

Planning Proposal

Bayside Local Environmental Plan (BLEP)



2 April 2020

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1.0	19 November 2019
2.0	2 April 2020 (in response to Gateway conditions dated 19 March 2020 issued by DPIE)

Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed consolidation of the three local environmental plans applying to the Bayside Local Government Area (LGA). The following LEPs will be consolidated to create the Bayside Local Environment Plan (BLEP).

- Rockdale Local Environmental Plan 2011 (RLEP 2011);
- Botany Bay Local Environmental Plan 2013 (BBLEP 2013); and
- Botany Local Environmental Plan 1995 (BBLEP 1995).

This Planning Proposal has been prepared in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment's guidelines, 'A Guide to Preparing Planning Proposals' (December 2018) and 'A Guide to Preparing Local Environmental Plans' (December 2018).

Background

On 9 September 2016, Bayside Council was proclaimed by the Minister for Local Government, resulting in the amalgamation of the former City of Botany Bay and Rockdale City Councils. The planning instruments (as amended) applicable to each of the former Local Government Areas (LGAs) have continued to apply to the LGA boundaries of the former Councils.

For land within the former Botany Bay LGA, BBLEP 2013 (as amended) has continued to apply, except for:

- Three 'Deferred Matter' sites, identified under Clause 1.3A of the BBLEP 2013, to which the BLEP 1995 (as amended) has continued to apply; and
- Land within the *State Environmental Planning Policy (Three Ports) 2013* (SEPP) area, to which the SEPP (as amended) has continued to apply.

For land within the former Rockdale LGA, RLEP 2011 (as amended) has continued to apply, except for:

- Land subject to *Sydney Regional Environmental Plan 33 – Cooks Cove (SREP 33)*, to which SREP 33 (as amended) has continued to apply.

This Planning Proposal has been prepared to harmonise the three existing LEPs identified above, into one LEP that will apply to the equivalent applicable areas covered by the existing LEPs.

Part 1 - Objectives or Intended Outcomes

This Planning Proposal will establish the Bayside LEP, which is the first stage in the implementation of the Bayside Local Strategic Planning Statement. The overriding objective of the Planning Proposal is to harmonise the existing LEPs to create one comprehensive LEP for the Bayside LGA.

It is intended that the Bayside Local Environmental Plan (the BLEP) will:

- Carry forward most of the provisions contained in the following environmental planning instruments:
 - Botany Local Environmental Plan 1995 (BBLEP 1995);
 - Rockdale Local Environmental Plan 2011 (RLEP 2011); and
 - Botany Bay Local Environmental Plan 2013 (BBLEP 2013).
- Create a common set of objectives, land use tables and clauses for the Bayside LGA;
- Reflect the objectives of the Greater Sydney Region Plan: A Metropolis of Three Cities, and the priorities of the Eastern City District Plan;
- Implement the relevant Priorities and Actions of the Bayside Local Strategic Planning Statement; and
- Address anomalies in the written instruments and rectify mapping errors.

Whilst the harmonisation of existing LEPs is not intended to result in extensive changes to planning controls, there are differences between the provisions of the existing LEPs which need to be addressed in the BLEP. As such, this Planning Proposal recommends some changes to the planning controls currently applying in certain areas of the LGA.

Two areas of the LGA that will continue to be excluded from application of the proposed Bayside LEP are those areas covered by the following environmental planning instruments:

- Sydney Regional Environmental Plan No 33 – Cooks Cove; and
- State Environmental Planning Policy (Three Ports) 2013.

Council intends to progress future Planning Proposals to give effect to more complex and extended projects which are outlined in the draft Bayside LSPS.

Part 2 - Explanation of Provisions

This Planning Proposal will achieve the objective of harmonising the existing LEPs by:

- Creating a single written instrument for the Bayside LGA that applies a common set of objectives, land use tables and clauses to the land in the LGA;
- Ensuring consistency with the Standard Instrument (Local Environmental Plans) Order 2006; and
- Initiating the repeal of:
 - The Rockdale Local Environmental Plan 2011 (RLEP 2011);
 - The Botany Bay Local Environmental Plan 2013 (BBLEP 2013); and
 - The Botany Local Environmental Plan 1995 (BBLEP 1995);

The new Bayside Local Environment Plan (the BLEP) will include savings provisions which means the proposed amendments will not affect current development applications or appeal processes.

Clauses

The new Bayside Local Environmental Plan (the BLEP) will incorporate both the 'compulsory' and 'optional' clauses prescribed by the Standard Instrument and make amendments to these, where necessary, to reflect their inclusion in a harmonised LEP. Where existing clauses are consistent across the existing LEPs, the Planning Proposal will incorporate these clauses into the consolidated LEP unchanged. Existing site-specific provisions applying to land in only one of the former LEPs will also be incorporated unchanged.

A comprehensive comparative analysis of each clause has been undertaken, which can be viewed in the Clause Justification Table included in Appendix C – Clause Justification Table:

- Compares the relevant clauses from the BBLEP 2013 and the RLEP 2011;
- Provides a summary of the differences between the clauses; and
- Explains and justifies the retention of each clause and whether they need to be amended or updated.

Land Uses

Some minor changes involving certain uses that are either permitted or prohibited in some zones are proposed. The proposed changes are examined in detail in the:

- Explanatory Paper (see Appendix G);
- Clause Justification Table (see Appendix C); and
- BLEP Land Use Matrix (see Appendix F).

Example of the types of changes to the land use table are as follows:

It should be noted that the original Planning Proposal submitted to DPIE involved the removal of multi-dwelling housing and residential flat buildings from the R2 zone and the removal of residential flat buildings from the R3 zone. These uses were previously listed as 'permitted with consent' in the BBLEP 2013 but were prohibited in the R2 zone in the RLEP 2011. As per condition (1)(b) and (c) of the Gateway determination issued by DPIE, multi-dwelling housing and residential flat buildings are to be retained as permissible uses for R2 zoned land under BBLEP 2013 and residential flat buildings are to be retained as a permissible use for R3 zoned land under BBLEP 2013. To allow these sites to retain permissibility, additional subclauses are to be inserted into the Additional Permitted Uses schedule (Schedule 1) identifying the land as described above.

Removal of 'dwelling houses' from the 'permitted with consent' list in certain business zones:

Dwelling houses are permitted in certain business zones subject to Clause 6.12 of the BBLEP. These business zones are:

- Zone B1 Neighbourhood Centre;
- Zone B2 Local Centre;
- Zone B4 Mixed Use; and
- Zone B7 Business Park.

However, dwelling houses and multi-dwelling housing are currently prohibited in the B1 and B4 zones in the Rockdale LEP 2011. It is considered that these uses are not compatible with the objectives of business zones, such as providing a range of business and commercial uses, encouraging employment opportunities and securing the economic viability of commercial centres.

Removal of 'residential flat buildings' from the 'permitted with consent' list in the 'B2 Local Centre zone':

Currently, residential flat buildings are permitted with consent under the RLEP 2011 in the B2 Local Centre Zone, whereas under the BBLEP 2013, they are prohibited. However, where land has been identified as an 'active street frontage', residential flat buildings are not permitted in either the BBLEP 2013 or the RLEP 2011. To allow greater flexibility for where land can be identified as an active street frontage, it is intended to prohibit residential flat buildings in the B2 zone.

It is intended that this change will help prevent the poor planning outcomes that have often resulted from locating residential flat buildings in the B2 zone, mainly through loss of activation at ground floor level in key commercial areas, either from ground floor residential apartments and/or other inactive uses at street level.

It is important to note that shop top housing will continue to be permitted in the B2 zone.

Removal of 'office premises' from the 'permitted with consent' list in certain residential zones:

Clause 6.13 of the BBLEP 2013 allows the adaptive re-use of existing buildings for office premises in the R2 Low Density Residential and R3 Medium Density Residential zones. However, it is considered that office premises are inconsistent with the primary objectives of the R2 and R3 residential zones, which are:

- To provide for the needs of the community within low and medium density residential environments;
- To provide a variety of housing types within a medium density residential environment; and
- To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.

There is a concern that the retention of this clause and the continued permissibility of office uses in these zones could encourage inappropriately-located, out-of-centre office development which would exacerbate traffic and amenity problems in established residential areas. Furthermore, an appropriate scale of home business or office use would continue to be permitted with consent (and certain restrictions) in these zones.

Introduction of the W2 Recreational Waterways zone on land that was previously unzoned land:

As per LEP Practice Note: PN 11-001 (NSW Government) all land in the LGA must be zoned. Currently, a number of Bayside's waterways exist as unzoned land and as such are potentially exposed to development which may not be compatible with, or could impact adversely on, the unzoned waterway.

The Waterways within the LGA which currently exist as unzoned land are:

- A portion of Georges River adjacent to Sandringham;
- The lower reaches of the Cooks River where it meets Botany Bay; and
- Muddy Creek.

Inclusion of lands identified as 'Deferred Matters' under BBLEP 2013

The BBLEP currently identifies three areas as 'Deferred Matters' from the Botany LEP 1995. These are:

Deferred Matter 1: MacIntosh Street/Botany Road –

Address	Lot	DP	SP
18B Macintosh St	8	1191439	
18A Macintosh St	7	1191439	
16 Macintosh St	1	15513	
14 Macintosh St			89104
12B Macintosh St	5	1191439	
12A Macintosh St	4	1191439	
10C Macintosh St	3	1191439	
10B Macintosh St	2	1191439	
10A Macintosh St	1	1191439	
8 Macintosh St/ 568 Botany Road			4276
2-4 Macintosh St	105 and 106	550420	
562 Botany Rd			65912
564 Botany Rd			3806
566 Botany Rd			4322

Deferred Matter 2: Dransfield Avenue, Mascot –
 • Lot 6 DP 776212

Deferred Matter 3: 26 Tupia Street, Mascot –
 • Lot X DP 32914

Deferred Matter 1: MacIntosh Street/Botany Road –
 The Botany LEP 1995 controls for this land are:

- Residential 2(b) Zone (considered to be generally consistent to the current R3 Medium Density Zone in the BBLEP 2013);
- FSR 0.5:1, with a bonus FSR of 0.5:1 available for residential development on allotments which exceed 2,500sqm, to enable a maximum FSR of 1:1; and
- No Height of Building limit, but the scale of development, if above 2 storeys in height, to be compatible with the scale of existing residential development in the locality.

During public consultation for the Botany Bay LEP 2013, some residents expressed concern in relation to:

- Parking, traffic and access;
- Form of housing and height transition;
- Height;
- Privacy;
- Rubbish removal; and
- Stormwater.

The majority of sites which are affected by Deferred Matter 1 at MacIntosh Street have been developed for 3-4 storey medium density residential development in recent years, with older four storey walk ups located on the majority of sites fronting Botany Road/corner of MacIntosh Street.

It is proposed to encourage retail and commercial uses at the ground floor and include the sites with a frontage to Botany Road in the Active Street Frontage (ASF) map to allow for suitable transition between the proposed B2 Local Centre zoned land and the existing R2 Low Density Residential

zoned land west of the site, it is proposed to zone the western extent of the site to R3 Medium Density Residential.

Further details are provided in the Clause Justification Table (Appendix C).

Deferred Matter 2: Dransfield Avenue, Mascot –

This land was also deferred from the Botany LEP 1995 and was therefore deferred from two consecutive LEPs.

The City of Botany Bay Council recommended that the land be zoned as RE1 Public Recreation zone as part of the Draft Botany Bay LEP 2013, and the then Department of Planning and Environment supported Council's recommendation. An application of the RE1 zone to the land would form a logical extension to the immediately-adjointing RE1 zoned land which is located to the west of the site and which comprises significant contiguous vegetation with evidence of significant regeneration. State Environmental Planning Policy (Infrastructure) 2007 would permit, without consent, a number of uses on the subject site, including:

- Outdoor recreation areas and facilities;
- Landscape structures and features; and
- Amenities such as toilets/change rooms.

Rezoning to RE1 Public Recreation would be consistent with Practice Note PN_10-001: Zoning for Infrastructure in LEPs which advises that surplus public land should be rezoned to be compatible with surrounding land uses having regard to:

- The nature and character of the site (the site contains bushland regrowth);
- Existing adjacent land uses and preferred future uses (existing RE1 land to the west immediately adjoins the land); and
- Regional strategy priorities (the land is mapped in the Sydney Green Grid – Central Priority Project - Mill Stream and Botany Wetlands).

Further analysis is provided in the Clause Justification Table (see Appendix C).

Deferred Matter 3: 26 Tupia Street, Mascot –

The Botany LEP 1995 controls for this land are:

- Residential 2(b) Zone (considered to be generally consistent with the current R3 Medium Density Zone in the BBLEP 2013);
- FSR 0.5:1, with a bonus FSR of 0.5:1 available for residential development on allotments which exceed 2,500sqm, to enable a maximum FSR of 1:1; and
- No Height of Building limit, but the scale of development, if above 2 storeys in height, to be compatible with the scale of existing residential development in the locality.

The Botany Bay Planning Strategy 2031 identified the site for higher density residential, which is inconsistent with the surrounding zoning and planning controls. However, development of the land for residential purposes is consistent with Local Planning Direction 3.1 - Housing, Infrastructure and Urban Development, which:

- Encourages housing types;
- Makes use of, and has access to, existing infrastructure; and
- Does not unreasonably impact on the environment given its current industrial use.

The draft Bayside LEP will be referred to the NSW Port Authority which previously raised concerns in relation to intensification of residential development in proximity to Port Botany. Council will also prepare site-specific DCP provisions for inclusion in the new Bayside Development Control Plan.

A summary of the proposed controls for the Deferred Matter sites is included in Table 1 – Deferred Matters below:

Table 1 – Deferred Matters

Deferred Matter – BBLEP 2013	Proposed Zones and Development Standards – Bayside LEP
MacIntosh Street/Botany Road	Zone: B2 Local Centre; Height of Building: 14m; Floor Space Ratio: 2:1; and Zone: R3 Medium Density Residential; Height of Building: 12m; Floor Space Ratio: 0.85:1
Dransfield Avenue, Mascot	Zone: RE1 Public Recreation
26 Tupia Street, Mascot	Zone: R3 Medium Density Residential; Height of Building: 10m; Floor Space Ratio: 8.5:1

Proposed Minimum Lot Size Controls

As the main objective of the Draft BLEP is to harmonise planning controls, proposed Clause 4.1 has the intention of retaining the current approaches of the equivalent minimum lot size clauses in the RLEP 2011 and BBLEP 2013 (noting the BBLEP 2013 does not adopt this clause).

Changes are discussed in detail in Appendix C, however, as is currently the case, it is not proposed to map minimum lot size controls for residential land currently zoned under the BBLEP 2013.

Council intends that once the Bayside Local Housing Strategy is complete, a future amendment will be made to the Bayside LEP which will inform detailed minimum lot size controls in the LEP.

Proposed Minimum Lot Size Controls for Dual Occupancy development

It is proposed that dual occupancy development under the Bayside LEP will be required to comply with the nominated minimum lot size for the land. This will be identified on the minimum lot size map.

In the R2 and R3 zones under the Rockdale LEP 2011, this is typically 340 to 450 sqm, depending upon the location. There is no minimum lot size for land zoned R4 under the Rockdale LEP 2011.

In the residential zones under the Botany Bay LEP 2013, there is no nominated minimum lot size identified on the lot size mapping. This is not proposed to change under this proposal.

Council intends that once the Local Housing Strategy is complete, a future amendment will be made to the Bayside LEP which will inform detailed minimum lot size controls for a dual occupancy in the LEP.

Proposed Minimum Lot Size for the Subdivision of a Dual Occupancy

The proposed land use tables for the R2 and R3 zones in the Draft BLEP include Dual Occupancy as permitted with consent, given the harmonisation required between the RLEP 2011 and BBLEP 2013. Under the RLEP 2011, a Dual Occupancy is a use permitted with consent in the R2 and R3 zones. However, under the BBLEP 2013, a Dual Occupancy is prohibited in the same zones.

The proposed LEP controls for the subdivision of a dual occupancy development, whether existing or proposed, will be permitted with consent as follows:

- Areas zoned under Rockdale LEP 2011:
 - o each resulting lot will be required to attain a minimum size of 350m²; and
 - o each lot will have one of the dwellings on it.

However, this control will only be applicable to land with an identified minimum lot size. In this instance, land currently zoned R2 and R3 under the Rockdale LEP 2011.

This control seeks to retain existing requirements under the Rockdale LEP 2011.

All other land which permits dual occupancy development under the Bayside LEP and does not have a nominated minimum lot size on the lot size map will be subject to a merit assessment.

Council intends that once the Bayside Local Housing Strategy is complete, a future amendment will be made to the Bayside LEP which will inform detailed minimum lot size controls for the subdivision of Dual Occupancy in the LEP.

Proposed Exclusion in the R2 zone of Semi-Detached and Attached Dwellings from Minimum Lot Size Controls

Currently, the Rockdale LEP 2011 includes clause 4.2A which requires that semi-detached and attached dwellings each attain a minimum lot size of at least 350m² in the R2 zone. In areas outside the R2 zones, where permitted, they are required to comply with the mapped minimum lot size or are assessed on merit.

The Botany Bay LEP 2013 does not currently include any minimum lot size provisions for semi-detached and attached dwellings.

Semi-Detached Dwellings and Attached Dwellings are currently permitted in the R2 zones in both the RLEP 2011 and BBLEP 2013, and this is proposed to continue under the Draft BLEP.

To consolidate the existing controls, semi-detached and attached dwellings will be excluded from a minimum lot size requirement in the R2 zone under the Bayside LEP.

Outside of the R2 zone, where permitted under the Bayside LEP, semi-detached and attached dwellings will be required to comply with minimum lot sizes where specified, or (in locations where the current BBLEP 2013 applies), will be assessed on merit.

Council intends that once the Bayside Local Housing Strategy is complete, a future amendment will be made to the Bayside LEP which will inform detailed minimum lot size controls for Semi-Detached Dwellings and Attached Dwellings in the LEP.

Height of Buildings – Deletion of Bonus Provisions (Clause 4.3(2A))

In general, it is proposed to retain the current Height of Building controls prescribed in the RLEP 2011 and BBLEP 2013. Retaining the current building heights will allow existing height transitions and heights introduced via site specific planning proposals to be maintained.

However, in accordance with a current planning proposal being led by Council, it is proposed to omit clause 4.3(2A) of BBLEP 2013 from the new Bayside LEP. In 2015, the former City of Botany Bay Council initiated a Planning Proposal to delete clauses 4.3(2A) and 4.4B. This has received a Gateway Determination and therefore has been identified as having strategic merit. The conditions attached to the Gateway Determination required consideration of the Planning Proposal's consistency with Ministerial Direction 3.1 Residential Zones; and to consult with the owners of all R3 and R4 zoned land and to amend the Planning Proposal as necessary.

An independent planning review prepared by SJB Planning determined that the Planning Proposal is consistent with Ministerial Direction 3.1. Council also consulted the owners of R3 and R4 zoned land and modified the Planning Proposal to exclude a number of sites which have demonstrated, through submission of concept designs (**refer to Appendix G**), their ability to be developed without unreasonably impacting on the owners of adjoining land.

As such, it is proposed that clause 4.3(2A) be deleted from the Botany Bay LEP 2013, with the exception of the following sites:

- 96A Bay Street, Botany;
- 97 Banksia Street, Botany; and the following NSW Land & Housing Corporation owned sites:
- Slattery Place, Eastlakes;
- 1-5 Florence Avenue, Eastlakes;
- 16-18 Maloney Street, Eastlakes;
- 70 Macintosh Street, Mascot;

- 10-12 Middlemiss Street, Rosebery (also known as 10-12 Coward Street, Mascot);
- 68-80 Beauchamp Road, Hillsdale; and
- 68-80 Banks Avenue, Pagewood.

It is also intended that this floor space bonus, retained on these sites, continue to be excluded from the operation of clause 4.6.

Floor Space Ratio – Deletion of Bonus Provisions (Clause 4.4B)

The Planning Proposal for the deletion of the Height of Buildings bonus provision also included a provision to delete clause 4.4B of the BBLEP 2013 in conjunction with subclause 4.3(2A) above. Therefore, clause 4.4B is to be omitted from the Bayside LEP, with the exception of the following sites:

- 96A Bay Street, Botany;
- 97 Banksia Street, Botany; and the following NSW Land & Housing Corporation owned sites:
- Slattery Place, Eastlakes;
- 1-5 Florence Avenue, Eastlakes;
- 16-18 Maloney Street, Eastlakes;
- 70 Macintosh Street, Mascot;
- 10-12 Middlemiss Street, Rosebery (also known as 10-12 Coward Street, Mascot);
- 68-80 Beauchamp Road, Hillsdale; and
- 68-80 Banks Avenue, Pagewood.

Further analysis of this can be found in the Clause Justification Table (see Appendix C) and in the submitted concept designs (refer **Appendix H**).

It is also intended that this floor space bonus, retained on these sites, continue to be excluded from the operation of clause 4.6.

Floor Space Ratio - Clause 4.4(2A)

The Gateway Determination has conditioned the deletion of Clause 4.4(2A). As an 'opportunity bonus' introduced with clause 4.3(2A) under the gazettal of the Botany Bay LEP 2013, retention of the bonus FSR Clause 4.4(2A) without an accompanying height bonus would:

- be inconsistent with the intent of the Planning Proposal being to prevent bonus provisions for height and floor space causing overdevelopment of sites and thus unacceptable amenity impacts on surrounding land; and
- result in a bonus FSR without a bonus HOB which would encourage 4.6 applications and be inconsistent with LEP Practice Note PN 08-001.

Accordingly, the Planning Proposal and associated documentation has been updated to delete this clause.

Flood Planning and Flood Plain Risk Management

It is proposed to apply the existing Rockdale LEP flooding clause to the whole of the Bayside LGA. This is to ensure that all development incorporates appropriate measures to manage flood hazards, where there are known potential risks of flooding.

The flood planning level means the level of a 1% AEP flood event plus 0.5 metre freeboard. The flood planning map identifies properties to which flood related planning controls apply. Council has prepared the following flood studies and Flood Risk Management Studies and Plans:

Table 3 – Flood studies and Flood Risk Management Studies and Plans

CATCHMENT	SUBURBS	FLOOD STUDY (date prepared or review)	FLOODPLAIN RISK MGT STUDY AND PLAN (FRMSP) (date prepared)
Sans Souci	Ramsgate, Sans Souci, Monterey, Kogarah (part)	2015	2005 undertaking a review
Bardwell Creek	Turrella, Bardwell Valley and Bardwell Park, Bexley North, Kingsgrove	2019	1998 undertaking a review
Bonnie Doon	Arncliffe, Wolli Creek and Bonar St	2017	1998 undertaking a review
Muddy Creek, Spring St	Banksia, Rockdale, Carlton, Bexley, Kogarah (part), Brighton Le Sands, Kyeemagh	2017	2000 undertaking a review
Springvale & Floodvale Drain	Banksmeadow and Pagewood (part)	2014	2017
Mascot, Rosebery and Eastlakes	Mascot, Rosebery and Eastlakes, Pagewood East	2019	2019
Botany Bay Foreshore	Botany and Port Botany	2015 Reviewed in 2019	To finalise in 2020
Birds Gully and Bunnerong Rd	Daceyville, Eastgardens and Hillsdale	2018	By Randwick Council estimated 2021

These are periodically reviewed to maintain currency. The flood study methodology was recently reviewed and this has resulted in changes to flood modelling and flood planning areas.

A Floodplain Risk Management clause is also proposed to be included in the Bayside LEP. This clause is considered necessary to meet the objectives of the NSW Flood Prone Land Policy (2005) and is consistent with the Section 9.1(2) Ministerial Direction. The objectives of this direction are:

- To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and
- To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The Floodplain Risk Management clause provides for consideration of development controls primarily related to risk to life in areas outside the Flood Planning Area. The clause ensures special consideration is given to essential community facilities and critical services including emergency response facilities such as hospitals and critical infrastructure.

Higher flood planning levels are considered necessary for aged care facilities and other types of developments with individual evacuation and emergency response issues. For these facilities the Probable Maximum Flood (PMF) is the applicable flood planning level. This may mean these development types are excluded from a flood affected area where normal residential development would be permitted.

A copy of the draft written instrument is provided at Appendix A. It should be noted that the proposed draft LEP instrument is for exhibition purposes only and will be subject to change as part of the legal review and drafting by Parliamentary Council of the final LEP.

It should also be noted that Council is currently considering a number of Planning Proposals that affect specific sites in the LGA (see Table 4 – Existing Planning Proposals below). It is intended to continue to progress these Planning Proposals concurrently with, but separate to, this LEP harmonisation process. Where these site-specific LEP amendments are made prior to the finalisation of this Bayside LEP, it is intended that they will be incorporated into the new LEP. Where a separate LEP amendment is made after the finalisation of the Bayside LEP, it will be included as an amendment to the new LEP.

Table 4 – Existing Planning Proposals

Planning Proposal – Site Address	Proposed LEP Amendment	Current Stage (as at 02.04.20)
146-154 O'Riordan St, Mascot	HOB: 22m to 44m	Pre-exhibition
Interchange Site, Rockdale	HOB: 22m to 27m FSR: Remove	Pre-Gateway
1-3 Lord Street, Botany	HOB: 16.5m FSR: 1.75:1	Post-Exhibition
2-4 Guess Avenue, Wolli Creek	Removal of Land Reservation Acquisition status from LEP clauses and maps Rezone: RE1 to B4	With DPIE for Gateway Determination decision
119 Barton Street, Monterey	Rezone: RE2 to R3 HOB: 8.5m FSR: 0.6:1	On Public Exhibition

LEP Maps

The LEP harmonisation process will necessitate minor changes to all of the maps due to the 'housekeeping' exercise that forms part of the process. Additional, more detailed, changes include those referred to above e.g. the Deferred Matters sites. A full set of maps is included at Appendix B. These are the:

Acid Sulfate Soils Maps
Active Street Frontages Maps
Additional Permitted Uses Maps
Design Excellence Maps
Floor Space Ratio Maps
Foreshore Building Line Maps
Heritage Maps
Height of Buildings Maps
Land Application Maps
Land Reservation Acquisition Maps
Land Zoning Maps
Lot Size Maps
Riparian Lands Maps
Terrestrial Biodiversity Maps
Watercourses Maps
Wetlands Maps

Disclaimer: While the maps have been created with all due care, Bayside Council cannot guarantee the maps are free from errors or omissions.

Part 3 – Justification

A Need for the Planning Proposal

Q1 Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal has been prepared in response to the September 2016 amalgamation of Rockdale City Council and Botany Bay Council and the need to establish a single, harmonised set of planning controls for the Bayside local government area. Council has progressed the harmonisation of planning controls in accordance with the requirements of the NSW government and as outlined in 'Guidance for merged council on planning functions' (May 2016).

Council endorsed the Draft Bayside Local Strategic Planning Statement (LSPS) at its meeting on 11 March 2020. The Greater Sydney Commission issued a letter of support for the LSPS on 18 March 2020. The LSPS outlines the direction of Council's economic, social and environmental priorities for the local area. This will act as a linking document between the Eastern City District Plan and the new consolidated Bayside LEP.

The LSPS also aims to implement the relevant priorities of a Council's Community Strategic Plan: Bayside 2030. A detailed assessment of how the Planning Proposal responds to the priorities in the LSPS is included in Part B2 of this Planning Proposal.

Q2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only means of delivering a consolidated Bayside Local Environmental Plan. The provisions outlined in this Planning Proposal are necessary to achieve harmonisation of existing LEPs and greater consistency in Council's planning policy framework. This Planning Proposal will provide a harmonised set of planning controls across the Bayside LGA and will ensure residents and the development industry will have one document that will guide the sustainable development of the LGA.

B Relationship to strategic planning framework

Q3 Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is consistent with the objectives and actions of the *Greater Sydney Region Plan: A Metropolis of Three Cities* and the *Eastern City District Plan*.

The Planning Proposal either assists in achieving the objectives and actions of the *Eastern City District Plan* or is consistent with the directions of the *Greater Sydney Region Plan (GSRP)*. However it should be noted that this Planning Proposal is primarily a harmonisation process. Where policies or provisions are consistent across the LEPs, changes are not proposed.

Table 5 below provides an assessment of this Planning Proposal against the GSRP:

Table 5 –Consistency with the GSRP

Directions	Objectives	Consistency
Infrastructure and collaboration		
1. A city supported by infrastructure	Objective 1: Infrastructure supports the three cities Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact Objective 3: Infrastructure adapts to meet future needs Objective 4: Infrastructure use is optimised	It is proposed to retain and consolidate existing LEP provisions relating to the acquisition and classification of land for public purposes. It is also proposed to retain and harmonise the Special Purposes and Recreation zones. This will contribute to the future planning for infrastructure in the Bayside LGA. These objectives will also be considered as part of the preparation of a consolidated development contributions plan for the Bayside LGA, which will align forecast growth with infrastructure
2. A collaborative city	Objective 5: Benefits of growth realised by collaboration of governments, community and business	The Kogarah Collaboration Area is being implemented through the development of a Place Strategy in collaboration with the Greater Sydney Commission. This will be publically exhibited in the future.
Liveability		
3. A city for people	Objective 6: Services and infrastructure meet communities' changing needs Objective 7: Communities are healthy, resilient and socially connected Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	This Planning Proposal seeks to allow home based child care without consent on B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use and all land within the residential zones. This will assist in simplifying the approval process for this land use to ensure services meet community needs. No other changes are being made to the permissibility of community facilities, education establishments and child care centres. This will allow for the continued delivery of social infrastructure within the Bayside LGA. It is proposed to permit with consent 'restaurants or cafes', 'information and education facilities' and 'markets' on RE1 Public Recreation zoned land. These uses can complement recreational activities and enhance the use and enjoyment of open space by the public.
4. Housing the city	Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	Bayside Council is currently preparing the Bayside Local Housing Strategy and investigating the introduction of an Affordable Housing Development Contributions Scheme. This Planning Proposal includes several provisions relevant to housing supply and choice. Further commentary is provided in the response to Question 6 of this report in relation to the Planning Proposal's consistency with section 9.1 Ministerial Direction 3.1 – Residential Zones.

Directions	Objectives	Consistency
5. A city of great places	Objective 12: Great places that bring people together Objective 13: Environmental heritage is conserved and enhanced	To assist with the revitalization of key streets, it is proposed to amend the active street frontage provisions. In addition, as referred to above, it is proposed to permit with consent 'restaurants or cafes', 'information and education facilities' and 'markets' on RE1 Public Recreation zoned land. These uses can complement recreational activities and enhance the use and enjoyment of open space by the public. Existing LEP schedules of heritage items and conservation areas will be retained and incorporated in the consolidated LEP with only housekeeping amendments proposed. This will achieve a consistent approach to heritage conservation.
Productivity		
6. A well connected city	Objective 14: A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive Objective 16: Freight and logistics network is competitive and efficient Objective 17: Regional transport is integrated with land use	This Planning Proposal also seeks to retain all industrial zoned land. The land use tables for the IN2 Light Industrial zone will be harmonised to achieve a consistent approach to light industrial activities across the LGA. The harmonised LEP will include zone objectives to reinforce the importance of existing industrial land to the operation of the trade gateways. For example, an objective of both industrial zones is to support and protect industrial land for industrial uses. It is proposed to retain and harmonise the SP2 Infrastructure zone. This will contribute to the support of transport infrastructure corridors in the Bayside LGA.

Directions	Objectives	Consistency
7. Jobs and skills for the city	Objective 18: Harbour CBD is stronger and more competitive Objective 19: Greater Parramatta is stronger and better connected Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City Objective 21: Internationally competitive health, education, research and innovation precincts Objective 22: Investment and business activity in centres Objective 23: Industrial and urban services land is planned, protected and managed Objective 24: Economic sectors are targeted for success	It is proposed to include an aim within the consolidated LEP to reinforce the protection and enhancement of the Sydney Airport and Port Botany trade gateways. This Planning Proposal does not seek to rezone any industrial zoned land. Land uses within the IN1 zone will remain unchanged. Similarly, this Planning Proposal seeks to reinforce the importance of existing industrial land to the operation of the trade gateways through zone objectives. An objective of both industrial zones is to support and protect industrial land for industrial uses. The Planning Proposal will protect prescribed airspace operations through harmonising provisions regarding the penetration of the obstacle limitation surface (OLS) of Sydney Airport; and assist in reducing the impacts of aircraft noise by harmonising the provisions restricting sensitive development within ANEF contours. This Planning Proposal seeks to retain all business zoned land. The land use tables for B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use zones will be harmonised to achieve consistency in centres across the LGA. Medical centres, health consulting rooms, community facilities and educational establishments will continue to be permissible with consent in the business zones. This will allow the co-location of health, education and community facilities

Directions	Objectives	Consistency
Sustainability		
8. A city in landscape	Objective 25: The coast and waterways are protected and healthier Objective 26: A cool and green parkland city in the South Creek corridor Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced Objective 28: Scenic and cultural landscapes are protected Objective 29: Environmental, social and economic values in rural areas are maintained and enhanced Objective 30: Urban tree canopy cover is increased Objective 31: Public open space is accessible, protected and enhanced Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	This Planning Proposal seeks to retain the E1 National Parks and Nature Reserve zone. In addition, it will harmonise existing riparian watercourse and wetlands provisions. This will enhance the protection of waterways and ensure a consistent approach is taken to managing development impacts. Additional sites are proposed to be included on the foreshore building line map to ensure that development in the foreshore area will not impact on natural foreshore processors or affect the significance and amenity of these key areas. The Planning Proposal seeks to harmonise existing biodiversity mapping. The biodiversity provisions will be harmonised and updated to include two additional objectives. The additional objectives will help improve environmental outcomes and assist in the preservation of environmentally sensitive areas. It is proposed to permit with consent restaurants or cafes, information and education facilities and markets on RE1 Public Recreation zoned land. These uses can complement recreational activities and enhance the use and enjoyment of open space by the public.
9. An efficient city	Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change Objective 34: Energy and water flows are captured, used and re-used Objective 35: More waste is re-used and recycled to support the development of a circular economy	These Objectives will be dealt with at a micro level as part of the preparation of a consolidated Development Control Plan for the LGA, which will include controls to address natural hazards and climate change.
10. A resilient city	Objective 36: People and places adapt to climate change and future shocks and stresses Objective 37: Exposure to natural and urban hazards is reduced Objective 38: Heatwaves and extreme heat are managed	These Objectives will be dealt with at a micro level as part of the preparation of a consolidated Development Control Plan for the LGA, which will include controls to address natural hazards and climate change.

Eastern City District Plan (March 2018)

The Eastern City District Plan identifies a range of planning priorities for the District, in line with the four categories identified in the Greater Sydney Region Plan:

- Infrastructure and collaboration;
- Liveability;
- Productivity; and
- Sustainability.

The planning proposal's consistency with the priorities in the draft District Plan are discussed in further detail in 6 below:

Table 6 –Consistency with the Draft District Plan

Infrastructure and Collaboration		
E1	Planning for a city supported by infrastructure	It is proposed to retain and consolidate existing LEP provisions relating to the acquisition and classification of land for public purposes. It is also proposed to retain and harmonise the Special Purposes and Recreation zones. This will contribute to the future planning for infrastructure in the Bayside LGA.
E2	Working through collaboration	The Kogarah Collaboration Area is being implemented through the development of a Place Strategy in collaboration with Georges River Council and the Greater Sydney Commission.
Liveability		
E3	Providing services and social infrastructure to meet people's changing needs	The Planning Proposal seeks to allow home based child care without consent on B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use and all land within the residential zones. This will assist in simplifying the approval process for this land use to ensure services meet community needs.
E4	Fostering healthy, creative, culturally rich and socially connected communities	No other changes are being made to the permissibility of community facilities, education establishments and child care centres. This will allow for the continued delivery of social infrastructure within the Bayside LGA. It is proposed to permit with consent 'restaurants or cafes', 'information and education facilities' and 'markets' on RE1 Public Recreation zoned land. These uses can complement recreational activities and enhance the use and enjoyment of open space by the public.
E5	Providing housing supply, choice and affordability, with access to jobs, services and public transport	The Planning Proposal includes several provisions relevant to housing supply and choice. Further detailed commentary on this issue is provided at the response to Question 6, illustrating compliance with Ministerial Direction 3.1 – Residential Zones. It is proposed to prohibit residential flat buildings in the B2 Local Centre zone, while retaining the permissibility of shop top housing in this zone. This will help support the commercial role of centres by encouraging ground floor commercial activity.

E6	Creating and renewing great places and local centres, and respecting the District's heritage	The Planning Proposal seeks to retain all business zoned land. The land use tables for B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use zones will be harmonised to achieve consistency in centres across the LGA. Medical centres, health consulting rooms, community facilities and educational establishments will continue to be permissible with consent in the business zones. This will allow the co-location of health, education and community facilities.
Productivity		
E7	Growing a stronger and more competitive Harbour CBD	Not applicable
E8	Growing and investing in health and education precincts and the Innovation Corridor	Not applicable
E9	Growing international trade gateways	To reinforce the economic role of the trade gateways, the LEP aims will include a focus on the protection and enhancement of the trade gateways. The Planning Proposal also seeks to reinforce the importance of existing industrial land to the operation of the trade gateways through zone objectives. An objective of both industrial zones is to support and protect industrial land for industrial uses. The land use tables for the IN2 Light Industrial zone will be harmonised to achieve consistency in light industrial activities across the LGA.
E10	Delivering integrated land use and transport planning and a 30-minute city	It is proposed to retain and harmonise the SP2 Infrastructure zone. This will contribute to support transport infrastructure corridors in the Bayside LGA.
E11	Growing investment, business opportunities and jobs in strategic centres	The Planning Proposal seeks to retain all business zoned land. The land use tables for B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use zones will be harmonised to achieve consistency in centres across the LGA.
E12	Retaining and managing industrial and urban services land	The Planning Proposal does not seek to rezone any industrial zoned land. Land uses within the IN1 zone will remain unchanged. Minimal changes are proposed to the IN2 zoned land.
E13	Supporting growth of targeted industry sectors	The Planning Proposal also seeks to reinforce the importance of existing industrial land to the operation of the trade gateways through zone objectives. An objective of both industrial zones is to support and protect industrial land for industrial uses.
Sustainability		
E14	Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	This Planning Proposal seeks to retain E1 National Parks and Nature Reserve zone. In addition, it will harmonise existing riparian watercourse and wetlands provisions. This will enhance the protection of

		waterways and ensure a consistent approach is taken to managing development impacts. Additional sites are proposed to be included on the foreshore building line map to ensure that development in the foreshore area will not impact on natural foreshore processors or affect the significance and amenity of these key areas.
E15	Protecting and enhancing bushland and biodiversity	The Planning Proposal seeks to harmonise existing biodiversity mapping. The biodiversity provisions will be harmonised and updated to include two additional objectives. The additional objectives will help improve environmental outcomes and assist in the preservation of environmental sensitive areas.
E16	Protecting and enhancing scenic and cultural landscapes	The Planning Proposal seeks to retain the E1 National Parks and Nature Reserve zone. In addition, it will harmonise existing riparian watercourse and wetlands provisions. This will enhance the protection of waterways and ensure a consistent approach is taken to managing development impacts. Additional sites are also proposed for inclusion on the foreshore building line map to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of these key areas.
E17	Increasing urban tree canopy cover and delivering Green Grid connections	This will be considered as part of the preparation of a consolidated development control plan for the LGA, which will include controls to address natural hazards and climate change.
E18	Delivering high quality open space	It is proposed to permit with consent restaurants or cafes, information and education facilities and markets on RE1 Public Recreation zoned land. These uses can complement recreational activities and enhance the use and enjoyment of open space by the public.
E19	Reducing carbon emissions and managing energy, water and waste efficiently	This planning priority will also be considered as part of the preparation of a consolidated development control plan for the LGA, which will include controls to address natural hazards and climate change.
E20	Adapting to the impacts of urban and natural hazards and climate change	This planning priority will also be considered as part of the preparation of a consolidated development control plan for the LGA, which will include controls to address natural hazards and climate change.
Implementation		
E21	Preparing Local Strategic Planning statements informed by local strategic planning	Council has prepared and adopted the Bayside Local Strategic Planning Statement (LSPS) in accordance with the guidance provided by the NSW Department of Planning, Industry and Environment.
E22	Monitoring and reporting on the delivery of the Plan	Part 6 of the LEP sets out a Project Timeline for the delivery of the LEP. Council will also work closely with the DPIE to ensure that the LEP delivery is progressed as quickly as possible.

Premier's Priorities 2015-2019

The 'Premier's Priorities' set out 12 priorities which reflect a 'whole-of-government' approach to tackling important issues for the people of NSW, from helping vulnerable children and raising the performance of school students, to improving housing affordability and building local infrastructure. The 12 priorities are:

- Creating jobs;
- Delivering infrastructure;
- Driving public sector diversity;
- Improving education results;
- Improving government services;
- Improving service levels in hospitals;
- Keeping our environment clean;
- Making housing more affordable;
- Protecting our kids;
- Reducing domestic violence reoffending;
- Reducing youth homelessness; and
- Tackling childhood obesity.

The harmonisation of the BBLEP 2013 and the RLEP 2011 will ensure that the respective objectives of these LEPs will continue to reflect the Premiers Priorities where possible by:

- Providing a range of housing types to meet the needs of the community;
- Providing a range of retail, business and community uses that serve the needs of people;
- Ensuring that development does not detract from the economic viability of commercial centres;
- Maximising public transport patronage and encourage walking and cycling;
- Accommodating population growth through high density mixed use development that complements the role of retail, commercial, civic and cultural premises
- Integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;
- Encouraging employment opportunities to support the viability of centres; and
- Providing a range of recreational settings, activities and compatible land use.

Future Transport Strategy 2056

The Future Transport Strategy 2056 (Strategy) is an update of the 2012 Long Term Transport Master Plan for NSW. It is a 40 year strategy, supported by plans for regional NSW and for Greater Sydney. It outlines a vision, strategic directions and customer outcomes, with infrastructure and services plans underpinning the delivery of these directions across the state.

The vision is built on the following six outcomes:

1. Customer Focused;
2. Successful Places;
3. A Strong Economy;
4. Safety and Performance;
5. Accessible Services; and
6. Sustainability.

The harmonisation of the BBLEP 2013 and the RLEP 2011 will ensure that the respective objectives of these LEPs will, where possible, continue to reflect the outcomes of the Future Transport Strategy by:

- Integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;
- Providing for infrastructure and related uses; and
- Preventing development that is not compatible with or that may detract from the provision of infrastructure.

NSW State Infrastructure Strategy 2018-2038

The *NSW State Infrastructure Strategy 2018-2038* (SIS) sets out the government's priorities for the next 20 years and combined with the *Future Transport Strategy 2056*, the *Greater Sydney Region Plan* and the *Regional Development Framework*, brings together infrastructure investment and land-use planning for our cities and regions. The SIS looks beyond the current projects and identifies policies and strategies needed to provide the infrastructure that meets the needs of a growing population and a growing economy.

The Strategy sets out six overarching strategic directions to instil best practice approaches across NSW's infrastructure sectors:

1. Continuously improve the integration of land and infrastructure planning;
2. Plan, prioritise and deliver an infrastructure program that represents the best possible investment and use of public funds;
3. Optimise the management, performance and use of the State's assets;
4. Ensure NSW's existing and future infrastructure is resilient to natural hazards and human-related threats;
5. Improve state-wide connectivity and realise the benefits of technology; and
6. Drive high quality consumer-centric services and expand innovative service delivery models in infrastructure sectors.

The harmonisation of the BBLEP 2013 and the RLEP 2011 will ensure that the respective objectives of these LEPs will, where possible, continue to reflect the objectives of the NSW State Infrastructure Strategy by:

- Providing for infrastructure and related uses;
- Preventing development that is not compatible with or that may detract from the provision of infrastructure;
- Providing a range of recreational settings and activities and compatible land uses;
- Enabling the efficient movement and operation of commercial shipping, water-based transport and maritime industries; and
- Integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Q4 Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

Bayside Local Strategic Planning Statement – A Land Use Vision to 2036

Council has adopted the Bayside Local Strategic Planning Statement (LSPS) in accordance with the guidance provided by the NSW Department of Planning, Industry and Environment. Council has aligned the LSPS Priorities to the *Greater Sydney Region Plan – A Metropolis of Three Cities* (the Region Plan), the Planning Priorities in the Eastern City District Plan as well as Councils own Community Strategic Plan.

In 2018 Council commissioned a series of background studies which have:

- Informed the preparation of the Bayside Local Strategic Planning Statement, including engagement with the community and other stakeholders;
- Informed the review of planning controls; and
- Underpinned the preparation of a series of detailed studies and strategies including:
 - Land Use Limitations Study;

- Housing Strategy;
- Transport Strategy;
- Employment and Centres Strategy;
- Social Infrastructure (Recreation, Open Space and Community facilities);
- Environment Strategy; and
- Heritage.

Table 7 below provides an assessment of this Planning Proposal against Council's LSPS:

Table 7 –Consistency with Bayside Council's LSPS

Planning Priority		Consistency
B1	Align land use planning and transport infrastructure planning to support the growth of Bayside	It is proposed to retain and consolidate existing LEP provisions relating to the acquisition and classification of land for public purposes.
B2	Align land use planning with the delivery and management of assets by Bayside Council to support our community	It is proposed to retain and harmonise the Special Purposes and Recreation zones. This will contribute to the future planning for community infrastructure in the Bayside LGA. The Planning Proposal also seeks to allow home based child care without consent on B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use and all residential zoned land. This will assist in simplifying the approval process for this land use to ensure services met community needs.
B3	Plan for the Kogarah Collaboration Area	Kogarah Collaboration Area is being implemented through the development of a Place Strategy in Collaboration with Georges River Council and the Greater Sydney Commission.
B4	Provide social infrastructure to meet the needs of the Bayside Community	No other changes are being made to the permissibility of community facilities, education establishments and child care centres. This will allow for the continued delivery of social infrastructure within the Bayside
B5	Foster healthy, creative, culturally rich and socially connected communities	It is proposed to retain provisions relating to the temporary use of land. The relevant provisions allow development consent to be granted for development on land in any zone for a temporary use for a maximum period of 52 days a year. This will allow for community events for creative and artistic expression to occur in the Bayside LGA.
B6	Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors	This Planning Proposal includes several provisions relevant to housing supply and choice. Further commentary on this issue is provided in the response to Question 6, relating to compliance with Ministerial Direction 3.1 – Residential Zones.
B7	Provide choice in housing to meet the needs of the community	As above.
B8	Provide housing that is affordable	As above

Planning Priority	Consistency
B9 Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm	It is proposed to prohibit residential flat buildings in the B2 Local Centre zone, while retaining the permissibility of shop top housing in this zone. This will help support the commercial role of centres by encouraging ground floor commercial activity.
B10 Value, protect and conserve Aboriginal heritage	Existing LEP schedules of heritage items and conservation areas will be retained and incorporated in the consolidated LEP with only housekeeping amendments proposed. This will achieve a consistent approach to heritage conservation.
B11 Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas	As above
B12 Delivering an integrated land use and a 30-minute city	It is proposed to retain and harmonise the SP2 Infrastructure zone. This will contribute to support infrastructure transport corridors in the Bayside LGA.
B13 Contribute to growing a stronger and more competitive Harbour CBD	Not applicable
B14 Protect and grow the international trade gateways	To reinforce the economic role of the trade gateways, one of the LEP aims will focus on the protection and enhancement of the trade gateways. The Planning Proposal also seeks to reinforce the importance of existing industrial land to the operation of the trade gateways through zone objectives. An objective of both industrial zones is to support and protect industrial land for industrial uses.
B15 Growing investment, business opportunities and jobs in Bayside's strategic and local centres	It is proposed to prohibit residential flat buildings in the B2 Local Centre zone, while retaining the permissibility of shop top housing in this zone. This will help support the commercial role of centres by encouraging ground floor commercial activity.
B16 Contribute to growing the health and education precincts of Kogarah, Randwick and Camperdown	Not applicable However, medical centres, health consulting rooms, community facilities and educational establishments will continue to be permissible with consent in the business zones. This will allow the co-location of health, education and community facilities.
B17 Retain and manage industrial and urban services lands	This Planning Proposal seeks to retain all industrial zoned land. The land use tables for the IN2 Light Industrial zone will be harmonized to achieve consistency in light industrial activities across the LGA.

Planning Priority	Consistency
B18 Support the growth of targeted industry sectors	The harmonised Bayside LEP will retain all business zoned land. The land use tables for B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use zones will be harmonized to achieve consistency in centres across the LGA. The Planning Proposal seeks to reinforce the importance of existing industrial land to the operation of the trade gateways through zone objectives. An objective of both industrial zones is to support and protect industrial land for industrial uses.
B19 Protect and improve the health of Bayside's waterways and biodiversity	The Planning Proposal seeks to retain the E1 National Parks and Nature Reserve zone. In addition, it will harmonise existing riparian watercourse and wetlands provisions. This will enhance the protection of waterways and ensure a consistent approach is taken to managing development impacts.
B20 Increase urban tree canopy cover and enhance green grid connections	The Planning Proposal seeks to harmonise existing biodiversity mapping. The biodiversity provisions will be harmonised and updated to include two additional objectives. The additional objectives will provide help improve environmental outcomes and assist in the preservation of environmental sensitive areas. This priority will also be considered as part of the preparation of a consolidated development control plan for the LGA.
B21 Deliver high quality open space	It is proposed to permit with consent restaurants or cafes, information and education facilities and markets on RE1 Public Recreation zoned land. These uses can complement recreational activities and enhance the use and enjoyment of open space by the public.
B22 Protect and enhance scenic and cultural landscapes	Additional sites are proposed to be included on the foreshore building line map to ensure that development in the foreshore area will not impact on natural foreshore processors or affect the significance and amenity of these key areas.
B23 Reduce carbon emissions through improved management of energy, water and waste	Not directly relevant to this Planning Proposal. This action will be addressed through other strategies and policies, e.g. it will be considered as part of the preparation of a consolidated development control plan for the LGA.

Planning Priority	Consistency
B24 Reduce community risk to urban and natural hazards and improve community's resilience to social, environmental and economic shocks and stressors	The Planning Proposal seeks to harmonise existing biodiversity mapping. The biodiversity provisions will be harmonised and updated to include two additional objectives. The additional objectives will provide help improve environmental outcomes and assist in the preservation of environmental sensitive areas. The planning priority will also be considered as part of the preparation of a consolidated development control plan for the LGA, which will include controls to address natural hazards and climate change.

Bayside Community Strategic Plan 2018-2030

The Bayside Community Strategic Plan 2018-2030 (which superseded the Rockdale City Community Strategic Plan) sets the strategic direction for Council's Delivery Program and Operational Plans. The themes and directions outlined in this plan inform Council's Delivery Program and the annual Operational Plans that describe Council's activities towards achieving those outcomes in the Delivery Program.

Table 8 below identifies how the Planning Proposal is consistent with the themes:

Table 8 –Consistency with The Bayside Council Strategic Plan 2018-2030 themes

Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
Strategic Direction – Our places are people-focussed	Local areas are activated with cafes, restaurants and cultural events	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: - Providing a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood; - Ensuring that the scale of development does not adversely impact on residential amenity and is compatible with the existing streetscape; - Creating lively town centres with amenable and pedestrian focused public domains activated by building uses that engage with the street; and - Providing a range of recreational settings and activities and compatible land uses.
	Places have their own village atmosphere and sense of identity	
	My community and council work in partnership to deliver better local outcomes	
	The public spaces I use are innovative and put people first	
	There is an appropriate and community-owned response to threats	
Strategic Direction – Our places connect people	Walking and cycling is easy in the City and is located in open space where possible	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: - Providing a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community; and - Harmonising the existing Heritage Lists with only housekeeping amendments proposed to achieve a consistent approach to heritage conversation.
	We are one community with shared objectives and desires	
	Our heritage and history is valued and respected	

Strategic Direction – Our places are acceptable to all	Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Encouraging uses in the arts, technology, production and design sectors; • Encouraging employment opportunities and supporting the viability of centres; • Providing a range of recreational settings, activities and compatible land uses; • Protecting and enhancing the natural environment for recreational purposes; • Providing a variety of housing types to meet the housing needs of the community; and • Encouraging high-density, mixed-use development that complements the retail, commercial and cultural role of centres.
	SMART Cities – making life better through smart use of technologies	
	Assets meet community expectations	
	Bayside provides safe and engaging spaces, places and interactions	
	People who need to can access affordable housing	
	We welcome visitors and tourists to our City	
Strategic Direction – My place will be special to me	Local developments reflect innovative, good design and incorporate open space and consider vertical families	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; • Reinforcing the economic role of the trade gateways, with a focus on the protection and enhancement of the trade gateways; • Reinforcing the importance of existing industrial land to the operation of the trade gateways; and • Promoting redevelopment that will improving access and parking and reducing land use conflicts.
	Bayside will be a 30 minute City – residents work locally or work off-site – no-one has to travel for more than 30 minutes to work	
	Traffic and parking issues are a thing of the past	
	Road, rates and rubbish are not forgotten	
	Gateway sites are welcoming and attractive	
Theme Two – In 2030 our people will be connected in a smart City	How We Will Get There	Consistency
Strategic Direction – We benefit from technology	Council engages with us and decision making is transparent and data driven	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Providing a range of office and light industrial uses; • Encouraging uses in the arts, technology, production and design sectors; and • Enabling other land uses that provide facilities or services to meet the day to day needs of workers.
	We can access information and services online and through social media	
	We are a digital community	
	Technological change has been harnessed and we are sharing the benefits	

Strategic Direction – We are unified and excited about our future	Community leadership is developed and supported	Not applicable to the harmonisation of the LEPs
	We are all included and have a part to play in the City	
	The City is run by, with and for the people	
	We are proud of where we live	
Strategic Direction – The community is valued	Aboriginal culture and history is recognised and celebrated	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: - Retaining and incorporating existing LEP heritage lists in the harmonised LEP to achieve a consistent approach to heritage conversation; - Continuing to allow uses which will complement recreational activities and enhance the use and enjoyment of open space by the public; and - Continuing the permissibility of community facilities, education establishments and child care centres to ensure the continued delivery of social infrastructure within the Bayside LGA.
	We are a healthy community with access to active recreation and health education	
	All segments of our community are catered for – children, families, young people and seniors	
	Opportunities for passive and active activities are available to community members, including people with pets	
	The value of pets in the community is recognised and they are welcomed across the city	
Strategic Direction – We treat each other with dignity and respect	We can participate in cultural and arts events which reflect and involve the community	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: - Continuing the permissibility of community facilities, education establishments and child care centres to ensure the continued delivery of social infrastructure within the Bayside LGA; - Retaining provisions relating to the temporary use of land to allow development consent to be granted for development on land in any zone for a temporary use for a maximum period of 52 days a year. This will allow for community events for creative and artistic expression to occur in the Bayside LGA; and - Continuing to allow B7 Business Park zoned land for arts and design uses. This will help facilitate opportunities for creative and artistic expression.
	Flexible care/support arrangements for seniors, children and people with disabilities are available across the LGA	
	Cultural diversity is reflected and celebrated in the City's activities	
	Our public buildings are important community hubs and are well maintained and accessible	

Theme Three – In 2030 bayside will be green, leafy and sustainable	How We Will Get There	Consistency
Strategic Direction – Our waste is well managed	I can reduce my waste through recycling and community education	Not applicable to the harmonisation of the LEPs. However, a consolidated development control plan will be prepared to accompany the consolidated LEP. The DCP will include measures to secure waste recycling measures and facilities.
	Illegal dumping is a thing of the past	
Strategic Direction – We are prepared for climate change	We understand climate change and are prepared for the impacts	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Securing development that contributes to increasing urban tree canopy cover and enhancing Green Grid connections. A consolidated development control plan will be prepared to accompany the harmonised LEP. The DCP will include controls to address natural hazards and climate change.
	Our City is prepared for/able to cope with severe weather events	
	Our streetscapes are green and welcoming	
Strategic Direction – We increase our use of renewable energy	Our City promotes the use of renewable energy through community education	Not applicable to the harmonisation of the LEPs. However, a consolidated development control plan will be prepared to accompany the consolidated LEP. The DCP will include measures to secure renewable energy in new developments.
	Our City models use of renewable energy and reports gains benefits to the community	
Strategic Direction – Waterways and green corridors are regenerated and preserved	Water is recycled and re-used	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Securing development that contributes to increasing urban tree canopy cover and enhancing Green Grid connections; • Retaining the E1 National Parks and Nature Reserve zone; and • Harmonising existing riparian watercourse and wetlands provisions. This will enhance the protection of waterways and ensure a consistent approach is taken to managing development impacts.
	The community is involved in the preservation of our natural areas	
	We have an enhanced green grid/tree canopy	
Theme Four – In 2030 we will be a prosperous community	How We Will Get There	Consistency
Strategic Direction – Opportunities for economic development are recognised	Major employers support/partner with local small business	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Retaining and protecting all remaining industrial-zoned land; • Harmonising the land use tables for the IN2 Light Industrial zone to achieve
	We are an international hub for transport and logistics-related business	

	Industrial lands and employment lands are preserved – partnering with major employers to support local jobs	consistency in light industrial activities across the LGA; • Reinforcing the economic role of the trade gateways; and • Reinforcing the importance of existing industrial land to the operation of the trade gateways through zone objectives.
Strategic Direction – Local housing, employment and business opportunities area generated	Bayside will be a 30 minute City – residents work local or work off-site – no-one has to travel for more than 30 minutes to work	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Accommodating population growth through high-density mixed use development that complements the role of retail, commercial and cultural premises; • Encourage employment opportunities in accessible locations; • Integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; • Providing a range of housing types which responds to the needs of the community.
	Council is a major employer, supports local apprenticeships and cadetships	
	People who need to can access affordable housing	
Strategic Direction – The transport system works	We can easily travel around the LGA – traffic problems/gridlock are a thing of the past	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; • Promoting redevelopment that will contribute to the locality, improve access and parking, reduce land use conflicts and increase amenity for nearby residential development; and • Encouraging appropriate employment opportunities in accessible locations.
	We can easily travel to work by accessible, reliable public transport	
Strategic Direction – We are prepared for a sharing economy	Innovative businesses are supported to locate in Bayside	The harmonised LEP will continue to reflect the strategic aims of the Community Strategic Plan by: • Providing a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community; • Encouraging uses in the arts, technology, production and design sectors; and • Ensuring that development does not detract from the economic viability of commercial centres
	Local Plans and regulations have kept pace with the sharing economy	

Q5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Consistency with the State Environmental Planning Policies is provided in Table 9 below:

Table 9 – Consistency with applicable State Environmental Planning Policies (SEPPs)

No.	Title	Consistency with Planning Proposal
1	Development Standards	Not relevant to this Planning Proposal The consolidated LEP will be excluded from the provisions of this SEPP, as per the Standard Instrument LEP mandatory clause 1.9.
19	Bushland in Urban Areas	Consistent This Planning Proposal will retain E1 National Parks and Nature Reserves zoned land. Clause 6.4 Terrestrial biodiversity will harmonise existing biodiversity provisions and include two additional clause objectives. This will enhance the recognition and protection of bushland in the LGA and ensure a consistent approach is taken to managing development impacts.
21	Caravan Parks	Not relevant to this Planning Proposal The SEPP does not contain any provisions required to be addressed as part of this Planning Proposal.
33	Hazardous and Offensive Development	Consistent The SEPP does not contain any provisions required to be addressed as part of this Planning Proposal.
36	Manufactured Home Estates	Not relevant to this Planning Proposal
44	Koala Habitat Protection	Not relevant to this Planning Proposal
47	Moore Park Showground	Not relevant to this Planning Proposal
50	Canal Estate Development	Not relevant to this Planning Proposal
55	Remediation of Land	Consistent This Planning Proposal is not proposing any changes to land use zoning. As such, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
64	Advertising and Signage	Inconsistency justified: This Planning Proposal seeks to prohibit advertising structures on B2 Local Centre and B4 Mixed Use zoned land as advertising signage that does not relate to the specific use of a site is not considered appropriate due to its negative visual impact. Given the adverse amenity impact trends on surrounding residential zones and the inconsistent nature of advertising structures on local character, this use is to be prohibited. This Planning Proposal seeks to permit business identification signs on R2 and R3 zoned land as they are considered compatible with the zone objectives.

No.	Title	Consistency with Planning Proposal
		In accordance with Clause 31 of the SEPP, Council will consult with RMS as part of the public exhibition of this Planning Proposal.
65	Design Quality of Residential Apartment Development	Consistent The SEPP does not contain any provisions required to be addressed as part of this Planning Proposal. Development subject to SEPP 65 will be required to demonstrate detailed compliance with its provisions at the time of making a development application.
70	Affordable Housing (Revised Schemes)	Not relevant to this Planning Proposal The SEPP does not contain any provisions required to be addressed as part of this Planning Proposal.
	(Aboriginal Land) 2019	Not relevant to this Planning Proposal
	(Affordable Rental Housing) 2009	Consistent The SEPP does not contain any provisions required to be addressed as part of this Planning Proposal. The provisions of the SEPP will continue to be a consideration in development applications relating to certain residential accommodation as identified in the SEPP.
	(Building Sustainability Index: BASIX) 2004	Not relevant to this Planning Proposal
	(Coastal Management) 2018	Consistent This Planning Proposal includes appropriate planning provisions to protect and enhance identified environmental sensitive land and waterways which is consistent with the objectives of the SEPP. Development subject to the SEPP will be required to demonstrate detailed compliance with its provisions at the time of making a development application.
	(Concurrences) 2018	Not relevant to this Planning Proposal
	(Educational Establishments and Child Care Facilities) 2017	Consistent The SEPP does not contain any provisions required to be addressed in the preparation of an environmental planning instrument. The provisions of the SEPP will continue to apply to educational establishments and child care facilities, and these provisions will continue to prevail over the LEP to the extent of any inconsistency.
	(Exempt and Complying Development Codes) 2008	Consistent Provisions within the existing LEPs that duplicate those within the SEPP will not be carried over into the consolidated LEP. As such, the Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
	(Gosford City Centre) 2018	Not relevant to this Planning Proposal
	(Housing for Seniors or People with a Disability) 2004	Consistent

No.	Title	Consistency with Planning Proposal
		The SEPP does not contain any provisions required to be addressed in the preparation of an environmental planning instrument. The provisions of the SEPP will continue to be a consideration in development applications relating to housing for seniors and people with a disability.
	(Infrastructure) 2007	Not relevant to this Planning Proposal The SEPP does not contain any provisions required to be addressed in the preparation of an environmental planning instrument. The provisions of the SEPP will continue to apply to the types of infrastructure development it covers, and these provisions will continue to prevail over the LEP to the extent of any inconsistency.
	(Kosciuszko National Park – Alpine Resorts) 2007	Not relevant to this Planning Proposal
	(Kurnell Peninsula) 1989	Not relevant to this Planning Proposal
	(Mining, Petroleum Production and Extractive Industries) 2007	Not relevant to this Planning Proposal This Planning Proposal does not contain any provisions required to be addressed in the preparation of an environmental planning instrument.
	(Miscellaneous Consent Provisions) 2007	Not inconsistent with this Planning Proposal The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
	(Penrith Lakes Scheme) 1989	Not relevant to this Planning Proposal
	(Primary Production and Rural Development) 2019	Not relevant to this Planning Proposal
	(State and Regional Development) 2011	Not relevant to this Planning Proposal This Planning Proposal does not contain any provisions required to be addressed in the preparation of an environmental planning instrument.
	(State Significant Precincts) 2005	Not relevant to this Planning Proposal This LEP does not apply to land that is subject to <i>State Environmental Planning Policy (Three Ports) 2013</i> (SEPP), this policy will continue to apply.
	(Sydney Drinking Water Catchment) 2011	Not relevant to this Planning Proposal
	(Sydney Region Growth Centres) 2006	Not relevant to this Planning Proposal
	(Three Ports) 2013	Not applicable This LEP does not apply to land that is subject to <i>State Environmental Planning Policy (Three Ports) 2013</i> (SEPP), this policy will continue to apply.
	(Urban Renewal) 2010	Not relevant to this Planning Proposal
	(Vegetation in Non-Rural Areas) 2017	Consistent

No.	Title	Consistency with Planning Proposal
		This SEPP does not contain any provisions required to be addressed in the preparation of an environmental planning instrument. A consolidated development control plan will be prepared to accompany the consolidated LEP. The DCP will include tree protection controls to implement the provisions of the SEPP.
	(Western Sydney Employment Area) 2009	Not relevant to this Planning Proposal.
	(Western Sydney Parklands) 2009	Not relevant to this Planning Proposal.

See Table 10 below which reviews the consistency of the Planning Proposal with the formerly-named State Regional Environmental Plans, now identified as deemed SEPPs.

Table 10 - Consistency with deemed State Environmental Planning Policies (SEPPs)

No.	Title	Consistency with Planning Proposal
8	(Central Coast Plateau Areas)	Not relevant to this Planning Proposal
9	Extractive Industry (No.2 – 1995)	Not relevant to this Planning Proposal
16	Walsh Bay	Not relevant to this Planning Proposal
20	Hawkesbury-Nepean River (No.2 – 1997)	Not relevant to this Planning Proposal
24	Homebush Bay Area	Not relevant to this Planning Proposal
26	City West	Not relevant to this Planning Proposal
30	St Marys	Not relevant to this Planning Proposal
33	Cooks Cove	Not relevant to this Planning Proposal The consolidated LEP will not apply to land to which SREP 33 Cooks Cove applies.
	(Sydney Harbour Catchment) 2005	Not relevant to this Planning Proposal
	Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	Consistent This Planning Proposal will not result in changes to the portion of the Bayside local government area located in the Georges River Catchment. The Planning Proposal is consistent with this SEPP.

Q6 Is the Planning Proposal consistent with applicable Ministerial /Local Planning Direction

Table 11 below reviews the consistency of the Planning Proposal with the Ministerial /Local Planning Directions for LEPs under section 9.1 (formerly section 117) of the *Environmental Planning and Assessment Act 1979*.

Table 11 – Consistency with Ministerial/Local Planning Directions

1. Employment and Resources			
No.	Title	Planning Proposal consistency with terms of direction	Consistent:

			Yes/ No (if No, is inconsistency adequately justified?)
1.1	Business and Industrial Zones	<i>A Planning Proposal must:</i> <i>- give effect to the objectives of this direction (encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified centres);</i> <i>- retain areas of existing business zones; and</i> <i>- not reduce potential floor space area for employment uses and related public services.</i> Comment: The land use tables applying to the business and industrial zones will be harmonised to achieve consistency in their application across the LGA. This will result in group homes being permissible in the B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zones. While this land use falls under the residential accommodation group term, it will generate employment and enables community uses within small scale centres. It is proposed to prohibit dwelling houses in the B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zones and prohibit residential flat buildings in the B2 Local Centre, this will protect and reinforce the role of local centres. Community facilities are currently permitted in the IN2 zone in the Rockdale LEP 2011 and prohibited in the Botany Bay LEP 2013. Community facilities refers to a building or place owned or controlled by a public authority or non-profit community organisation, and used for the physical, social, cultural or intellectual development or welfare of the community. This land use is appropriate and meets the objectives of light industrial zones, therefore it is proposed to include this use as permitted with consent in the consolidated LEP. Artisan food and drink industry is currently permitted in the IN2 zone in the Rockdale LEP 2011 and prohibited in the Botany Bay LEP 2013. This land use refers to a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. This is an appropriate use as it is a type of light industry and therefore is permitted with consent. It is also proposed to include veterinary hospitals, sex service premises, restricted premises, highway service centres and timber yards as permissible with consent in the IN2 Light Industrial zone. Given the lack of available zones for these land uses and their relatively limited occurrence, it is considered appropriate and permit them in the IN2 Light Industrial zone. The permissibility of these land uses will have a minimal impact on the potential floor space for industrial uses. As such it is considered to be of minor significance. Consistency:	Yes

		<i>A Planning Proposal may be inconsistent with the terms of the direction if the provisions that are inconsistent are justified by a strategy, or a study prepared in support of the Planning Proposal, or in accordance with a Regional Strategy, Regional Plan prepared by the Department of Planning and Environment, or is of minor significance.</i> Comment: The draft Planning Proposal is consistent with the terms of the direction as existing business and industrial zoned land, and the relevant development standards, are retained in the consolidated LEP. For further details, justification and explanation, please refer to: Appendix C – Justification Table; Appendix D – LEP Comparison Table; Appendix E – Land Use Comparison and Justification Matrix; and Appendix G – Explanatory Paper	
1.2	Rural Zones	<i>A Planning Proposal must:</i> <i>a) Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone</i> <i>b) Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village)</i> Comment: This Planning Proposal does not seek to rezone RU4 Primary Production Small Lots zoned land or increase the permissible density within this zone. Consistency: No inconsistencies with the terms of the direction were identified.	Yes
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable. Former Botany Bay and Rockdale LGAs do not contain land zoned for mining, petroleum and extractive industries.	Not applicable
1.4	Oyster Aquaculture	Not applicable Whilst the Bayside LGA adjoins Georges River, identified on a map within the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>, there is no aquaculture activity within Bayside LGA.	Not applicable
1.5	Rural Lands	Not applicable <i>This direction applies to all local government areas in the State except for:</i> <i>(a) Lake Macquarie,</i> <i>(b) Newcastle,</i> <i>(c) Wollongong, and</i> <i>(d) local government areas in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury.</i>	Not applicable.
2. Environment and Heritage			
No.	Title	Planning Proposal consistency with terms of direction	Consistent:

			Yes/ No (if No, is inconsistency adequately justified?)
2.1	Environmental Protection Zones	<i>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i> <i>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</i> Comment: The E1 National Parks and Nature Reserve Zone is currently included in the Rockdale LEP 2011. It is not included in the Botany Bay LEP 2013. This zone is proposed to be applied to land currently zoned E1 National Parks & Nature Reserves under the Rockdale Local Environmental Plan 2011. All uses currently authorised under the <i>National Parks and Wildlife Act 1974</i> will also continue to be permitted without consent in this zone. No amendments to the provisions relating to the E1 zone are proposed to be made in this Planning Proposal. Consistency: No inconsistencies with the terms of the direction were identified.	Yes
2.2	Coastal Protection	<i>A planning proposal must include provisions that give effect to and are consistent with:</i> <i>a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i> <i>b) the NSW Coastal Management Manual and Associated Toolkit;</i> <i>c) NSW Coastal Design Guidelines 2003; and</i> <i>d) Any relevant Coastal Management Program that has been certified by the minister, or any Coastal Zone Management Plan under the Coastal Protection Act 2016, that applies to the land.</i> <i>A planning proposal must not rezone land which would enable increased development or more intensive land use on land;</i> <i>a) Within a coastal vulnerability area identified by the SEPP (Coastal Management) 2018; or</i> <i>b) That has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan or a study or assessment by or on behalf of the planning proposal authority.</i>	Yes

		<i>A Planning Proposal for a LEP may propose to amend certain maps under State Environmental Planning Policy (Coastal Management) 2018.</i> Comment: The Bayside LGA includes areas identified in the SEPP (Coastal Management) 2018 as coastal use, coastal environment and coastal wetlands. These mapped areas are proposed to be included in the consolidated Bayside LEP. Consistency: No inconsistencies with the terms of the direction were identified.	
2.3	Heritage Conservation	<i>A planning proposal must contain provisions that facilitate the conservation of:</i> <i>a) Items, places buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of an item, area, object or place, identified in a study of the environmental heritage of the area,</i> <i>b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> <i>c) Aboriginal areas, objects, places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i> Comment: All local heritage items identified in the Rockdale LEP 2011 and the Botany Bay LEP 2013 will be included in the Bayside LEP. Consistency: No inconsistencies with the terms of the direction were identified.	Yes
2.4	Recreation Vehicle Areas	<i>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</i> <i>a) Where the land is within an environmental protection zone,</i> <i>b) where the land comprises a beach or dune adjacent to or adjoining a beach or a dune adjacent to or adjoining a beach</i> <i>c) where the land is not within a) or b).</i> Comment: The Bayside LGA includes land to which this Direction applies as an environmental protection zone (E1 Natural Parks and Nature Reserves) as it is currently included in the Rockdale LEP 2011 and is proposed to be included in the consolidated Bayside LEP.	Yes

		The Planning Proposal does not propose development for the purposes of a recreation vehicle area within the E1 Natural Parks and Nature Reserves zone. Consistency: No inconsistencies with the terms of the direction were identified.	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable The direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.	No applicable.

3. Housing, Infrastructure and Urban Development

No.	Title	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (if No, is inconsistency adequately justified?)
3.1	Residential Zones	<i>(4) A planning proposal must include provisions that encourage the provision of housing that will:</i> a) <i>broaden the choice of building types and locations available in the housing market, and</i> b) <i>make more efficient use of existing infrastructure and services, and</i> c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> d) <i>be of good design.</i> Comment: The harmonisation of the Rockdale LEP 2011 and Botany Bay LEP 2013 resulted in a number of amendments to permitted and prohibited residential accommodation land uses. The proposed amendments are summarised below (for further details, justification and explanation, please refer to: Appendix C – Justification Table; Appendix D – LEP Comparison Table; Appendix E – Land Use Comparison and Justification Matrix; and Appendix G – Explanatory Paper) <u>R2 Low Density Residential:</u> The Planning Proposal proposes to permit dual occupancies on R2 zoned land. This will increase housing diversity by providing more certainty in the development of low rise medium density housing. Secondary dwellings were permitted in the Rockdale LEP 2011 but prohibited in the Botany Bay LEP 2013. It is proposed to include secondary dwellings in the consolidated LEP. Seniors housing is an appropriate use and is consistent with the objectives of the zone, as it promotes the integration of broad demographics into the community within the zone. This is consistent with the Seniors housing SEPP, which permits seniors housing in certain	Yes.

circumstances including where development for the purposes of dwelling houses is permitted.

This Planning Proposal includes provisions to prohibit residential flat buildings and multi dwelling housing in the R2 zone. However these uses will be retained for R2 zoned land currently identified under Botany Bay Local Environmental Plan 2013.

R3 Medium Density Residential:

Dual occupancies and secondary dwellings were permitted only in the Rockdale LEP 2011. The Planning Proposal proposes to include these forms of residential accommodation in the harmonised LEP, which is considered to broaden housing choice across the Bayside LGA.

This Planning Proposal includes provisions to prohibit residential flat buildings in the R3 zone, however this use will be retained for R3 zoned land currently identified under Botany Bay Local Environmental Plan 2013.

While this is inconsistent with this direction, residential flat buildings do not align with the objectives of the R3 zone and therefore are not considered an appropriate land use within this zone.

R4 High density residential:

Dual occupancies and secondary dwellings were permitted in the Rockdale LEP 2011 only. It is proposed to include these uses in the consolidated LEP as the R4 zone is the highest order residential zone and therefore appropriate for their inclusion.

(5) A planning proposal must, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) not contain provisions which will reduce the permissible residential density of land.*

Comment:

Land to which this Planning Proposal applies is adequately serviced and therefore, the Planning Proposal is consistent with term 3.1 (5)(a).

In relation to term 3.1(5)(b), this Planning Proposal includes provisions to prohibit residential flat buildings and multi dwelling housing in the R2 zone.

While this is inconsistent with this direction, residential flat buildings and multi dwelling housing do not align with the objectives of the R2 zone and are not considerable appropriate land use within this zone.

Consistency:

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

		(a) <i>justified by a strategy which:</i> (i) <i>gives consideration to the objective of this direction, and</i> (ii) <i>identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or</i> (b) <i>justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</i> (c) <i>in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i> (d) <i>of minor significance.</i> Comment: The Planning Proposal seeks to harmonise, where possible, the Rockdale LEP 2011 and Botany Bay LEP 2013. Any inconsistencies with the terms of the direction are considered minor and justifiable (please refer to the documents listed earlier under this direction). Further refinement of residential zones will be undertaken when the Bayside Housing Strategy and other studies and strategies are finalised.	
3.2	Caravan Parks and Manufactured Home Estates	Caravan parks are not permitted within the Rockdale LEP 2011 or Botany Bay LEP 2013, and are not proposed to be permitted in the consolidated Bayside LEP. Consistency: No inconsistencies with the terms of the direction were identified.	Yes.
3.3	Home Occupations	<i>Planning Proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</i> Comment: The Planning Proposal proposes to permit home occupations to be carried out in dwelling houses without the need for development consent in the R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones. Consistency: No inconsistencies with the terms of the direction were identified.	Yes
3.4	Integrating Land Use and Transport	<i>A draft Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i> (a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i> (b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i> Comment: The Planning Proposal is consistent with the aims, objectives and principles of the abovementioned publications as the location of land zoned for urban purposes and the provisions applying to those zones are not proposed to be significantly amended as part of the	Yes

		harmonisation of the Rockdale LEP 2011 and Botany Bay LEP 2013 into the consolidated Bayside LEP. Comment: No inconsistencies with the terms of the direction were identified.	
3.5	Development near Regulated Airports and Defence Airfields	<i>In the preparation of a Planning Proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</i> (a) Consult with the lessee/operator of that airport; (b) Take into consideration the operational airspace and any advice from the lessee/operator (c) For land affected by the operational airspace prepare appropriate development standards, such as height controls (d) Not allow development types that are incompatible with the current and future operation of that airport. <i>In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</i> (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome, (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth, (c) for land affected by the OLS: (i) prepare appropriate development standards, such as height, and (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act. <i>A Planning Proposal must include a provision to ensure that development meets Australian Standard 2021-2015, Acoustic Aircraft Noise Intrusion – building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land</i> (a) For residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25; or (b) For hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or (c) For commercial or industrial purposes where the ANEF is above 30. Comment: Sydney Airport, a regulated airport, is located within the Bayside LGA and therefore the direction applies to this Planning Proposal. The Planning Proposal does not include any provisions that would increase the exposure to, or affection by, airport operations. Provisions relating to aircraft noise are	Yes

		proposed to be retained in the consolidated Bayside LEP to ensure: • Aircraft noise mitigation measures meet the relevant Australian Standards • Airspace operations are not impacted by development The intent and operation of the clause in the consolidated Bayside LEP is not to change from its current application to land near Sydney Airport or land identified within the ANEF contour. Consistency No inconsistencies with the terms of the direction were identified.	
3.6	Shooting Ranges	<i>A Planning Proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:</i> (a) <i>Permitting more intensive land uses than those which are permitted under the existing zone; or</i> (b) <i>Permitting land uses that are incompatible with the noise emitted by the existing shooting range.</i> Comment: The Planning Proposal does not propose to create, alter or remove a zone or provision relating to an existing or proposed shooting range. Consistency: No inconsistencies with the terms of the direction were identified.	Yes
3.7	Reduction in non-hosted short term rental accommodation period	Not applicable The direction applies to land within the Byron Shire Council LGA.	No applicable

4. Hazard and Risk

No.	Title	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (if No, is inconsistency adequately justified?)
4.1	Acid Sulfate Soils	(4) <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i> (5) <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i> (a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i>	Yes

		(b) <i>such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</i> (6) <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.</i> Comment: Both the former Rockdale LEP 2011 and the Botany Bay LEP 2013 included clause 6.1 Acid sulfate soils and accompanying Acid Sulfate Soils map series and are generally consistent, with the exception of the Rockdale LEP 2011, which includes additional wording within subclause 6(a) about examples of works that could involve the disturbance of less than 1 tonne of soil. This Planning Proposal seeks to introduce the Department of Planning, Industry and Environment's model clause and accompanying Acid Sulfate Soil mapping to harmonise the two LEPs into the consolidated Bayside LEP. Consistency: No inconsistencies with the terms of the direction were identified.	
4.2	Mine Subsidence and Unstable Land	Not applicable Bayside LGA does not contain land within a proclaimed Mine Subsidence District, or land that has been identified as unstable.	Not applicable.
4.3	Flood Prone Land	(4) <i>A Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Risk Flood Areas).</i> Comment: The Planning Proposal proposes to apply Clause 6.6 Flood planning, currently adopted in the Rockdale LEP 2011, to the whole of Bayside LGA. This is a model clause prepared by the Department of Planning, Industry and Environment. This clause is to apply to the whole LGA to ensure flooding is assessed consistently and that all developments incorporate appropriate measures to: • minimise the flood risk to life and property; • ensure compatibility with the flood hazard of the land; and • avoid significant adverse impacts on flood behaviour and the environment.	Yes

The Planning Proposal also seeks to introduce clause 6.6 Flood Plain Risk Management. The clause provides for the management of lands that are at primary risk to life in areas outside the Flood Planning Area. This clause ensures the management of proposed development will not adversely impact the operational capacity of emergency response facilities and critical community infrastructure. This is consistent with the *NSW Flood Prone Land Policy (2005)*.

(5) A Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

Comment:

The Planning Proposal does not propose to rezone Special Use, Special Purpose, Recreation, Rural or Environmental Protection zones.

(6) A Planning Proposal must not contain provisions that apply to the flood planning areas which;

- (a) Permit development in floodway areas,*
- (b) Permit development that will result in significant flood impacts to other properties,*
- (c) Permit a significant increase in the development of that land,*
- (d) Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
- (e) Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, building or structures in floodways or high hazard areas), roads or exempt development.*

Comment:

The Planning Proposal does not propose to alter provisions that apply to flood planning areas that would result in an inconsistency with this part of the direction.

(7) A Planning Proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-general (or an officer of the Department nominated by the Director General).

(8) For the purposes of a Planning Proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director General.

Comment:

The flood planning level means the level of a 1% AEP flood event plus 0.5 metre freeboard. The flood planning map identifies properties to which flood related planning controls apply. Council has prepared the following flood studies and Flood Risk Management Studies and Plans to inform the flood planning levels:

		Bayside West • Bardwell Creek Flood Study Review WMA Water (2019) • Spring Street Drain, Muddy Creek and Scarborough Ponds Catchments 2D Flood Study Review, BMT WBM, 2017 • Bonnie Doon, Eve Street, Cahill Park Pipe and Overland 2D Flood Study by WMA Water, 2017 • Sans Souci (2D) Flood Study Review Cardno 2015 Bayside East • Mascot, Rosebery & Eastlakes Flood Study, WMA Water Ltd, 2018 • Birds Gully and Bunnerong Road Flood Study, WMA Water Ltd, 2018 • Springvale Drain and Floodvale Drain Flood Study, BMT WBM Pty Ltd, 2014 • Botany Bay Foreshore Beach Flood Study, BMT WBM, 2015 (currently being reviewed in accordance with ARR 2016 methodology). These studies and strategies are periodically reviewed to maintain currency. The flood study methodology was recently reviewed and this has resulted in changes to flood modelling and flood planning areas. Higher flood planning levels are considered necessary for aged care facilities and other types of developments with individual evacuation and emergency response issues. For these facilities the Probable Maximum Flood (PMF) is the applicable flood planning level. This may mean these development types are excluded from a flood affected area where normal residential development would be permitted. Consistency: No inconsistencies with the terms of the direction were identified.	
4.4	Planning for Bushfire Protection	Not applicable. Bayside LGA does not contain land mapped as bushfire prone land under section 146 of the <i>Environmental Planning and Assessment Act 1979</i> .	Not applicable

5. Regional Planning

No.	Title	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (if No, is inconsistency adequately justified?)
5.1	Implementation of Regional Strategies	Not applicable The South Coast Regional Strategy and the Sydney-Canberra Corridor Regional Strategy do not apply to Bayside LGA.	Not applicable.
5.2	Sydney Drinking Water Catchments	Not applicable Bayside LGA is not identified as an LGA within the Sydney drinking water catchment.	Not applicable
5.3	Farmland of State and Regional	Not applicable The direction applies to: (a) Ballina Shire Council,	Not applicable

	Significance on the NSW Far North Coast	(b) Byron Shire Council, (c) Kyogle Shire Council, (d) Lismore City Council, (e) Richmond Valley Council, and (f) Tweed Shire Council.	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable This direction applies to council areas between Port Stephens Shire Council and Tweed Shire Council.	Not applicable
5.5	Development in the vicinity of Ellalong, Paxton and Millfield	Revoked 18 June 2010	Revoked
5.6	Sydney to Canberra Corridor	Revoked 10 July 2008	Revoked
5.7	Central Coast	Revoked 10 July 2008	Revoked
5.8	Second Sydney Airport: Badgerys Creek	Revoked 20 August 2018	Revoked
5.9	North West Rail Link Corridor Strategy	Not applicable The direction applies to land within Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.	Not applicable.
5.10	Implementation of Regional Plans	<i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning</i> Comment: The Planning Proposal's consistency with the <i>Greater Sydney Regional Plan – A Metropolis of Three Cities</i> is provided at the response to Question 3 of this Planning Proposal. Consistency: The response at Question 3 of this Planning Proposal identified no inconsistencies with the terms of the direction.	Yes
5.11	Development of Aboriginal Land Council Land	Not applicable Bayside LGA is not identified on the Land Application Map contained within <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .	Not applicable.

6. Local Plan Making

No.	Title	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (if No, is inconsistency adequately justified?)
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6.1	Approval and Referral Requirements	<i>(4) A planning proposal must:</i> <i>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> <i>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> <i>- the appropriate Minister or public authority, and</i> <i>- the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i> <i>(c) not identify development as designated development unless the relevant planning authority:</i> <i>- can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i> <i>- has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</i> Comment: The Planning Proposal does not propose to include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Consistency: No inconsistencies with the terms of the direction were identified.	Yes
6.2	Reserving Land for Public Purposes	<i>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i> Comment: The Planning Proposal seeks to rezone deferred matter located at 6 Dransfield Avenue, Mascot (Lot 6 DP 776212) from Special Uses 5(d) Proposed Road to RE1 Public Recreation. Approval has not been granted by the owner Roads and Maritime Services NSW, a public authority. Consistency: <i>(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</i> <i>(a) with respect to a request referred to in paragraph (7), that further information is required before</i>	No – inconsistency justified, however, consultation with RMS required.

		<i>appropriate planning controls for the land can be determined, or</i> <i>(b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</i> Comment: Part (8)(a) is not relevant to this Planning Proposal. In relation to part (8)(b), whilst approval has not been granted by the owner, Roads and Maritime Services NSW, adequate justification for the proposed RE1 Public Recreation zoning is provided in Attachment C – Draft Clause Justification Table, which also includes a brief planning history to the site. Direction 6.2 states a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority. As such, Council will have to consult with the relevant nominated agencies about proposed clauses 5.1 and 5.1A and the RE1 zone for the Dransfield Ave Site. Consultation with relevant agencies has been conditioned in the Gateway Determination.	
6.3	Site Specific Provisions	<i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i> <i>a) Allow that land use to be carried out in the zone the land is situated on, or</i> <i>b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone; or</i> <i>c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i> Comment: Site specific provisions have been retained in the consolidated LEP. Consistency: No inconsistencies with the terms of the direction were identified.	Yes

7. Metropolitan Planning

No.	Title	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (if No, is inconsistency adequately justified?)
7.1	Implementation of A Plan for	<i>Planning proposals shall be consistent with:</i>	Yes

	Growing Sydney	(a) <i>the NSW Government's A Plan for Growing Sydney published in December 2014.</i> Comment: <i>A Plan for Growing Sydney</i> is superseded by the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i>. The Planning Proposal's consistency with the Greater Sydney Region Plan is addressed in the response to Question 3 of this Planning Proposal. Consistency: No inconsistencies with the terms of the direction were identified in the response to Question 3 of this Planning Proposal.	
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable The direction applies to Campbelltown City Council and Wollondilly Shire Council.	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable The direction does not apply to Bayside LGA.	Not applicable
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable The direction applies to Blacktown City Council, The Hills Shire Council and Hawkesbury City Council.	Not applicable
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable The direction applies to land contained within Greater Parramatta Priority Growth Area.	Not applicable
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable The direction applies to Wollondilly Shire Council.	Not applicable
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable The direction applies to Campbelltown City Council.	Not applicable
7.8	Implementation of Western Sydney	Not applicable The direction applies to Liverpool City Council, Penrith City Council, Blue Mountains City Council, Blacktown City	Not applicable

	Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Council, Camden Council, Campbelltown City Council, Fairfield City Council and Wollondilly Shire Council.	
7.9	Implementation of Bayside West Precincts 2036 Plan	<i>A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and published on the Department of Planning and Environment website in September 2018.</i> Comment: Existing clause 6.15 of the Rockdale LEP 2011 is proposed to be included in the consolidated Bayside LEP. This clause states that when applying a floor space ratio under clause 4.5, the site area for the proposed development on land within the Arncliffe and Banksia Precincts is to include land that is dedicated to Council or a public authority for a public purpose and would have been part of the site area if it had not been dedicated. This local clause aligns with the Bayside West Precincts 2036 Plan which is identified for urban renewal to provide more open space, infrastructure, homes and jobs. Consistency: No inconsistencies with the terms of the direction were identified.	Yes
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	<i>A planning proposal authority must ensure that a planning proposal is consistent with the following principles:</i> <i>a) Enable the environmental repair of the site and provide for new recreation opportunities;</i> <i>b) Not compromise future transport links (such as the South East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses;</i> <i>c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;</i> <i>d) Ensure best practice design and a high quality amenity with reference to the NSW design policy Better Placed;</i> <i>e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;</i> <i>f) Safeguard the ongoing operation of Sydney Airport;</i> <i>g) Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30 minute city;</i> <i>h) Deliver a safe road network that balances movement and places, provides connections to the immediate and surrounding areas and is</i>	Yes

		<i>cognisant of the traffic conditions in this area; and</i> i) <i>Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage.</i> <i>A Planning Proposal may be inconsistent with the terms of this Direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment that:</i> a) <i>The provisions of the planning proposal that are inconsistent are of minor significance and</i> b) <i>The planning proposal achieves the overall intent of the plan and does not undermine the achievement of the planning principles for the Cooks Cove Precinct.</i> Comment: The Planning Proposal to harmonise the Rockdale LEP 2011 and Botany Bay LEP 2013 into the consolidated Bayside LEP does not propose to amend provisions applying to Cooks Cove Precinct. Consistency: No inconsistencies with the terms of the direction were identified.	
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C Environmental, social and economic impact

Q7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

This Planning Proposal is not anticipated to create any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitat.

The harmonisation of the Rockdale LEP 2011 and the Botany Bay LEP 2013 will transfer existing mapping and provisions relating to critical habitat or threatened species, populations or ecological communities, or their habitats into the consolidated Bayside LEP.

Q8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The primary focus of this LEP is to consolidate and harmonise existing planning controls, as such the Planning Proposal is not anticipated to give rise to other environmental impacts. It is intended that the consolidated LEP will carry over provisions from existing LEPs that aim to manage other likely environmental impacts such as flooding. Provisions in relation to flood prone land are addressed at the response to Question 6 of this Planning Proposal, which considers the Planning Proposal consistent with the terms of ministerial direction 4.3 Flood Prone Land.

Q9 How has the Planning Proposal adequately addressed any social and economic effects?

This question contained in the Department of Planning and Environment's publication '*Planning Proposals – A guide to preparing planning proposals*' requires consideration of the Planning Proposal's effects on items or places of European or Aboriginal cultural heritage not addressed elsewhere in the Planning Proposal; and consideration of jobs created or home growth and their impacts on social infrastructure such as schools, hospitals and existing retail centres.

The primary focus of this LEP is to consolidate and harmonise existing planning controls. The proposed changes will not result in an increase in development densities and the associated social and economic effects that accompany densification.

This Planning Proposal seeks to provide greater certainty to landowners by aligning controls across the LGA creating positive social and economic effects.

D State and Commonwealth interests

Q10 Is there adequate public infrastructure for the Planning Proposal?

The purpose of this Planning Proposal is to create a consolidated Bayside Local Environmental Plan. This is a largely an administrative process and is not a comprehensive review of provisions that would result in an increase in densities which would require significant additional public infrastructure.

However, it is noted that Council is in the process of preparing new infrastructure strategies in accordance with the Bayside Asset Management Strategy and as outlined in the draft LSPS. The strategies will inform provision of additional local infrastructure to meet the needs of the future population. The strategies are:

- Social Infrastructure (Open Space, recreation and community facilities);
- Transport Strategy;
- Bike Plan;
- Employment and Centres Strategy;
- Social Infrastructure (Recreation, Open Space and Community facilities); and
- Environment Strategy.

Council has also commenced the preparation of key statutory or policy documents which will assist in the implementation of local infrastructure:

- Bayside Development Contributions Plan; and
- Bayside Plan of Management.

Q11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

This Planning Proposal has not yet been forwarded to the Minister for Planning and Public Spaces for a Gateway Determination, the appropriate State and Commonwealth public authorities have not yet been consulted. However, State and Commonwealth public authorities will be consulted in accordance with a Gateway Determination and will be given at least 28 days to comment on this Planning Proposal.

Part 4 – Mapping

The LEP harmonisation process will necessitate minor changes to all of the maps due to the 'housekeeping' exercise that forms part of the process. Additional, more detailed, changes include those referred to above e.g. the Deferred Matters sites. A full set of maps is included at Appendix B. These are the:

Acid Sulfate Soils Maps
Active Street Frontages Maps
Additional Permitted Uses Maps
Design Excellence Maps
Floor Space Ratio Maps

Foreshore Building Line Maps
Heritage Maps
Height of Buildings Maps
Land Application Maps
Land Reservation Acquisition Maps
Land Zoning Maps
Lot Size Maps
Riparian Lands Maps
Terrestrial Biodiversity Maps
Watercourses Maps
Wetlands Maps

Disclaimer: While the maps have been created with all due care, Bayside Council cannot guarantee the maps are free from errors or omissions.

Part 5 - Community Consultation

The Planning Proposal will be exhibited for a period of 28 days in accordance with the provisions of the *EP&A Act 1979* and the *Environmental Planning & Assessment Regulation 2000* and any requirements of the Gateway Determination.

Public exhibition of this Planning Proposal will include:

- Newspaper advertisement in local newspapers;
- Exhibition notice on Council's website;
- Community engagement project set up on Council's Have Your Say website;
- Notices in Council libraries;
- Written notification to all landowners and residents in the LGA. This will include letters to landowners of properties affected by a proposed change in the planning controls;
- Notification to all Talking Bayside Members;
- Notification to anyone who submitted feedback as part of Council's 'Planning Our Future' and 'Local Strategic Planning Statement' consultation projects; and
- Letters to State and Commonwealth Government agencies identified in the Gateway Determination.

Part 6 – Project Timeline

The table below provides a proposed, approximate timeline for the project:

Table 12 – Approximate Project Timeline

Task	Timing
Anticipated commencement date (date of Gateway determination)	March 2020
Anticipated timeframe for the completion of required technical information	February to March 2020
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	March to April 2020
Commencement and completion dates for public exhibition period	April to May 2020
Timeframe for consideration of submissions	May 2020
Timeframe for the consideration of a Planning Proposal post-exhibition	June 2020
Date of submission to the Department to finalise the LEP	June 2020
Anticipated date Planning Proposal Authority (PPA) will make the plan (if delegated)	DPIE to advise
Anticipated date PPA will forward to the Department for notification	DPIE to advise

Appendix A – Bayside Local Environmental Plan (draft written instrument)

Appendix B – Maps

Appendix C – Justification Table

Appendix D – LEP Comparison Table

Appendix E – Land Use Comparison and Justification Matrix

Appendix F – DPIE Land Use Matrix

Appendix G – Explanatory Paper