-10 years) and Long term (10+ years).</p> <p>Bexley Town Centre is identified as a long term priority, owing to the limited public transport connectivity of this centre. The LSPS explains that Council will, in conjunction with the planning for a potential future Kogarah to Parramatta rail link, investigate opportunities for residential growth at Bexley in the long term (10+ years).</p> <p>LSPS Action 9.6 explains that Council will take a place based approach for each local centre and prepare master plans/urban design studies or public domain plans to create</p>

	<p>The draft DCP continues to describe an extension of Albyn lane to connect to Albyn Street facilitated by any development on properties from 394 to 408 Forest Road dedicating a 6m setback to Council at no cost. There is no mention of the property at 25 Albyn Street, which backs on to properties at 394 to 408 Forest Road, and may be impacted by a setback. In addition, there is an existing laneway adjacent 25 Albyn Street providing access to 400 Forest Road, which looks to be part of the land title for 400 Forest Road. There are already multiple existing connections of Albyn Lane with Albyn Street through the carpark.</p> <p>This reworking of Albyn Street carpark has not been well thought through from a technical standpoint. It is also not an attractive proposition for any developer who would most likely need to acquire all properties at 394 to 408 Forest Road, as well as 25 Albyn Street, and be willing to dedicate land to Council at no cost and with no other obvious planning concessions to balance the loss of land.</p> <p>DCP 68, whilst lacking clarity in its recommendations for redevelopment of Albyn Street carpark, had some good ideas for Bexley which were to be implemented through the allocation of local development contributions funding. They included: recognition and retention of landmark buildings; widening of the footpath in Kingsland Road to increase opportunities for outdoor eating; provision of a church square at the intersection of Albyn and Dunmore Streets; and identification of laneways. These could be considered further in a Bexley masterplan.</p> <p>Finally it is requested that the Bexley Town Centre masterplan include the satellite extension along Forest Road up to Westminster Street.</p>	<p>great places including Bexley. This action is ongoing but is being delivered in accordance with the prioritisation assigned to each centre in this LSPS.</p> <p>The provisions contained in Chapter 7.1 of the draft DCP are commensurate with the level of growth currently allowed under the BLEP 2021. Should changes to transport connectivity in the centre enable a higher level of sustainable growth, that would be the appropriate time to revisit the relevant controls in both LEP and DCP.</p>
66.	<p>Recommends following changes:</p> <ul style="list-style-type: none"> • Add social/low-income housing affordability requirements for new high-density residential development for low-income homeowners • Increase deep soil requirements for higher density developments • Increase car parking and tree canopy requirements, particularly for high-scale density developments and during street upgrades • Allow for requirements for new developments to include separated cycleways as part of the large developments. This will need to be integrated with the Council's cycling strategy 	<p>No change.</p> <p>With regard to social and affordable housing provisions, these housing types are generally governed by the Housing SEPP and BLEP 2021 and cannot be mandated through the DCP.</p> <p>No change. Deep soil landscaping for high density residential development is governed by the Apartment Design Guide (ADG). The controls contained in the draft DCP reflect this.</p> <p>Provisions for vehicle parking and tree canopy are generally carried over from existing DCP provisions, with certain updates in accordance with changes to State Government statutory requirements.</p> <p>Council will shortly consider a draft Transport Strategy and Bike Plan for Bayside LGA (including an Action Plan). Should these be endorsed by Council, a review of relevant DCP provisions will be carried out to ensure consistency with the documents.</p> <p>A future review of DCP details will be initiated via the implementation of a draft Environment Strategy for Bayside LGA, in line with Bayside's LSPS.</p>
67.	<p>Identifies several issues requiring attention:</p> <ul style="list-style-type: none"> • 3.5.3 relates to hotel developments requiring 2x coach pick up and drop off spaces. This may be excessive and could instead be dependent on the type and size of the hotel. • Draft DCP should include definitions on what constitutes 'site coverage' and 'soft landscaped areas' or 'landscaped area'. These are often open to interpretation and there has been a lack of consistency on how developments have been assessed. • There is no discussion in the draft DCP relating to stratum subdivision. • 5.2.1.1, Control C1 and C6 are duplicates. • There are repeated references to Bayside DCP 2020 which should be corrected. • There are inconsistencies in the draft DCP for floor to ceiling heights of the 1st floor. 5.2.5, Control C6 states that a 3.1m height is required, whereas 3.3.2 Control C1 states 3.3m. • 5.2.6 Objectives appear unfinished. There are also no objectives presented for material and finishes section. • 5.2.7.1 Objectives require formatting. • Minimum lot width for boarding house developments is 24m. It is not clear if this applies to larger scale boarding house type development only, or also smaller-scale boarding houses located in R2 Low Density Residential zone. • 5.2.7.1 Control C18 requires that all boarding rooms contain a ceiling fan. Suggests ducted air conditioning be provided as a substitute. 	<p>With regard to 3.5.3, these provisions are generally carried over from existing provisions contained in Botany Bay DCP 2013. The proposed parking rates are supported by Council's evidence base, as well as an updated Transport, Parking and Access Technical Specification. It is considered appropriate for retention until such time that a comprehensive review of parking rates is undertaken.</p> <p>With regard to site coverage and landscaped area, these are defined under the Standard Instrument and, accordingly, the BLEP 2021. Replication of these definitions into the DCP is not considered necessary, as the Dictionary states that definitions within BLEP 2021 are adopted.</p> <p>With regard to lot width for boarding and co-living housing, it is recommended that 5.2.7.1 Control C2 be amended to read: "A minimum lot width of 24 metres to any street frontage is required for Class 3 boarding house developments and co-living developments."</p> <p>With regard to ceiling fan requirements for boarding rooms, these requirements are introduced as a sustainability measure.</p>

	<ul style="list-style-type: none"> Setbacks proposed within the commercial development chapter are not clear if they are for larger scale commercial/officer towers, or to all commercial premises, including small scale ones less than 4 storeys in height. Childcare centre provisions should include setbacks for this type of development. 7.9.4.2 Control C20 and Objective O14 reference 'Roxy Theatre', which should read 'Marina Theatre'. 	<p>With regard to floor to ceiling height provisions, it is agreed that heights referred to be 5.2.5 (Control C6) and 3.3.2 (Control C1) be updated to 3.3m consistently, which aligns with the ADG.</p> <p>With regard to childcare centre provisions, setbacks are largely resolved through the relevant State Government policy.</p> <p>A review of the draft DCP will be carried out prior to final publication, to undertake any administrative changes, including removal of typos and duplications.</p>
68.	<p>Clarification needed in Part 4 Subdivision, Consolidation and Boundary Adjustment. Unclear how Clause 4.1(3B) of Bayside LEP 2021 applies, if there are no lot size controls on the former Botany Bay LGA side.</p> <p>Suggest amendment to 5.2.2 to clarify that variations to minimum lot widths will be considered if compliant with the minimum lot size under the LEP.</p> <p>Under 5.2, rendered walls should be considered if mixed with other materials such as facebrick, stone, cladding etc.</p>	<p>No change. Under the draft DCP, provisions can be applied flexibly where there is demonstrated consistency with objectives and other controls.</p> <p>Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies, in line with priorities and actions contained in Bayside's LSPS and LHS. These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p> <p>With regard to provisions for building material, these provisions were introduced in consultation with Council's urban design staff. It was advised that rendered materials should not be included.</p>
69.	<p>Submission by GoGet, including the following comments:</p> <p>Supports establishing requirements for onsite carshare schemes to reduce the demand for car parking within new developments.</p> <p><u>3.5.9, Control C4:</u></p> <p>Suggest removing "this parking offset can be used once only".</p> <p>Recommended that:</p> <ul style="list-style-type: none"> Onsite carshare provision must use at least a 1:1 replacement ratio (of carshare vehicles to resident/visitor parking) to ensure there are no extra construction costs for the developer to provide the service onsite; In addition to this, the developer can choose to remove up to 10 private parking spaces per carshare vehicle (these rates have been approved by the NSW Land and Environment Court) <p>There are many different sections throughout the Draft DCP that speak to the benefits of reducing excess parking in developments and limiting the amount of excavation required for the purpose of car parking. GoGet believes that restricting carshare's capacity to reduce onsite resident parking (to a net reduction of only 4 spaces per development) greatly reduces the overall benefits that onsite carshare can bring to a development and by extension the community.</p> <p>Parking spaces are expensive to build (for the developer) and expensive to own (for the resident). Therefore, reducing the total amount of parking provided onsite will reduce the project costs for the developer and in turn positively impact housing affordability for future residents. In order to encourage developers to help grow the carshare network within Bayside, GoGet strongly recommends that Council allows for further reductions to parking requirements if complemented by sufficient onsite carshare provision.</p> <p>Some of onsite carshare's greatest benefits to the local community derive from its capacity to reduce off-street parking. It is important that Council doesn't restrict this benefit to a net reduction of only 4 spaces per development as that won't be seen as a strong enough incentive for developers to want to help grow the service within Bayside.</p> <p><u>3.5.9, Control C3:</u></p> <p>Recommend that the required rates outlined are only the minimum rates of provision for onsite carshare (not the maximum).</p> <p>These required rates are a great starting point. However, demand for onsite carshare typically bears an inverse relationship with private car parking allocation. With that in mind, GoGet suggests that Bayside Council recommends</p>	<p>No change. Council will shortly consider a draft Transport Strategy and Bike Plan for Bayside LGA (including an Action Plan). Should these be endorsed by Council, a review of relevant DCP provisions will be carried out to ensure consistency with the documents. The matters raised in this submission will be considered at this stage.</p>

	<p>some additional best practice guidelines for those developers looking to provide onsite carshare above the minimum requirements.</p> <p>As it is proven and accepted that generally one carshare vehicle removes 10 privately owned vehicles, the optimal carshare parking controls for new property developments are:</p> <ul style="list-style-type: none"> • one carshare vehicle for every 10-15 units without a parking space (dependent on proximity to public transport and existing carshare network); and • three carshare vehicles for every 100 two-bedroom-plus units that only have one parking space. <p>Provision of ratios of carshare vehicles to the number of units without (or with reduced) parking spaces are the most reliable indicator of onsite demand as opposed to ratios of carshare vehicles to number of private car spaces.</p> <p>When developments are approved with onsite carshare provision, it is important for carshare conditions to be enforceable to ensure that the Responsible Authority can verify that developers, and subsequent owners' corporations, have entered into an agreement with a carshare operator to fulfil the requirement. This is of particular importance for developments that have used onsite carshare as a mechanism for private parking reduction as there needs to be a viable alternative to private vehicle ownership for the future residents onsite from the day that they move in.</p> <p>City of Sydney and City of Ryde currently have the best practice carshare conditions for developments. Ideal conditions should state:</p> <ol style="list-style-type: none"> 1. XX spaces are to be reserved for carshare operation with no charge to the carshare operator to use them. 2. These spaces must be publicly accessible 24 hours a day seven days a week and should be well-lit with safe pedestrian access. 3. These spaces must be contracted to an operator (a carshare provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council prior to issuing of the Construction Certificate. The agreement must ensure appropriate insurance and vehicle maintenance is in place including public liability. 4. The carshare operation, or contract confirming operation from an operator, must be in place before of issue of the Occupation Certificate. 5. The carshare operator must report utilisation of the spaces to council quarterly (or in accordance with Council's on-street reporting requirements). 6. Council may audit the operation at any time, and if breach is discovered, Council may issue a defect notice (or monthly fine until rectified) to subsidise the local transport network <p>Strata Managers should be required to promote carshare to owners/tenants to ensure all future residents have awareness of the service.</p> <p>In the interest of future-proofing the parking infrastructure, it is recommended that sufficient cellular connectivity is available at the location of the carshare spaces (also an important aspect for safety reasons) as well as providing the requisite infrastructure (e.g. conduits, wiring, adequately sized power supply and metering cabinet) so that EV chargers can be readily provided when demand necessitates.</p> <p>To ensure the provision of legal access to the designated off-street car parking space for carshare users/members from the day of occupation. This means future residents can move into new developments without having to bring private vehicles with them.</p>	
70.	<p>Generally satisfied with the draft DCP. Raises the following concerns:</p> <p>Resident's property is located in Denison Street, Hillsdale Risk Study area, but was allowed to build a 2-storey house. Draft DCP does not make any reference to limitations by the Denison Street Hillsdale Risk Study. Notes several developments along Denison Street, including Bunnings.</p> <p>Recommend changes are made to provide more succinct and direct action addressing risk-related controls. The above Risk Study contains quantitative risk criteria for land use safety planning, relating to transport of dangerous goods. The report is based on interim risk criteria currently in NSW, which are consistent with criteria adopted in previous Quantity Risk Assessments. Report is contained in meeting minutes for Botany Bay Council of 7 September 2016 and recommended that it be reviewed after 5years.</p>	<p>No change. The provisions included in Chapter 8.3 of the draft DCP are generally carried over from existing provisions in Botany Bay DCP 2013.</p> <p>In line with Bayside's LSPS, Council is in the process of finalising and adopting a draft Land Use and Infrastructure Limitations Study, which explores various limitations to growth in the LGA, including those relating to hazardous development and activities. Once this Study is adopted, a review of relevant DCP provisions will be undertaken to ensure consistency with the Study.</p>

	<p>The report also states that, in study analysis, 2.8 chances in a million per year fatality contour does not encroach onto the proposed Bunnings site. Under this study, 'Incremental Societal Risk' (1.1.3, Figure 3), the results show for the 2014 current case sensitivity, the curve for the proposed Bunnings falls on the Lower Criteria line and so the proposed Bunnings should not be precluded based on increased Societal Risk in the middle to upper part of the ALARP Region.</p> <p>In summary, this indicates that the movement of Dangerous Goods along Denison Street is acceptable, provided that all 'reasonable practicable risk reduction measures have been implemented.</p> <p>Queried why semi-detached dwellings would be precluded in this area.</p> <p>Queried whether this Risk Study has been reviewed, as recommended by former Botany Bay Council.</p>	
71.	<p>Opposes the DCP with respect to proposed subdivision controls and the intention to largely replicate the Rockdale DCP provisions.</p> <p>Suggests a better approach would be to provide a new subdivision chapter which reflects the needs of the merged Council instead of adopting the 2011 Rockdale DCP which was intended for another locality. This may make subdivision in the previous City of Botany Bay locality almost impossible.</p>	<p>No change. Provisions for site subdivision and consolidation are generally carried over from existing provisions in Rockdale DCP 2011 and Botany Bay DCP 2013. They reflect the two different approaches to this issue under the former LGAs.</p> <p>Control 4.1 (C2) establishes that, where no minimum lot size mapping exists under BLEP 2021, the prevailing subdivision pattern should dictate minimum lot sizes. The minimum lot width for residential subdivision is established under Control 4.2 (C1), which is 6m. Feedback to be considered as part of the Planning Proposal related to medium density development.</p> <p>Council is currently undertaking separate planning processes in the form of Planning Proposals relating to medium density housing typologies, in line with priorities and actions contained in Bayside's LSPS and LHS. These will progress in the near future and will involve a review of relevant DCP provisions to ensure consistency with any future amendments to the BLEP 2021.</p>
Public Agency Submissions		
Civil Aviation Safety Authority (CASA)	<p>CASA has reviewed Section 3.13 'Obstacle Limitation Surface and Airspace' of the draft DCP.</p> <p>CASA does not comment on noise issues.</p> <p>CASA does not object to the draft DCP, and offers the following suggestions regarding the minor detail:</p> <p>C7 on page 130 advice that a proposed building that will exceed the height on the OLS map must be referred to the Civil Aviation Safety Authority is not strictly correct. According to the Airports (Protection of Airspace) Regulations 1996, "a proposal for a building activity that, if undertaken, would constitute a controlled activity in relation to an airport must give notice of the proposal to the airport-operator company for the airport"</p> <p>The process is described at Guideline F of the National Airports Safeguarding Framework. "MANAGING THE RISK OF INTRUSIONS INTO THE PROTECTED OPERATIONAL AIRSPACE OF AIRPORTS"</p> <p>In plain English summary the process under the Airspace Regulations is as follows: The proponent (e.g. developer, builder, council) provides Sydney Airport (airspaceprotection@syd.com.au CC'd or 96679396) with the details.</p> <p>Sydney Airport invites submissions from CASA and Airservices and sometimes airlines. CASA and Airservices make recommendations and send them back to Sydney Airport, who collate all the recommendations and sends a package to the Commonwealth Department of Infrastructure (DITCRDA). DITCRDA sends the proponent an Approval.</p> <p>Table 26: 'External Notification Requirements' 'Sydney Airport Corporation Limited' 'Any intrusion into prescribed airspace would constitute a controlled activity and as such, must be referred to Sydney Airports Corporation Limited (SACL) for an approval process (Airports Act 1996 Section 186)' is correct.</p> <p>In summary for C7; suggest change 'Civil Aviation Safety Authority' to 'Sydney Airport'. (Or 'Sydney Airport which invite comment from CASA and Airservices')</p>	<p>Refer also to discussion under Sydney Airport Corporation Ltd (SACL) submission.</p> <p>With regard to Chapter 3.13, Control C7 (p130), it is agreed that this control be amended to read: "If a building is located within a specific area identified on the OLS map or seeks to exceed the height limit specified in the map, notice of the proposal must be given to Sydney Airport Corporation"</p> <p>With regard to Chapter 3.13, Control C8 (p131), it is agreed that this control be amended to read: "Development must consider the operating heights of all construction cranes or machinery (short term controlled activities) that may penetrate prescribed airspace. Consideration should be given to the timing and location for the proposed control activity on site for referral to Sydney Airport Corporation."</p> <p>With regard to Chapter 3.13, Control C10, paragraph b (p131), it is agreed that this control be amended to read: "b) as recommended by National Airports Safeguarding Framework Guideline B 'Managing the Risk of Building Generated Windshear and Turbulence at Airports', available to view at: https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/aviation-safety/aviation-environmental-issues/national-airports-safeguarding-framework/national-airports-safeguarding-framework-principles-and-guidelines"</p>

	<p>C8 on page 131 As above, suggest change CASA to Sydney Airport. (Or 'Sydney Airport which will invite comment from CASA and Airservices')</p> <p>C10 on page 131, paragraph b ... if interpreted literally could lead to a lot of buildings being assessed that don't need to be assessed. Paragraph b could read something along the lines: "as recommended by NASF Guideline B 'Managing the Risk of Building Generated Windshear and Turbulence at Airports' ". Or if the map truly reflects Guideline B, paragraph b could be deleted.</p>	
DPE Biodiversity and Conservation	No comments raised	Noted.
NSW Ports	<p>NSW Ports is responsible for managing the port and freight assets of Port Botany, Port Kembla, the Cooks River Intermodal Terminal and the Enfield Intermodal Logistics Centre. These assets, along with the efficient movement of freight to and from these assets, are critical to the future economic growth, liveability, productivity and sustainability of New South Wales and Australia.</p> <p>Ports and intermodal terminals require protection from urban encroachment in order to operate efficiently. Urban encroachment can be in the form of an intensification of density or the redevelopment of industrial land to sensitive uses such as residential.</p> <p>Residential development exists within close proximity to NSW Ports freight assets. The closest residential uses are located 200m from Port Botany.</p> <p>The construction or redevelopment of residential land within the vicinity of ports and port-related infrastructure without appropriate amenity mitigation, specifically noise attenuation mitigation measures results in increased noise complaints and amenity impacts to the community and residents. A consequence of urban encroachment is constrained industrial operations and constrained growth of these operations – e.g. through curfews, volume / movement caps – which leads to reduced economic productivity and inefficient use of infrastructure.</p> <p>NSW Ports supports the inclusion of the proposed port related controls within the draft Bayside DCP.</p> <p>Development Controls NSW Ports has reviewed the proposed port related development controls and makes the following comments.</p> <p>Section 5.2.1.3 contains setback controls for low-density residential development. Control C4 states: <i>C4. Building setback to a road identified as a Key Freight Route under Section 3.5 of the DCP may be required to have a greater setback.</i></p> <p>However, Section 3.5 of the draft DCP does not identify or define Key Freight Routes. It would be beneficial if Key Freight Routes were explicitly defined in the DCP. Key Freight Routes could be defined by using the TfNSW identified heavy vehicle routes. Further, the Port Botany Rail Line could also be identified as a Key Freight Route.</p> <p>If Key Freight Routes are comprehensively defined in the DCP, Council could consider their inclusion in Section 3.14.1, C2 and 3.14.2, C5 and C10 instead of the proposed inclusion of specifically identified port related infrastructure.</p> <p>NSW Ports makes the suggested additions to the proposed port related development controls (shown in red). The purpose of the proposed additions is to clarify the infrastructure examples for consideration, specifically noting the importance and potential land use conflict associated with Foreshore Road and Port Botany Rail Line:</p> <p>3.14.1 Noise and Vibration – General Update all references in the DCP from Sydney Ports Land to Port Botany. Reason: To prevent any confusion over land ownership of port lands / land applicable to the controls.</p> <p>Update control C2 to include port related infrastructure. Reason: Port related infrastructure is critical to the efficient operation of Port Botany.</p> <p>It is recommended control C2 be updated to: <i>Where development is in a location that is exposed to high levels of external noise, an acoustic report that demonstrates compliance with these objectives and controls, must be prepared by a suitably qualified and experienced professional and be submitted as part of a development application.</i> <i>Locations exposed to high levels of external noise include sites subject to:</i></p>	<p>With regard to 5.2.1.3, Chapter C4, it is agreed that the current wording does not clearly articulate the location of Key Freight Routes. These routes are roads connecting nationally significant places for freight in Australia and are recognised at a Commonwealth Government level.</p> <p>Recommend amending this chapter wording to read: "Minimum building setback to a road identified as a Key Freight Route may be required to have a greater setback. Key Freight Routes are identified at: https://data.datahub.freightaustralia.gov.au/ne/dataset/national-key-freight-routes-map"</p> <p>With regard to inclusion of Key Freight Routes in 3.14.1 and 3.14.2, these subchapters are intended to capture a wider range of rail and main roads, including Key Freight Routes. There is no need to specify Key Freight Routes in these controls.</p> <p>With regard to 3.14.1, Control C2, and 3.14.2, Controls C5 and C10, it is agreed that the wording of these controls is updated to replace references to "Sydney Port land" to "port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road)".</p> <p>With regard to 9.2.2 External Notification, it is agreed that the item relating to NSW Ports be updated to refer to "...main transport routes (road and rail)..."</p>

	<ul style="list-style-type: none"> - aircraft noise from Sydney Airport; - rail noise and road noise from main roads such as Princes Highway, Botany Road and The Grand Parade; or - Adjoining land uses such as industrial, <i>Port Botany port land and port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road)</i>. <p><i>Note: this requirement is particularly relevant to sensitive uses such as child care centres, schools and nursing homes.</i></p> <p>3.14.2 Acoustic Privacy – Residential – Control C5 Update all references in the DCP from Sydney Ports Land to Port Botany. Reason: To prevent any confusion over land ownership of port lands / land applicable to the controls.</p> <p>Update Control C5 to include port related infrastructure. Reason: Port related infrastructure is critical to the efficient operation of Port Botany.</p> <p>Update Control C5 to apply to both new residential development and modifications to existing residential development, particularly modifications to habitable spaces. Reason: Existing residential development is impacted by high levels of noise. As applications are made to make alterations and additions to existing residential properties, an opportunity is presented to improve the noise attenuation measures of the dwelling, ultimately improving the residential amenity of the dwelling. Consideration can be given to what modifications are captured by this control. E.g. modifications to habitable spaces.</p> <p>It is recommended Control C5 be update to: <i>An Acoustic Report demonstrating compliance with relevant acoustic standards is to be submitted as part of a development application for new residential developments in locations that are exposed to high levels of external noise, including (but not limited to):</i></p> <ul style="list-style-type: none"> a. Aircraft noise from Sydney Airport; b. Road noise from main roads such as Princes Highway, Botany Road and The Grand Parade; or c. Adjoining land uses such as industrial, <i>Port Botany port land and port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road)</i>. <p><i>The Acoustic Report must be prepared by a suitably qualified acoustic consultant and also demonstrate the proposal's compliance with relevant controls and standards within state planning policies and NSW EPA guidelines (e.g. EPA Noise Policy for Industry 2017).</i></p> <p>3.14.2 Acoustic Privacy – Residential – Control C10 Update control to include port related infrastructure. Reason: Port related infrastructure is critical to the efficient operation of Port Botany.</p> <p>It is recommended Control C10 be updated to: <i>New residential development, within proximity to Port Botany, port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road) and land zoned for industrial uses (irrespective of current use of the land), is to take noise attenuation for building interiors into consideration.</i></p> <p>7.13.3 Part B – Land in the B4 Mixed Use Zone</p> <p>7.13.3.2 Controls – All Areas NSW Ports supports this control.</p> <p>9.2.2 External Notification It is requested the below amendment is made to the external notification guide for clarity. Proposed text is in red. NSW Ports: <i>Development in the vicinity of the Port and its main transport routes (road and rail):</i></p> <ul style="list-style-type: none"> - Large scale residential development; - Major transport or infrastructure; and - Significant commercial developments; residential subdivision or redevelopment applications. 	
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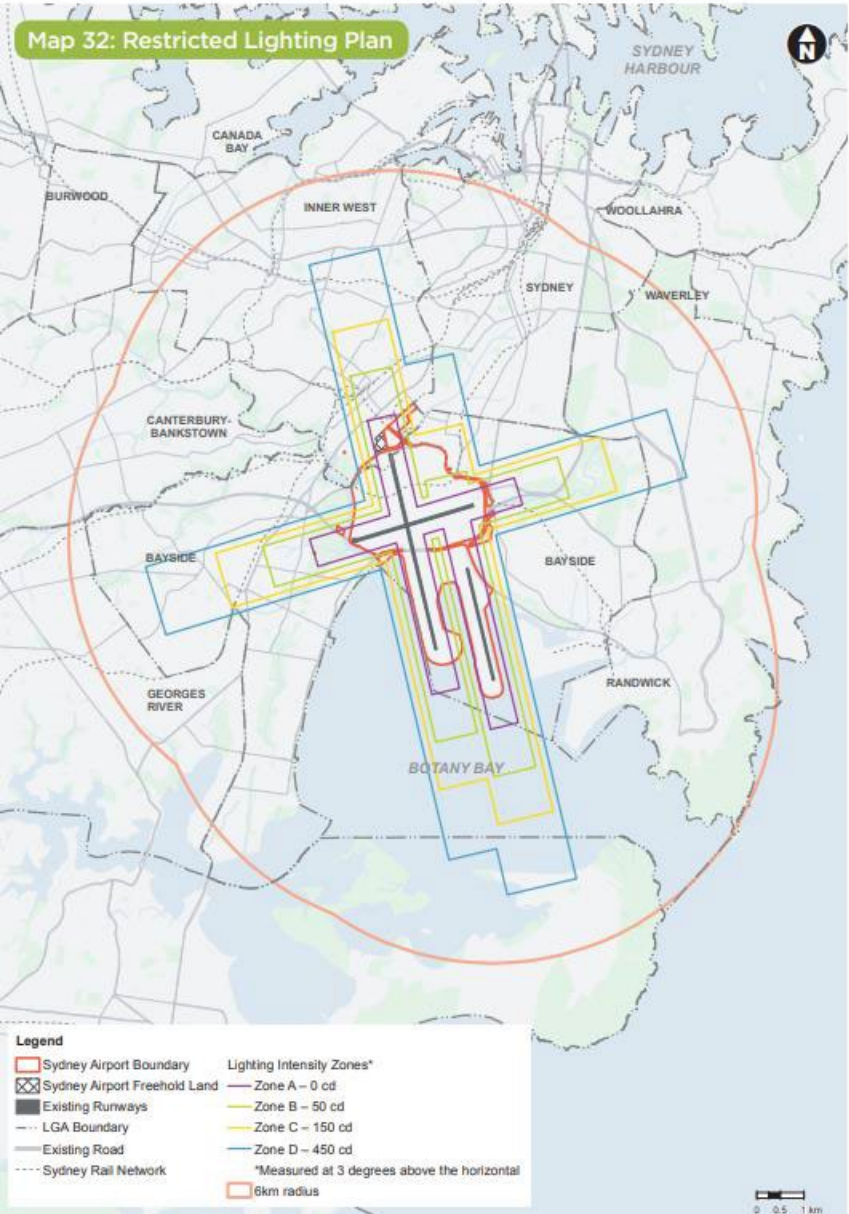
NSW State Emergency Service	<p>Raised the following principles and comments:</p> <ul style="list-style-type: none"> Development should not result in an increase in risk to life, health or property of people living on the floodplain; Risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood. <i>Section 9.5.4, Point 1 of the draft DCP should be updated to reflect this consideration;</i> Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes. Section 9.5.4 should be updated to reflect this consideration; <p>Other considerations were also noted:</p> <ul style="list-style-type: none"> In the context of future development, self-evacuation of the community should be achievable in a manner which is consistent with the NSW SES's principles for evacuation; Development must not conflict with the NSW SES's flood response and evacuation strategy for the existing community Evacuation must not require people to drive or walk through flood water Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. 'Shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for future development. Such an approach is only considered suitable to allow existing dwellings that are currently at risk to reduce their risk, without increasing the number of people subject to such risk. The flood evacuation constraints in an area should not be used as a reason to justify new development by requiring the new development to have a suitable refuge above the PMF. Allowing such development will increase the number of people exposed to the effects of flooding. Other secondary emergencies such as fires and medical emergencies may occur in buildings isolated by floodwater. During flooding it is likely that there will be a reduced capacity for the relevant emergency service agency to respond in these times. Even relatively brief periods of isolation, in the order of a few hours, can lead to personal medical emergencies that have to be responded to; Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES; The NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management; NSW SES is opposed to development strategies that transfer residual risk, in terms of emergency response activities, to NSW SES and/or increase capability requirements of the NSW SES; and Consent authorities should consider the cumulative impacts any development will have on risk to life and the existing and future community and emergency service resources in the future. 	<p>Following post-exhibition review of the draft DCP by Council officers, Council officers are generally satisfied that Chapters 3.10 and 9.5 of the draft DCP adequately take into account the advice of the SES, and the NSW Government's Flood Prone Land Policy.</p> <p>Any future reviews of Council's Flood Studies and Flood Risk Management Plans would need to consider advice from the SES, including any recommendations regarding specific development controls.</p>
NSW Department of Communities and Justice	<p>Identified two points that may be of assistance in finalising the draft DCP:</p> <ul style="list-style-type: none"> Suggested that the draft DCP includes The Protocol for Homeless People in Public Places, when discussing inclusion within public spaces. Councils, developers and community should consider the impact of any development in the area and respect people experiencing homelessness and/or sleeping rough. <ul style="list-style-type: none"> The Protocol assists government, non-government organisations and businesses to interact with people experiencing homelessness, so they are treated respectfully, with dignity, and do not face discrimination. It is based on the fundamental principle that people experiencing homelessness have the same rights as any member of the public. Pages 457 and 489 reference 'Department of Housing'. The NSW Government's social housing and homelessness function now sits within the Department of Communities and Justice 	<p>With regard to the Protocol for Homeless People in Public Places, it is agreed that this Protocol should be taken into account under 3.6.3 Social Impact.</p> <p>Recommend 3.6.3 be amended to include a new control C5: <i>"The preparation of a SIA should take into account the impact of a proposed development on people experiencing homelessness and/or sleeping rough, with consideration given to The Protocol for Homeless People in Public Places, available to view at: https://www.facs.nsw.gov.au/providers/working-with-us/programs/homelessness/specialist-services/partnerships/safe-in-public/protocol."</i></p> <p>With regard to 9.2.2 External Notification, it is agreed that the reference to 'Department of Housing' should be amended to read Department of Communities and Justice.</p>
NSW Health – South East Sydney Local Health District	<p>Commends Council for drafting the Development Control Plan 2022. It is a comprehensive plan that includes a range of broad and specific objectives with controls that will support development with improved access for residents and visitors. The plan includes measures that will increase the activation of streets for pedestrians and cycle use and promote tree canopy improvements. These actions will promote healthy behaviours and incrementally support community health and wellbeing.</p> <p>Welcomes provision of additional and improved recreational spaces, landscaped gardens and playgrounds with shade tree canopy for good future health outcomes.</p>	<p>Noted and no change.</p>

NSW Department of Primary Industries – Fisheries	<p>Notes that the draft DCP is a comprehensive DCP with many triggers for the <i>Fisheries Management Act 1994</i>.</p> <p>Any developments that trigger the <i>Fisheries Management Act 1994</i> should also be consistent with <i>Policy and Guidelines for Fish Habitat Conservation and Management (2013)</i>. This will allow proponents to have concise planning information to enable DPI Fisheries to offer no objection to integrated developments based on contradiction between DCP and the Policy and Guidelines document.</p>	Noted and no change.
Sydney Airport Corporation Ltd	<p>Highlighted areas of draft DCP where National Airports Safeguarding Framework (NASF) should be integrated:</p> <p>2.5: Supports these aims</p> <p>2.7: Should formally recognise NASF and its purpose. Insert:</p> <p><i>Sydney Airport, which sits within the Bayside local government area, is one of Australia’s most important pieces of infrastructure. It is our international gateway and an essential part of our transportation network connecting Sydney to over 100 regional, national and international destinations. The continued growth of Sydney Airport is vital to achieving local and NSW employment, tourism, trade and development objectives. The airport employs thousands of local Bayside residents.</i></p> <p><i>The National Airports Safeguarding Advisory Group was established in 2010 as a cross jurisdictional advisory body to progress work on developing a national approach to land use planning around airports in Australia.</i></p> <p><i>In 2012, Ministers of the then Standing Council on Transport and Infrastructure endorsed the first iteration of the National Airports Safeguarding Framework (NASF) which included seven overarching Principles and six Guidelines. Between 2012 and 2018, three additional Guidelines were endorsed by the Ministers and added to the NASF.</i></p> <p><i>The NASF now comprises the following:</i></p> <ul style="list-style-type: none"> - <i>Principles for National Airports Safeguarding Framework</i> - <i>Guideline A: Managing Aircraft Noise</i> - <i>Guideline B: Managing Building Generated Windshear and Turbulence</i> - <i>Guideline C: Managing Wildlife Strike Risk</i> - <i>Guideline D: Managing Wind Turbine Risk to Aircraft</i> - <i>Guideline E: Managing Pilot Lighting Distraction</i> - <i>Guideline F: Managing Protected Airspace Intrusion</i> - <i>Guideline G: Communications, Navigation and Surveillance</i> - <i>Guideline H: Protecting Strategically Important Helicopter Landing Sites</i> - <i>Guideline I: Managing the Risk in Public Safety Areas at the Ends of Runways</i> <p><i>These guidelines can be accessed here: https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/aviation-safety/aviation-environmental-issues/national-airports-safeguarding-framework/national-airports-safeguarding-framework-principles-and-guidelines</i></p> <p><i>The NASF has implications for the general public as well as those working in town planning, residential or commercial development, building, development and aviation related industries. As such, it addresses issues that are directly relevant to various parts of this DCP.</i></p> <p>3.3.3 Reflectivity: NASF Guideline E provides guidance to assist local governments and airport operators to jointly address the risk of distractions to pilots of aircraft from lighting and light fixtures near airports.</p> <p>The Civil Aviation Safety Authority (CASA) has the authority, under the Civil Aviation Regulations 1988, to control ground lights where they have the potential to cause confusion or distraction from glare to pilots in the air. To assist lighting designers and installation contractors in the vicinity of airports, CASA has established guidelines on the location and permitted intensities of ground lights within a six kilometre radius of an airport. Within the six kilometre radius, there is a primary area that is divided into four lighting zones. These zones reflect the degree of interference ground lights can cause as the pilot approaches landing.</p>	<p>Support for Chapter 2.5 is noted.</p> <p>With regard to Chapter 2.7, it is agreed that the following amendments be made: Acts <i>and Policies</i></p> <p>...</p> <ul style="list-style-type: none"> • The National Airports Safeguarding Framework (NASF) which includes the ten following Guidelines: <ul style="list-style-type: none"> ▪ Principles for National Airports Safeguarding Framework ▪ Guideline A: Managing Aircraft Noise ▪ Guideline B: Managing Building Generated Windshear and Turbulence ▪ Guideline C: Managing Wildlife Strike Risk ▪ Guideline D: Managing Wind Turbine Risk to Aircraft ▪ Guideline E: Managing Pilot Lighting Distraction ▪ Guideline F: Managing Protected Airspace Intrusion ▪ Guideline G: Communications, Navigation and Surveillance ▪ Guideline H: Protecting Strategically Important Helicopter Landing Sites ▪ Guideline I: Managing the Risk in Public Safety Areas at the Ends of Runways <p>These guidelines can be accessed at https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/aviation-safety/aviation-environmental-issues/national-airports-safeguarding-framework/national-airports-safeguarding-framework-principles-and-guidelines</p> <p>With regard to 3.3.3 Reflectivity, it is agreed that a new Objective O2 be included: “To reduce the risk of distractions to pilots of aircraft from lighting and light fixtures near Sydney Airport.”</p> <p>It is also agreed that a new Control C5 be included: “National Airports Safeguarding Framework Guideline E – Managing Pilot Lighting Distraction should be referred to where relevant. This is available to view at: https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/aviation-safety/aviation-environmental-issues/national-airports-safeguarding-framework/national-airports-safeguarding-framework-principles-and-guidelines”</p> <p>With regard to 3.7.1, it is recommended that, under General Design and Layout, a new Control C17 be included: To ensure aviation safety, the management of vegetation in areas that are close to Sydney Airport needs to be considered. This includes avoiding the planting of tree species that will either attract wildlife or grow to a height that would intrude into Sydney Airport’s prescribed airspace. In particular:</p> <ol style="list-style-type: none"> a. Significant landscaping and/or tree planting which includes large numbers of flowering trees should be avoided within 3 km of Sydney Airport b. Trees that are likely to eventually grow to a height that would intrude into one or more of Sydney Airport’s prescribed airspace surfaces should be avoided c. Proposals involving large-scale tree-planting that could provide habitat for species – such as the Grey-Headed Flying Fox – should be accompanied by a risk assessment, to be provided to Council and Sydney Airport Corporation, considering the risk of roosting species flying across the Sydney Airport airfield or in the vicinity of the airport’s flight paths.

External advertising, sports field floodlighting and street lighting are some of the more likely lighting sources requiring consideration.

The intensity of external lighting, the intensity of reflected sunlight, and smoke, dust or particulate matter may also be considered controlled activities under the Airports (Protection of Airspace) Regulations 1996, and therefore subject to the regulatory regime in those regulations.

Map 32 in Sydney Airport's Master Plan 2039 illustrates the lighting restriction zones associated with each of the Sydney Airport runways. This map is reproduced below.



Recommend including new Objective O2:
To reduce the risk of distractions to pilots of aircraft from lighting and light fixtures near Sydney Airport.

Recommend new control C5:
National Airports Safeguarding Framework Guideline E – Managing Pilot Lighting Distraction should be referred to where relevant.

3.7.1:
Wildlife populations in areas close to airports or under flight paths, including at Sydney Airport, can present a significant hazard to aircraft operations.

Note. Sydney Airport Corporation can provide a list of tree species that should be avoided on request.

With regard to 3.8.1, landowners seeking removal of tree will continue to be required to apply to do so. No change recommended.

With regard to 3.13, it is recommended that the title of this subchapter be amended to read:
Development in areas subject to aircraft noise and affected by Sydney Airport's prescribed airspace

It is agreed that Objective O2, be amended to read:

- a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford-Smith) Airport and its flight paths,
- b) to assist in minimising the impact of aircraft noise from the airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
- c) to ensure that development in the vicinity of that airport does not hinder or have any other adverse impact on the ongoing, safe and efficient operation of the airport.

It is agreed that Objectives O3 and O4 be amended to delete references to PANS-OPS and OLS and replace with **"prescribed airspace"**.

Under 3.13, it is recommended that a new Control C12 be created:
Development in proximity to Sydney Airport is to be undertaken in accordance with the relevant National Airport Safeguarding Framework (NASF).

With regard to Part 6 Non-Residential Development, it is agreed that the following new subchapter be created:

6.4.3 Waste Facilities	
Objective	Control
O1 To ensure waste facilities are not located in an area that would increase the risk of collisions between wildlife and aircraft flying to or from Sydney Airport.	C1 A proponent for a new or expanded waste facility should refer to and comply with the National Airports Safeguarding Framework <i>Guideline C – Managing Wildlife Strike Risk</i> .

	<p>Wildlife – including birds and flying-foxes – have the potential to both compromise the safety of aircraft and airline passengers and may result in damage or operational delays and costs to aircraft operators.</p> <p>Consistent with NASF <i>Guideline C: Managing Wildlife Strike Risk</i>, the appropriate management of vegetation in the vicinity of an airport is important to ensure aviation safety.</p> <p>Appropriate management in this context includes avoiding the planting of certain tree species because those trees will:</p> <ul style="list-style-type: none"> • attract wildlife – such as birds or flying foxes – to locations that are close to Sydney Airport. This increases the risk of wildlife strike affecting aircraft flying at low altitude when taking off from or landing on one of the airport's runways; and • eventually grow to a height that would intrude into Sydney Airport's prescribed airspace, thereby posing an increased risk to aviation safety. <p>Recommend new objective: <i>To ensure aviation safety, the management of vegetation in areas that are close to Sydney Airport needs to be considered. This includes avoiding the planting of tree species that will either attract wildlife or grow to a height that would intrude into Sydney Airport's prescribed airspace. Sydney Airport can provide a list of tree species that should be avoided on request.</i></p> <p>Recommend new controls: <i>Significant landscaping and/or tree planting which includes large numbers of flowering trees should be avoided within three kilometres of Sydney Airport.</i></p> <p><i>Trees that are likely to eventually grow to a height that would intrude into one or more of Sydney Airport's prescribed airspace surfaces should be avoided.</i></p> <p><u>3.7.2:</u> The need to avoid the planting of wildlife attracting tree species outlined in item 4 above is also relevant to this clause.</p> <p>Recommend including appropriate cross reference to the new objective and controls in clause 3.7.1 (General Design and Layout).</p> <p><u>3.7.6:</u> The need to avoid the planting of wildlife attracting tree species outlined above in item 4 is also relevant to this clause.</p> <p>However, even if such planting is proposed to occur in an area that is more than three kilometres from Sydney Airport, the location of such planting needs to be considered.</p> <p>For example, any proposal to restore habitat for Grey-Headed Flying Foxes (GHFF) in a wetland in the vicinity of Sydney Airport (e.g. Rockdale Wetlands, Wolli Creek or other locations shown in the Biodiversity maps) needs to have regard to the fact that the large numbers of GHFF that may end up roosting there will likely fly regularly between that wetland and another location (such as Centennial Park). This in turn could see large numbers of GHFF flying over Sydney Airport and its runways. This would pose an unacceptable risk to aviation safety and should therefore be avoided.</p> <p>Recommend new objective: <i>Any large scale restoration of habitat for threatened species – such as the Grey-Headed Flying Fox (GHFF) – in the Bayside local government area needs to consider the risk of locating such habitat in a location that may result in roosting GHFF either flying across the Sydney Airport airfield or in the vicinity of the airport's flight paths.</i></p> <p>Recommend new control: <i>Risk assessment to be provided to council and Sydney Airport for consideration.</i></p> <p><u>3.8.1:</u> Due to the historical planting of inappropriate tree species on public and private property in the vicinity of Sydney Airport, there are a number of existing trees that have grown into or will soon grow into Sydney Airport's prescribed airspace.</p> <p>Sydney Airport annually identifies the location of such trees and can provide that information to council on request.</p>	
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	<p>Such trees may in the future need to be trimmed or even removed to reduce or eliminate an unacceptable risk to aviation safety. Removing such trees in these circumstances should be permissible without council consent.</p> <p>Recommend new objective: To prevent trees or other vegetation from growing into one or more of Sydney Airport's prescribed airspace surfaces.</p> <p>Recommend adding the following to existing Control C4: <i>g. the tree has reached a height that is intruding (or soon will intrude) into one or more of Sydney Airport's prescribed airspace surfaces</i></p> <p>3.13: To better align with clauses 6.7 and 6.8 of the Bayside LEP, this section would be more appropriately worded:</p> <p><i>Development in areas subject to aircraft noise and affected by Sydney Airport's prescribed airspace</i></p> <p>Objective O2 would be more appropriately worded so it is consistent with the objectives listed in clause 6.8(1) of the Bayside LEP. Recommend amending to read as:</p> <ul style="list-style-type: none"> a) <i>to prevent certain noise sensitive developments from being located near the Sydney (Kingsford-Smith) Airport and its flight paths,</i> b) <i>to assist in minimising the impact of aircraft noise from the airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</i> c) <i>to ensure that development in the vicinity of that airport does not hinder or have any other adverse impact on the ongoing, safe and efficient operation of the airport.</i> <p>Objectives O3 and O4 refer to only two of Sydney Airport's prescribed airspace surfaces, being the Obstacle Limitation Surface (OLS) and Procedures for Air Navigation Systems Operations (PANS-OPS).</p> <p>There are in fact five other surfaces that exist to ensure that off-airport obstacles don't interfere with signals from ground-based air navigation equipment (such as radar) or obscure airport safety lights (such as high intensity approach lights, or HIAL). Further information on these surfaces can be found here: https://www.sydneyairport.com.au/corporate/planning-and-projects/airspace-protection-tile</p> <p>Collectively, these five surfaces and the OLS and PANS-OPS comprise Sydney Airport's "prescribed airspace".</p> <p>Clause 6.7 of the Bayside LEP correctly refers to "prescribed airspace" and therefore captures all relevant airspace surfaces.</p> <p>Recommend amending Objectives O3 and O4 to refer to "prescribed airspace"</p> <p>Proposed control C4 states that aircraft noise sensitive land uses such as but not limited to residential development, educational establishments, hospitals, nursing homes are not to be located within the 30+ ANEF contour. Child care centres are also discouraged from being located within 30+ ANEF contours and must demonstrate appropriate noise attenuation measures.</p> <p>With respect to schools and universities (i.e. educational establishments), hospitals and nursing homes, the relevant Australian Standard (AS2021-2015 Acoustics—Aircraft noise intrusion—Building siting and construction) states that such land uses are conditionally acceptable between the 20 to 25 ANEF contours and unacceptable in areas above the 25 ANEF contour. As such, this control, as presently drafted, is inconsistent with the Australian Standard.</p> <p>Recommend amending Control C4 to ensure consistency with the above.</p> <p>Proposed control C8 refers to only Sydney Airport's OLS and PANS-OPS surfaces. As outlined in item 10 above, there are another five surfaces that collectively comprise Sydney Airport's prescribed airspace. This control should be amended to include all surfaces by referring to "prescribed airspace".</p> <p>Recommend amending Control C8 to refer to "prescribed airspace".</p>	
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	<p>Part 6 Non-Residential Development</p> <p>NASF Guideline C provides guidelines to State/Territory and local government decision makers to manage the risk of collisions between wildlife and aircraft at or near airports where that risk may be increased by the presence of wildlife-attracting land uses.</p> <p>One such land use is a waste facility and, in particular, a facility that processes food or other putrescible waste. A new subsection should be included in section 6 to ensure NASF Guideline C is referred to if an application to provide such a waste facility is received by council or should council propose such a facility itself.</p> <p>Council should also have regard to the other non-residential land uses included in the Attachment 1 to NASF Guideline C.</p> <p>Recommend including new Subchapter 6.4.3 Waste Facilities:</p> <table><tr><td>Objective</td><td>Control</td></tr><tr><td>O1 To ensure waste facilities are not located in an area that would increase the risk of collisions between wildlife and aircraft flying to or from Sydney Airport.</td><td>C1 A proponent for a new or expanded waste facility should refer to and comply with the National Airports Safeguarding Framework <i>Guideline C – Managing Wildlife Strike Risk</i>.</td></tr></table> <p>7.7.2 Mascot West Employment Lands</p> <p>Supports commitment to protect existing employment lands in the vicinity of both the airport and Port Botany.</p> <p>Other NASF issues not addressed in draft DCP</p> <p>It is noted that the draft DCP does not address issues relevant to the following NASF Guidelines:</p> <ul style="list-style-type: none">- Guideline D: <i>Managing Wind Turbine Risk to Aircraft</i>- Guideline G: <i>Communications, Navigation and Surveillance</i>- Guideline H: <i>Protecting Strategically Important Helicopter Landing Sites</i>- Guideline I: <i>Managing the Risk in Public Safety Areas at the Ends of Runways</i> <p>With the possible exception of Guideline D, these guidelines should be referred to in the draft DCP. However, it is not clear exactly where in the draft DCP such a reference should be made.</p> <p>Recommend these guidelines be referenced in an appropriate part of the draft DCP.</p>	Objective	Control	O1 To ensure waste facilities are not located in an area that would increase the risk of collisions between wildlife and aircraft flying to or from Sydney Airport.	C1 A proponent for a new or expanded waste facility should refer to and comply with the National Airports Safeguarding Framework <i>Guideline C – Managing Wildlife Strike Risk</i> .	
Objective	Control					
O1 To ensure waste facilities are not located in an area that would increase the risk of collisions between wildlife and aircraft flying to or from Sydney Airport.	C1 A proponent for a new or expanded waste facility should refer to and comply with the National Airports Safeguarding Framework <i>Guideline C – Managing Wildlife Strike Risk</i> .					
Port Authority of NSW	<p>References to ‘Sydney Ports’ should be changed to ‘Port Authority of New South Wales’</p> <p>Please note that Port Authority has the role of Harbour Master in all NSW ports. General function is outlined in s88 of <i>Marine Safety Act 1998</i> and summarised as having ‘powers to direct and control the movement, entry and exit of vessels within port areas’.</p> <p>Table 26 refers to some agencies which have been abolished and legislation that has been updated. Please delete ‘NSW Maritime Authority (within Roads and Maritime Services)’. Please update ‘Ports and Waterways Administration Act 1995’ to ‘Ports and Maritime Administration Act 1995’</p> <p>Table 26 states that Port Authority should be notified for <i>Any development application proposing a new structure within 10 metres either side (horizontally or vertically) of the “line of sight” (as detailed in Figures 2 & 3 of this Part) are to be referred to Sydney Ports Corporation for review and comment, to ensure that the proposed development does not impact on the Vessel Traffic Service system.</i></p> <p>This refers to a ‘line of sight’ and ‘Figures 2 and 3 of this Part’. It is not clear where these figures can be found. Please amend the above (in italics) to the following:</p> <p>‘Port Authority of NSW is to be notified for:</p> <ul style="list-style-type: none">• Any proposed works (whether undertaken in relation to a Port Authority of New South Wales facility or not) that will disturb the bed of a port or are otherwise captured under section 110 of the <i>Ports and Maritime Administration Regulation 2021</i> (Schedule 4 of the Regulation);• Any proposed works in or near Port Authority of NSW land;• Any proposed works in or near Penrhyn Estuary;	<p>It is agreed that the draft Bayside DCP 2022 be reviewed generally to ensure that references to Sydney Ports are amended to read “Port Authority of New South Wales”.</p> <p>It is also agreed that 9.2.2 External Notification be reviewed to ensure names of public authorities are up to date.</p> <p>With regard to the item in Table 26 referring to the Port Authority, it is recommended that the wording be reviewed to ensure consistency with the Port Authority’s submission.</p> <p>It is recommended that the reference “(as detailed in Figures 2 & 3 of this Part)” be deleted.</p>				

	<ul style="list-style-type: none"> In-water proposals adjacent to Port Authority land that would require the use of, or access via, Port Authority land.' <p>Please note that it is a requirement that the Port Authority issues a 'Permission to Lodge' to a proponent prior to lodgement of a development application for consent with the relevant consent authority. As per this process, a copy of the conditions of approval issued by the consent authority is to be provided to the Port Authority for record keeping purposes. For information, please contact planning@portauthoritynsw.com.au</p>	
APA Group	<p>No objection to proposed draft DCP in principle.</p> <p>Requests amendments as follows:</p> <p>Recommend that the Overview section of Chapter 8.3 be amended to include wording to the effect that: <i>Development proposals are to consider land use safety risks for planning proposals near high-pressure gas transmission pipelines consistent with HIPAP 6 – Hazard Analysis and compared against the HIPAP 4 risk criteria.</i></p> <p>Also recommend referencing compliance with provisions under SEPP (Transport and Infrastructure) 2021, Division 12A, Subdivision 2, Development adjacent to pipeline corridors.</p> <p>Recommend that, under 8.3, Control C3, for development proposals including sensitive uses, as listed within the draft DCP, and within the pipeline Measurement Length (zone of influence), referral is required to APA to confirm requirements for a Safety Management Study (SMS) and any subsequent recommendations be incorporated into future approvals for development. This is pursuant to Clause 2.77, SEPP (Transport and Infrastructure) 2021.</p> <p>Under 9.2.2 External Notification, Table 26, please update APA Group contact details to: APA Group planningnsw@apa.com.au Freecall 1800 103 452</p> <p>Legislation: <i>SEPP (Transport and Infrastructure) 2021</i> <i>Pipelines Act 1967</i></p> <p>It is also noted that, under the Development Application Note column, there is reference to the 'zone of influence for the High Pressure Gas Pipeline – i.e. the shaded area in Figure 4'. It is not clear where this Figure exists. Recommended that the Draft DCP Appendices include maps identifying the High Pressure Gas Transmission Pipeline (Moomba to Sydney Ethane pipeline) and its Measurement Length as the Zone of Influence.</p> <p>Recommend that, under 9.3.1 Land Use Categories, the list of Sensitive Uses be amended to include the following uses: Child care centres; Detention facility; Educational facility; Function facility; Health care services; Hospital; Hotel; Place of worship; Residential care facility; Retirement facility; Shopping centre; Theatre.</p> <p>Recommended that, for DAs within the Zone of Influence, Council seek input from APA to ensure safety and security of energy supply matters are properly considered, pursuant to Clause 2.77, SEPP (Transport and Infrastructure) 2021.</p>	<p>Agreed that the Overview of Chapter 8.3 be amended to include the following: <i>Development proposals are to consider land use safety risks for planning proposals near high-pressure gas transmission pipelines consistent with HIPAP 6 – Hazard Analysis and compared against the HIPAP 4 risk criteria.</i></p> <p>Recommended that Chapter 8.3, Control C3 be amended to read: <i>Development adjacent or adjoining sites/uses/pipelines that involve the storage and/or transport of hazardous substances are to:</i></p> <ol style="list-style-type: none"> <i>prepare a risk assessment in accordance with the Hazardous Industry Planning Advisory Papers</i> <i>comply with provisions under State Environmental Planning Policy (Transport and Infrastructure) 2021, Division 12A, Subdivision 2, Development adjacent to pipeline corridors</i> <p>With regard to development within the Measurement Length (zone of influence), any relevant development proposals within this area will be referred to APA Group for consideration under 8.3 Control C8, regardless of level of sensitivity of the land use. No further changes recommended.</p> <p>With regard to 9.2.2 External Notification, it is recommended that the wording "ie the shaded area in Figure 4" be deleted, as this area is not available for public viewing.</p> <p>Agreed that the other recommended changes to the item referring to APA Group be amended in accordance with APA Group's submission.</p> <p>With regard to 9.3.1 Land Use Categories, it is agreed that the list of Sensitive Uses be amended in accordance with APA Group's submission.</p>
NSW Environmental Protection Authority	<p><u>Land use conflict</u></p> <p>Recommends the following specific amendments to address land use conflict between industrial and other uses:</p> <ul style="list-style-type: none"> P11, 2.5: Insert "<i>minimise land use conflict, particularly between residential and industrial land uses</i>" as an objective PP15-16, C3: for surrounding land, the Site Analysis Plan should show: <i>n. nearby industrial uses</i> P243, O3: change to "To ensure the site layout and setbacks minimise adverse impacts, <u>including noise, air quality and odour impacts</u>, on surrounding area and land uses and contribute to a pleasant environment and streetscape." P252, O1: change to "To ensure storage areas within industrial developments are adequately sited, screened and designed to reduce amenity and environmental impacts, <u>including noise, air quality and odour impacts on sensitive receivers</u>" 	<p>With regard to 2.5 Aims and Objectives of the Plan, amend to include: <i>"To minimise land use conflict, particularly between residential and industrial land uses"</i></p> <p>With regard to 3.1.1 Site Analysis Plan, amend Control C4 to include: <i>k. the location of any nearby industrial uses</i></p> <p>With regard to 3.5.7, introduce new Objective O3: <i>"O3. "Waste management and recycling processes adopted by residential facilities should be guided by the Better practice guide for resource recovery in residential developments (EPA, 2019)".</i></p> <p>With regard to 3.11.1 Contamination – General:</p> <ul style="list-style-type: none"> amend Control C4 as follows: <i>"c. Provide a Detailed Site Investigation (DSI) when the results of a Preliminary Site Investigation (PSI) indicate the site has been or may have been used for a potentially</i>

<ul style="list-style-type: none"> • P326, O3: change to “To ensure that new residential development provides an acceptable level of amenity, <u>by minimising noise, air quality and odour impacts</u>, where located adjacent to non-residential land uses, through appropriate design responses.” • P436, O9: To mitigate the visual and environmental impacts, <u>including noise, air quality and odour impacts</u>, to nearby residential development. • P451, O2: To ensure that industrial uses are compatible with adjoining established residential areas <u>and avoid land use conflicts as a result of the colocation of these uses</u>. <p><u>Noise impacts</u></p> <p>Recommends the following amendments to address ongoing land use conflicts resulting from adverse noise impacts:</p> <ul style="list-style-type: none"> • P137, C2: Council may wish to reference the <i>Approved Methods for Measurement and Analysis of Environmental Noise in NSW</i> (EPA 2022) to ensure the rigour of Noise Impact Assessments. • P249, C43: Council may wish to take into consideration annoying noise characteristics that can worsen noise impacts, such as those contained in fact sheet C of the <i>Noise Policy for Industry</i> (EPA 2013). • P249, C43: Also noted that the limit of background noise plus 5dBA may not be appropriate for all development types and Council may wish to impose bespoke limits for particular development applications. The DCP should give Council the freedom to do so if required. More information can be found in the <i>Noise Guide for Local Government</i> (EPA 2013) – a draft version of the new <i>Noise Guide for Local Government</i> has been exhibited and contains more information on this topic. • PP250-251, C46: Change to “Loading and unloading must not to detract from the amenity of nearby residential areas or residential zoned land, <u>including by noise impacts</u>.” <p><u>Road and rail noise</u></p> <p>Part 7 Specific Places section of the DCP encourages residential development in proximity to busy roads and rail lines in suburbs such as Arncliffe and Banksia. These proposals should be guided by the <i>Development near rail corridors and busy roads – interim guideline</i> (Department of Planning 2008). Recommended that the draft DCP is amended to reference and require compliance with the interim guideline, as relevant.</p> <p><u>Air quality and odour impacts</u></p> <p>Suggests that the draft DCP’s focus on air quality and odour is strengthened by the following amendments:</p> <ul style="list-style-type: none"> • P249, O8: Change to “To ameliorate any potential adverse amenity, noise, privacy, <u>air quality</u>, odour or overshadowing impacts upon any adjoining or neighbouring residential development from any proposed non-residential development.” • P249, C42: Change to “Noise, generation and <u>air and odour emissions quality levels</u> generated from the functions and operations of a development including associated vehicles are not to have <u>an significantly</u> adverse impact on the amenity of non-industrial/business uses and residential areas in the vicinity of the site. • P252, C48: Change to: Before granting consent for development Council must take into consideration such of the following matters as are relevant to the proposed development: ... d. the impact of any noise, <u>air quality or odour impacts</u> from activities of any <u>proposed development office premises</u> on surrounding residential amenity • P451, C5: Development is not to adversely impact on the surrounding established residential areas through noise, traffic, <u>air quality, odour and any other</u> pollution and risk. <p><u>Contamination</u></p> <p>Recommends the following amendments to strengthen the draft DCP’s consideration of contamination:</p> <ul style="list-style-type: none"> • P117, C4(c): Change to “Provide a Detailed Site Investigation (DSI) when the results of a Preliminary Site Investigation (PSI) indicate the site has been or may have been used for a potentially contaminating activity (<u>see Table 1 of the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land</u>), may be contaminated beyond appropriate guidelines for the proposed land use...” • P117, C4(d): Change to “Where appropriate, provide a Site Specific Risk Assessment if concentrations of contamination exceed <u>generic Tier 1</u> assessment criteria...” 	<p>contaminating activity (<u>see Table 1 of the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land</u>), may be contaminated beyond appropriate guidelines for the proposed land use...”</p> <p>“d. Where appropriate, provide a Site Specific Risk Assessment if concentrations of contamination exceed <u>generic Tier 1</u> assessment criteria...”</p> <p>“f. Provide a Site Remediation and Validation Report, when remediation or management of contaminated soil or groundwater is required, to detail the site work undertaken and demonstrate compliance with contaminated land guidelines <u>made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997</u> and all other applicable regulatory requirements.”</p> <ul style="list-style-type: none"> • Amend Control C8 to read: “Council’s preference is for <u>a Section A1 an-unconditional</u> Site Audit Statement (SAS), however in circumstances where this is not possible <u>a section A2 site audit statement with conditions may be submitted conditions for ongoing site management and restrictions on the site’s future land use may be required</u>.” • Amend Control C11 to read: “For the use of C11e) <u>C10c)</u> - consolidation and isolation of soil on-site, or C11-e) <u>C10e)</u> – implementation of a management strategy, Council must be satisfied the strategy...” <p>With regard to 3.14.3 Acoustic Privacy – Non-Residential, amend Control C2 to insert at the end: “<u>It should take into account Approved Methods for Measurement and Analysis of Environmental Noise in NSW (EPA 2022)</u>.”</p> <p>With regard to 6.4 Industrial premises:</p> <ul style="list-style-type: none"> • Amend Objective O3 to read: “To ensure the site layout and setbacks minimise adverse impacts, <u>including noise, air quality and odour impacts</u>, on surrounding area and land uses and contribute to a pleasant environment and streetscape.” • Amend Objective O1 under Storage within industrial buildings (p252) to read: “Objective O11. To ensure storage areas within industrial developments are adequately sited, screened and designed to reduce amenity and environmental impacts, <u>including noise, air quality and odour impacts on sensitive receivers</u>.” • Amend Objective O8 to read: “To ameliorate any potential adverse amenity, noise, privacy, <u>air quality</u>, odour or overshadowing impacts upon any adjoining or neighbouring residential development from any proposed non-residential development.” • Introduce new Control under Amenity and Operation: “<u>C#. Waste management and recycling processes of commercial and industrial facilities should be guided by the Waste Management and Recycling in Commercial and Industrial Facilities (EPA, 2012).</u>” • Amend Control C42 to read: “Noise, generation and <u>air and odour emissions quality levels</u> generated from the functions and operations of a development including associated vehicles are not to have <u>an significantly</u> adverse impact on the amenity of non-industrial/business uses and residential areas in the vicinity of the site.” • Amend Control C46 to read: “Loading and unloading must not to detract from the amenity of nearby residential areas or residential zoned land, <u>including by noise impacts</u>.” • Amend Control C48 to read: “Before granting consent for development Council must take into consideration such of the following matters as are relevant to the proposed development: d. the impact of any noise, <u>air quality or odour impacts</u> from activities of any <u>proposed development office premises</u> on surrounding residential amenity. e. the building’s land’s suitability for conversion the proposed use/s, including by <u>considering</u> potential sources of contamination from the previous <u>and current land use/s</u>.” <p>With regard to Chapter 7.5.2, amend Objective O3 to read:</p>
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	<ul style="list-style-type: none"> P117, C4(f): Change to “Provide a Site Remediation and Validation Report, when remediation or management of contaminated soil or groundwater is required, to detail the site work undertaken and demonstrate compliance with contaminated land guidelines <u>made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997</u> and all other applicable regulatory requirements.” P119, C8: Change to “Council’s preference is for <u>a Section A1 an-unconditional</u> Site Audit Statement (SAS), however in circumstances where this is not possible <u>a section A2 site audit statement with conditions may be submitted conditions for ongoing site management and restrictions on the site’s future land use may be required.</u>” P120, C11: Change to “For the use of <u>C11e) C10c)</u> - consolidation and isolation of soil on-site, or <u>C11-e) C10e)</u> – implementation of a management strategy, Council must be satisfied the strategy...” P252, C48: Change to: Before granting consent for development Council must take into consideration such of the following matters as are relevant to the proposed development: ... e. the <u>building’s land’s</u> suitability for <u>conversion the proposed use/s, including by considering</u> potential sources of contamination from the previous <u>and current land</u> use/s. P344, O5: Change to “Note: Sydney Water owns Alexandra Canal, which is located on Council’s northwestern boundary. The Environment Protection Authority (EPA) has <u>declared the bed sediments of the Alexandra Canal between Huntley Street, Alexandria and the junction of Alexandra Canal with the Cooks River at Mascot as a remediation site. EPA has</u> determined that the sediments in the canal are contaminated to the extent that they constitute a ‘significant risk of harm’ <u>to human health and the environment</u> under the <i>Contaminated Land Management Act 1997</i> (<u>declaration no. 21008 / Area #3151; remediation order 23004 / Area #3151</u>). Since re-mobilisation of the sediments could increase the extent of the contamination, the EPA has indicated that the sediments should not be disturbed. <p><u>Water quality</u></p> <p>Supports the incorporation of Water Sensitive Urban Design principles in the draft DCP. Suggests that relevant NSW water quality policies should also be referenced, as follows:</p> <ul style="list-style-type: none"> P410, O3: To ensure that development minimises the quantity of stormwater runoff, its impact on the aquatic environment and the potential disturbance of contaminated sediments <u>and is guided by the Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</u> (EPA, Office of Environment and Heritage, 2017) and <u>NSW Water Quality and River Flow Objectives</u>. <p><u>Waste management</u></p> <p>Suggests strengthening waste management objectives and controls, by referencing and implementing relevant EPA policies as follows:</p> <ul style="list-style-type: none"> P67, 3.5.7: Insert new objective regarding waste management and accompanying control as follows: <u>“Waste management and recycling processes adopted by residential facilities should be guided by the Better practice guide for resource recovery in residential developments (EPA, 2019)”</u>. P242, 6.4: Insert new objective regarding waste management and accompanying control as follows: <u>“The waste management and recycling processes of commercial and industrial facilities should be guided by the Waste Management and Recycling in Commercial and Industrial Facilities (EPA, 2012).”</u> 	<p>“To ensure that new residential development provides an acceptable level of amenity, <u>by minimising noise, air quality and odour impacts</u>, where located adjacent to non-residential land uses, through appropriate design responses.”</p> <p>With regard to Chapter 7.7.2, amend Objective O5 to read: “Note: Sydney Water owns Alexandra Canal, which is located on Council’s northwestern boundary. The Environment Protection Authority (EPA) has <u>declared the bed sediments of the Alexandra Canal between Huntley Street, Alexandria and the junction of Alexandra Canal with the Cooks River at Mascot as a remediation site. EPA has</u> determined that the sediments in the canal are contaminated to the extent that they constitute a ‘significant risk of harm’ <u>to human health and the environment</u> under the <i>Contaminated Land Management Act 1997</i> (<u>declaration no. 21008 / Area #3151; remediation order 23004 / Area #3151</u>). Since re-mobilisation of the sediments could increase the extent of the contamination, the EPA has indicated that the sediments should not be disturbed.”</p> <p>With regard to Chapter 7.12.5.3, amend Objective O3 to read: “To ensure that development minimises the quantity of stormwater runoff, its impact on the aquatic environment and the potential disturbance of contaminated sediments <u>and is guided by the Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</u> (EPA, Office of Environment and Heritage, 2017) and <u>NSW Water Quality and River Flow Objectives</u>.”</p> <p>With regard to Chapter 7.13.2.2, amend Objective O9 to read: “To mitigate the visual and environmental impacts, <u>including noise, air quality and odour impacts</u>, to nearby residential development.”</p> <p>With regard to 7.15.3, amend Control C5 to read: “Development is not to adversely impact on the surrounding established residential areas through noise, traffic, <u>air quality, odour and any other</u> pollution and risk.”</p> <p>Recommend no change to 6.4 Control C43, but that requirements for Acoustic Reports be revisited upon finalisation of the updated Noise Guide for Local Government by EPA.</p> <p>With regard to Part 7 Specific Places, the chapters contained in these Parts are generally carried over from current DCP chapters. Further, amenity impacts of development in proximity to rail corridors and busy roads are already sufficiently covered in the draft DCP generally. No changes are recommended.</p>
Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Airspace Protection and Airport Safeguarding)	<p>No recommended changes or substantive comments on the draft DCP.</p> <p>Notes that Council has consulted with Sydney Airport Corporation Ltd on the draft DCP and recommend that Council have regard to any issues or comments raised by Sydney Airport in relation to potential impacts on aviation operations/safety for the airport.</p>	Noted.