

Draft Bayside Development Control Plan 2022 – Table of Amendments following September-October 2022 Exhibition

Exhibited Chapter	Exhibited Provision	Proposed Post-Exhibition Change	Rationale
2.4 Application and Consent Authority	Figure 1	Amend Figure 1 Land Application Map to exclude land at Cooks Cove (subject to Chapter 6 of SEPP (Precincts – Eastern Harbour City) 2021) and Port Botany (subject to Chapter 5 of SEPP (Transport and Infrastructure) 2021).	Following post-exhibition review by Council officers, it was identified that these areas had been included erroneously, as they are subject of separate planning processes where Council is not the relevant planning authority for the preparation of site-specific DCP provisions.
2.5 Aims and Objectives of the Plan		Amend bullet point wording to include: <ul style="list-style-type: none"> “To minimise land use conflict, particularly between residential and industrial land uses” 	Responding to NSW Environmental Protection Authority feedback.
2.7 Relationship to other plans, standards, and codes	General	Amend wording to include: <p>“Acts and Policies</p> <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979; Environmental Planning and Assessment Regulation (2021); Local Government Act 1993; Roads Act 1993; Biodiversity Conservation Act 2016; Protection of the Environment Operations Act 1997; Relevant Regional and District Plans, and Local Strategic Planning Statements, as identified from time to time; Any relevant State Environmental Planning Policy (SEPP); Any relevant Land and Environment Court Planning Principle; National Construction Code and Building Code of Australia; Any relevant Australian Standard (identified or not in this Plan); and Any applicable policy or guideline adopted by Council. 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 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 	Responding to Sydney Airport Corporation Ltd feedback.

3.1.1 Site Analysis Plan	Control C4	Amend wording to include: “ k. the location of any nearby industrial uses ”	Responding to NSW Environmental Protection Authority feedback.
3.1.2 Interface with Public Domain	Control C2	Amend wording “...promotes a high level of pedestrian amenity and equitable access ”.	Responding to feedback from Design Review Panel (DRP) – refer to Attachment 3.
3.1.2 Interface with Public Domain		Amend to introduce new Control C8: “ Developments are to be designed so that required services and infrastructure (e.g. hydrants) that interface with the public domain are considered and integrated into the built form design at development assessment stage. ”	Responding to DRP feedback.
3.1.2 Interface with Public Domain	Control C3	Amend (o) “Avoid long blank walls and deep insets ”	Responding to DRP feedback.
3.1.4 Active Street Frontages	Control C4	Amend wording “The ground floor entries to all uses are to generally have...”	Responding to DRP feedback.
3.1.5 Views	Control C2	Amend wording “Development must retain existing views to Botany Bay, from within the site, and from adjoining and adjacent sites , and...”	Responding to DRP feedback.
3.3.2 Natural daylight and ventilation (passive design)	Figure 4	Amend Figure 4 to clarify that measurements are for clear space and provision of services, in addition to slabs	Responding to DRP feedback.
3.3.2 Natural daylight and ventilation (passive design)	Control C1	Amend heights to 3.3m to ensure consistency with Apartment Design Guide (ADG)	Responding to Community Submission 67.
3.3.2 Natural daylight and ventilation (passive design)	Control C4	Amend wording “Buildings must have an adequate number of openings at each level to allow natural light and ventilation, including lift lobbies and entries. ”	Responding to DRP feedback.
3.3.3 Reflectivity		Amend to introduce a new Objective O2, to read: “ To reduce the risk of distractions to pilots of aircraft from lighting and light fixtures near Sydney Airport. ”	Responding to Sydney Airport Corporation Ltd feedback.
3.3.3 Reflectivity		Amend to introduce a new Control C5, to read: “ 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 ”	Responding to Sydney Airport Corporation Ltd feedback.
3.4 Heritage	Multiple controls	Amend any controls that contain wording “are carried out” to instead read “are to be carried out”	Following post-exhibition review by Council officers, it was identified that some controls contained within this chapter read as passive statements, rather than requirements.
3.5.1 Design of the Parking Facility		Amend to introduce new Control C5: “ Car parking facilities are to be designed to prioritise the location of accessible parking spaces so they are in close proximity to lifts and access points. ”	Responding to DRP feedback.
	Control C1	Amend to replace with following wording:	Pursuant to Council’s resolutions of 23 November 2022 and 7 December 2022

3.5.1 Design of the Parking Facility		<p>Off-street parking facilities, including carports, are generally not permitted within the front setback due to the impact on streetscape and landscape character. Driveways/hardstands and carports encroaching into the minimum front boundary setback may be considered for single dwelling houses in circumstances where:</p> <ul style="list-style-type: none">• The hardstand or carport is to serve a single dwelling house (not permitted for any other form of residential development);• There is no opportunity to provide off street parking from a rear lane, side street, or behind the required front setback;• The hardstand or carport is for a single vehicle and is no larger than 3m in width, 6m in length and 3m in height if a flat roof, or 3.6m if a pitched roof;• The design is sympathetic to the host dwelling and the existing streetscape, in regard to materials, scale, form, roof style and the predominant setbacks of similar structures;• The carport does not include enclosing walls, or a solid panel or roller shutter door;• Gates do not encroach upon public land during operation and a minimum length of 5.5m is available so that a parked vehicle does not overhang the front boundary; and• All other requirements of this DCP are met, including landscaping requirements.										
	Control C9	Amend wording at end of control: "...where possible."	Identified by Council officers post-exhibition as an erroneous omission.									
3.5.3 On-site Car Parking Rates	Table 3: Car Parking Rates	Amend residential rates for dwelling house/dual occupancy/semi-detached, secondary dwelling, multi-dwelling housing and residential flat buildings/shop-top housing, to read:	Pursuant to Council's resolution of 23 November 2022									
		<table><tr><th>Land use</th><th>Car Parking Rate</th></tr><tr><td colspan="2">Residential</td></tr><tr><td>Dwelling house / Dual occupancy / Semi-detached</td><td><ul style="list-style-type: none">• 2 spaces per dwelling</td></tr><tr><td>Secondary Dwelling</td><td><ul style="list-style-type: none">• 1 space per dwelling</td></tr><tr><td>Multi Dwelling Housing</td><td><ul style="list-style-type: none">• 1 space per dwelling with 1 bedroom or less• 2 spaces per dwelling with 2 bedrooms or more• 1 visitor parking space per 5 dwellings</td></tr><tr><td>Residential Flat Buildings / Shop-top Housing</td><td><ul style="list-style-type: none">• 1 space per dwelling with 1 bedroom or less• 2 spaces per dwelling with 2 bedrooms or more• 1 visitor parking space per 5 dwellings<p>For sites located within 800m of a railway station, the car parking rates are as stipulated in the RTA Guide to Traffic Generating Developments (version 2.2 dated October 2002) section 5.4.3 – Metropolitan Sub-Regional Centres</p></td></tr></table>		Land use	Car Parking Rate	Residential		Dwelling house / Dual occupancy / Semi-detached	<ul style="list-style-type: none">• 2 spaces per dwelling	Secondary Dwelling	<ul style="list-style-type: none">• 1 space per dwelling	Multi Dwelling Housing
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3.5.4 Bicycle and Motorcycle Parking	Control C1	<p>Amend wording for Boarding Houses and Co-Living Housing to delete: "a. As per requirements stipulated in State Environmental Planning Policy (Housing) 2021"</p> <p>And insert:</p> <p>a. 1 bicycle space per 1 private room or boarding room</p> <p>b. 1 motorcycle space per 5 private rooms or boarding rooms"</p>	The intent of the exhibited control was to apply the quantitative requirements for bicycle and motorcycle parking identified in the SEPP (Housing) 2021. Following commencement of exhibition, Council officers became aware of recent amendments to the SEPP to remove these quantitative requirements and only require "adequate" bicycle and motorcycle parking provision. It is recommended that the quantitative requirements formerly identified in the SEPP be specified in the DCP.									
3.5.6 Loading Facilities	Control C2	Amend to introduce new paragraph (d) Not positioned within the front landscape setback	Responding to DRP feedback.									

3.5.7 Waste collection		Amend to introduce new Objective O3 to read: “Waste management and recycling processes adopted by residential facilities should be guided by the <i>Better practice guide for resource recovery in residential developments</i> (EPA, 2019)”.	Responding to NSW Environmental Protection Authority feedback.
3.5.10 Materials, Colours, Lighting, Landscaping and Signposting	Control C8	Amend wording to include at end of control: “Where possible, permeable paving is to be used for car parking areas to increase opportunity for deep soil.”	Responding to DRP feedback.
3.6.3 Social Impact		<ul style="list-style-type: none"> Amend to introduce new Control ‘C5’, to read: “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 <i>The Protocol for Homeless People in Public Places</i>, available to view at: https://www.facs.nsw.gov.au/providers/working-with-us/programs/homelessness/specialist-services/partnerships/safe-in-public/protocol.” 	Responding to NSW Department of Communities and Justice feedback.
3.7 Landscaping, Private Open Space and Biodiversity	General	Amend to ensure references to statutory instruments are up to date.	Responding to Community Submission 45.
3.7.1 Landscaping	Control C10	Amend wording at end of control: “Permeable paving surfaces to driveways, car parking bays and paved areas should be priorities over non-permeable”.	Responding to DRP feedback.
3.7.1 Landscaping	Figure 7	Amend Figure 7 to illustrate requirement for one tree per lot in front setback.	Responding to DRP feedback.
3.7.1 Landscaping	Control C23	Amend wording: “...more than 5 car spaces at grade, Water Sensitive Urban Design principles, including permeable paving, shall be included in the proposal.”	Responding to DRP feedback.
3.7.1 Landscaping		<p>Amend the section ‘General Design and Layout’ to include a new Control C17, to read: “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> <ul 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. <p>Note. Sydney Airport Corporation can provide a list of tree species that should be avoided on request.”</p>	Responding to Sydney Airport Corporation Ltd feedback.
3.7.5 Landscaping in Carparks	Control C3	Amend wording: “Contrasting materials and finishes, including permeable paving.”	Responding to DRP feedback.

3.10.13 Flood Planning Prescriptive Controls	Table 12	<p>Amend wording to read:</p> <p>“Note: Intensification of critical and sensitive uses and facilities are not suitable in an area categorised as flood hazard category H5 & H6 (refer to section 1.1.15 and G1).”</p> <p><u>Note: Developments (including any intensification of existing development) for Critical and Sensitive uses and facilities are unsuitable within a site that is categorised as a High Flood Hazard (H3 to H6).”</u></p>	Responding to Strategic Floodplain Engineer feedback.
3.10.14 Unsuitable for intensification		<p>Amend wording to read:</p> <p>“Intensification of the land use in high hazard areas may result in increased risk to life and property and unsustainable social and economic costs to the community as a consequence of flooding. As such;</p> <p>Critical and sensitive land use/development is identified as unsuitable for intensification of existing use in high flood hazard category areas within a site (hazard classified as H3 to H6).</p> <ul style="list-style-type: none"> • <u>Developments (including any intensification of existing development) for Critical and Sensitive uses and facilities are unsuitable within a site that is categorised as a High Flood Hazard (H3 to H6); and</u> • <u>Intensification of any residential, commercial or industrial use is identified as unsuitable within the flood-affected part of the land where Flood Hazard is classified as H5 to H6.</u> <p>However, Council may allow the development where flood hazard can be reduced by appropriate flood mitigation such as trunk drainage upgrade, diversion of stormwater asset etc to reduce flood risk in the...”</p>	Responding to Strategic Floodplain Engineer feedback.
3.11.1 Contamination – General	Control C4	<p>Amend wording to read:</p> <p>“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 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 generic <u>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>	Responding to NSW Environmental Protection Authority feedback.
3.11.1 Contamination – General	Control C8	<p>Amend wording to read:</p> <p>“Council’s preference is for <u>a Section A1</u> an unconditional Site Audit Statement (SAS), however in circumstances where this is not possible <u>a section A2 site audit statement with conditions may</u></p>	Responding to NSW Environmental Protection Authority feedback.

		be submitted conditions for ongoing site management and restrictions on the site's future land use may be required."	
3.11.1 Contamination – General	Control C11	Amend wording to read: "For the use of C11e C10c - consolidation and isolation of soil on-site, or C11e C10e – implementation of a management strategy, Council must be satisfied the strategy..."	Responding to NSW Environmental Protection Authority feedback.
3.13 Obstacle Limitation Surface and Airspace	General	Amend Sub-Chapter Title wording to read: "Development in areas subject to aircraft noise and affected by Sydney Airport's prescribed airspace"	Responding to Sydney Airport Corporation Ltd feedback.
3.13 Obstacle Limitation Surface and Airspace	Objective O2	Amend Objective O2 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."	Responding to Sydney Airport Corporation Ltd feedback.
3.13 Obstacle Limitation Surface and Airspace	Objective O3	Amend the Objective to replace references to 'PAN-OPS' with "prescribed airspace"	Responding to Sydney Airport Corporation Ltd feedback.
3.13 Obstacle Limitation Surface and Airspace	Objective O4	Amend the Objective to replace references to 'PAN-OPS' with "prescribed airspace"	Responding to Sydney Airport Corporation Ltd feedback.
3.13 Obstacle Limitation Surface and Airspace	Control C7	Amend the Control 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"	Responding to Civil Aviation safety Authority (CASA) feedback.
3.13 Obstacle Limitation Surface and Airspace	Control C8	Amend the Control 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."	Responding to Civil Aviation safety Authority (CASA) feedback.
3.13 Obstacle Limitation Surface and Airspace	Control C10	Amend the Control 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 "	Responding to Civil Aviation safety Authority (CASA) feedback.
3.13 Obstacle Limitation Surface and Airspace		Amend to introduce new Control C12 to read: "Development in proximity to Sydney Airport is to be undertaken in accordance with the relevant National Airport Safeguarding Framework (NASF)."	Responding to Sydney Airport Corporation Ltd feedback.
3.14.1 Noise and Vibration – General	Control C2	Amend references to "Sydney Port Land(s)" to read: "port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road)".	Responding to NSW Ports feedback.

3.14.2 Acoustic Privacy – Residential	Control C5	Amend references to “Sydney Port Land(s)” to read: “ port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road) ”.	Responding to NSW Ports feedback.
3.14.2 Acoustic Privacy – Residential	Control C10	Amend references to “Sydney Port Land(s)” to read: “ port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road) ”.	Responding to NSW Ports feedback.
3.14.3 Acoustic Privacy – Non - Residential	Control C2	Amend to insert the following wording at the end: “ <i>It should take into account Approved Methods for Measurement and Analysis of Environmental Noise in NSW (EPA 2022).</i> ”	Responding to NSW Environmental Protection Authority feedback.
5.2.1.3 Setbacks	Control C4	<ul style="list-style-type: none"> Amend the Control 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” 	Responding to NSW Ports feedback.
5.2.3.2 Built Form Controls	Control C1	Amend wording: “Minimum site frontage width is 18m Note. Site frontage width of less...”	Responding to Community Submission 4.
5.2.4.1 Streetscape, Local Character and Quality of Design	Control C2	Amend wording: “ Context and Site Analysis”	Responding to DRP feedback.
5.2.4.1 Streetscape, Local Character and Quality of Design	Control C5	Amend wording: “Buildings provide opportunities for people to engage with the street-public domain through...”	Responding to DRP feedback.
5.2.4.2 Built Form Controls	Control C10	Amend wording “Where the difference in height between the public and private domain at the lot boundary is less greater than 1m...”	Responding to DRP feedback.
5.2.5 Shop-top housing and mixed use	Control C6	Amend heights to 3.3m to ensure consistency with Apartment Design Guide (ADG)	Responding to Community Submission 67.
5.2.7.1 General	Control C2	Amend wording: “A minimum lot width of 24 metres to any street frontage is required for Class 3 boarding house developments and co-living developments.”	Responding to Community Submission 67.
6.3 Commercial Premises	General	Amend title of chapter to “ Business and Office Premises ”	Following post-exhibition review by Council officers, it was identified that, under the Standard Instrument Local Environmental Plan, “commercial premises” refers to a broader group term which includes business and office premises, as well as retail premises (the latter of which is subject to Chapter 6.2). To avoid confusion, Chapter 6.3 should apply specifically to business and office premises.

6.4 Industrial premises	Objective O3	Amend 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.”	Responding to NSW Environmental Protection Authority feedback.				
6.4 Industrial premises	Objective O1 (p.252)	Amend to read as the following: <ul style="list-style-type: none">• O4. 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>”	Responding to NSW Environmental Protection Authority feedback.				
6.4 Industrial premises	Objective O8	Amend 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.”	Responding to NSW Environmental Protection Authority feedback.				
6.4 Industrial premises		Introduce new Control under Amenity and Operation: “C#. Waste management and recycling processes of commercial and industrial facilities should be guided by the <i>Waste Management and Recycling in Commercial and Industrial Facilities</i> (EPA, 2012).”	Responding to NSW Environmental Protection Authority feedback.				
6.4 Industrial premises	Control C42	Amend to read: “Noise, generation and air <u>and odour emissions</u> quality levels generated from the functions and operations of a development including associated vehicles are not to have <u>any</u> significantly adverse impact on the amenity of non-industrial/business uses and residential areas in the vicinity of the site.”	Responding to NSW Environmental Protection Authority feedback.				
6.4 Industrial premises	Control C46	Amend 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> ”	Responding to NSW Environmental Protection Authority feedback.				
6.4 Industrial premises	Control C48	Amend 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</u> office premises on surrounding residential amenity. e. the building's <u>land's</u> suitability for conversion <u>the proposed use/s</u> , including <u>by considering</u> potential sources of contamination from the previous <u>and current land</u> use/s.”	Responding to NSW Environmental Protection Authority feedback.				
6 Non-residential Development	General	Amend to introduce new Sub-Chapter ‘6.4.3 Waste Facilities’ to read: <div><div>6.4.3 Waste Facilities</div><table><tr><th>Objective</th><th>Control</th></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 Guideline C – Managing Wildlife Strike Risk.</td></tr></table></div>	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 Guideline C – Managing Wildlife Strike Risk.	Responding to Sydney Airport Corporation Ltd feedback.
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 Guideline C – Managing Wildlife Strike Risk.						

7.4 Arncliffe and Banksia	Figures	Amend Figures to ensure legibility	Responding to Community Submission 28.
7.4.3.1 Special Character Areas	<i>Arncliffe Town Centre – Built Form</i>	Amend 5 th bullet point: “...unless a specific setback is recommended in 4.1 Building Setback elsewhere in this chapter”	Identified by Council officers post-exhibition as an incorrect cross-reference.
7.15 Banksmeadow Industrial Precinct	7.15.1 Description	Amend 2 nd bullet point to read “B7 Business Park area at 32 Page Street, Pagewood, 81 Holloway Street, Banksmeadow, ”	Council officers noted post-exhibition that land at 32 Page Street is now zoned R3 Medium Density Residential. The remnant B7-zoned land adjoining this site is known as 81 Holloway Street, Banksmeadow.
7.5.2 Controls	Objective O3	Amend to read: “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.”	Responding to NSW Environmental Protection Authority feedback.
7.7.2 Controls	Objective O5	Amend 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.”	Responding to NSW Environmental Protection Authority feedback.
7.8 Mascot Station Town Centre	Figure 68	Amend Figure 68 to reword label “Excluded from Part 9A” to “Excluded from Precinct”	Identified by Council officers post-exhibition as an incorrect chapter reference.
7.12.5.3 Controls	Objective O3	Amend 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> ”	Responding to NSW Environmental Protection Authority feedback.
7.13.2.2 Controls	Objective O9	Amend to read: “To mitigate the visual and environmental impacts, <u>including noise, air quality and odour impacts,</u> to nearby residential development.”	Responding to NSW Environmental Protection Authority feedback.
7.15.3 Controls	Control C5	Amend 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.”	Responding to NSW Environmental Protection Authority feedback.

8.1 Coastal foreshores and hazards		Delete chapter from DCP	Following post-exhibition review by Council officers, it was identified that this chapter duplicates requirements of SEPP (Resilience and Hazards) 2021 relating to coastal management, as well as details not relevant to Bayside LGA. With these details deleted, the overall chapter no longer serves a purpose and should be deleted altogether.
8.2 Wetlands		Relocate chapter to Part 3 General Development Provisions, to be located alongside 3.7 Landscaping, Private Open Space and Biodiversity	Council officers identified post-exhibition that Chapter 8.2 contains provisions and mapping similar to those contained in Chapter 3.7.6 Biodiversity and should be located alongside this chapter.
		Amend to ensure references to statutory instruments and processes are up to date	Responding to Community Submission 45.
8.3 Hazardous development and Risk	Overview	Amend wording in 2 nd paragraph to: "Through the Resilience and Hazards SEPP ,..."	Council officers identified post-exhibition that this reference was erroneously excluded from the overview.
8.3 Hazardous development and Risk	Overview	Amend the 'Overview' section to introduce a 3 rd paragraph as follows: " 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. "	Responding to APA Group feedback.
8.3 Hazardous development and Risk	Control C3	Amend Control C3 to read: " Development adjacent or adjoining sites/uses/pipelines that involve the storage and/or transport of hazardous substances are to: a. prepare a risk assessment in accordance with the Hazardous Industry Planning Advisory Papers b. comply with provisions under State Environmental Planning Policy (Transport and Infrastructure) 2021, Division 12A, Subdivision 2, Development adjacent to pipeline corridors"	Responding to APA Group feedback.
9.2 Notification Procedures		Delete chapter from DCP	Further detailed review on notification procedures for development applications is required to ensure they are consistent with current requirements in the EP&A Act 1979 and Regulation 2021. This can be undertaken in the short term, should Council agree to adopt this DCP. In the interim, notification requirements contained in the current DCPs for the former Rockdale and Botany Bay LGAs can continue to apply for those areas.
9.2.2 External Notification	Table 26	Amend wording relating to NSW Ports to read: "Development in the vicinity of the Port and its main transport routes (road and rail):"	Responding to NSW Ports feedback.
9.2.2 External Notification	Table 26	Amend reference to 'Department of Housing' to read: " Department of Communities and Justice. "	Responding to NSW Department of Communities and Justice feedback.
9.2.2 External Notification	Table 26	Amend wording relating to "Sydney Ports Corporation" within Table 26 as follows: <ul style="list-style-type: none"> "...of the "line of sight" (as detailed in Figures 2 & 3 of this Part) are to be referred to..." Ports and Waterways Maritime Administration Act 1995 	Responding to Port Authority of NSW feedback.
9.2.2 External Notification	Table 26	Amend references to "Sydney Ports Corporation" to read: " Port Authority of New South Wales "	Responding to APA Group feedback.
9.2.2 External Notification	Table 26	Amend wording relating to "APA Group" within Table 26 as follows: <ul style="list-style-type: none"> "APA Group helm@apa.com.au planningnsw@apa.com.au Freecall 1800 103 452 Development within the zone of influence for the High Pressure Gas Pipeline. — in the shaded area in Figure 4. 	Responding to APA Group feedback.

9.3.1 Land Use categories	General	<p>Amend wording related to 'Sensitive Uses and Facilities' to read:</p> <ul style="list-style-type: none">▪ Child care centre;▪ Communication facility;▪ Correctional centre;▪ Detention facility;▪ Educational establishment;▪ Electricity generating works▪ Function facility;▪ Health care services;▪ Hospital;▪ Hotel;▪ Liquid fuel depot;▪ Place of Worship;▪ Public utility undertakings which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events▪ Residential care facility;▪ Respite day care centre▪ Retirement facility;▪ Seniors housing but excluding a residential care facility;▪ Shopping centre; and▪ Theatre.	Responding to APA Group feedback.
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