

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
PART 1 – PRELIMINARY				
Name of Plan	CI 1.1	CI 1.1	LGA name differs. Previously Rockdale Local Environmental Plan 2011 (RLEP 2011) and Botany Bay Local Environmental Plan 2013 (BBLEP 2013).	Updated LGA references throughout the LEP. Proposed to be Bayside Local Environmental Plan.
Commencement	CI 1.1AA	CI 1.1AA	Different LEP commencement dates as two different LEPs.	Updated with relevant commencement date of new LEP to be inserted when Bayside LEP published.
Aims of Plan	CI 1.2	CI1.2	(1) Both LEP’s have objectives to encourage • Vibrancy/liveable LGA • Conservation of cultural and environmental heritage • Encourages economic growth/activity • Conservation of the natural landscapes • Residential Amenity The RLEP 2011 aims make specific reference to Transit Oriented Design, protecting foreshores, promoting open space for recreation and minimisation of impacts of environmental hazards (flooding). In contrast, the BLEP makes specific reference to its role as a gateway into Sydney and using design excellence to promote liveability.	Compulsory, as per the Standard Instrument. Updated to reflect key objectives of the <i>draft Bayside Local Strategic Planning Statement</i> and <i>Eastern City District Plan</i> priorities, including need to increase urban tree canopy cover, protect and enhance green corridor connections, and ensure that land use zones minimise conflict with adjoining land uses (for example key trade gateways).

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Land to which Plan applies	CI 1.3	CI 1.3	The RLEP 2011 and BBLEP 2013 include Land Application Maps relevant to the former Rockdale and Botany LGAs.	
Deferred Matters	CI 1.3 (1A)	CI 1.3 (1A)	This clause only applies to three sites subject to the current BBLEP 2013, identified as “Deferred Matters” under this clause. The Botany LEP 1995 (BLEP 1995) currently applies to two of these sites, while the <i>Botany Interim Development Order 19</i> applies to one of the sites.	The Land Application Map Bayside LEP will identify all land subject to BLEP planning controls, apart from the areas to which the Sydney Regional Environmental Plan No. 33 – Cooks Cove and the State Environmental Planning Policy (Three Ports) 2013 apply. Botany Interim Development Order 19 identifies one location as a Deferred Matter and the BBLEP 2013 identifies two locations as Deferred Matters: • <u>Deferred Matter 1</u>: known as MacIntosh Street/Botany Road, Mascot • <u>Deferred Matter 2</u>: known as Dransfield Avenue, Mascot • <u>Deferred Matter 3</u>: known as 26 Tupia Street, Mascot A review of the three Deferred Matters has resulted in a proposal to include them in the Bayside LEP. This will mean the Land Application map will not exclude those parcels for the following reasons: <u>Referred to as Deferred Matter 1 - MacIntosh Street/Botany Road:</u>

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				<table><tr><th>Address</th><th>Lot</th><th>DP</th><th>SP</th><th>Proposed Zone</th></tr><tr><td>18B Macintosh St</td><td>8</td><td>1191439</td><td></td><td>R3 Medium Density Residential</td></tr><tr><td>18A Macintosh St</td><td>7</td><td>1191439</td><td></td><td>R3</td></tr><tr><td>16 Macintosh St</td><td>1</td><td>15513</td><td></td><td>R3</td></tr><tr><td>14 Macintosh St</td><td></td><td></td><td>89104</td><td>R3</td></tr><tr><td>12B Macintosh St</td><td>5</td><td>1191439</td><td></td><td>R3</td></tr><tr><td>12A Macintosh St</td><td>4</td><td>1191439</td><td></td><td>R3</td></tr><tr><td>10C Macintosh St</td><td>3</td><td>1191439</td><td></td><td>R3</td></tr><tr><td>10B Macintosh St</td><td>2</td><td>1191439</td><td></td><td>R3</td></tr><tr><td>10A Macintosh St</td><td>1</td><td>1191439</td><td></td><td>R3</td></tr><tr><td>8 Macintosh St/ 568 Botany Road*</td><td></td><td></td><td>4276</td><td>B2 Local Centre</td></tr><tr><td>2-4 Macintosh St</td><td>105 and 106</td><td>550420</td><td></td><td>B2</td></tr><tr><td>562 Botany Rd</td><td></td><td></td><td>65912</td><td>B2</td></tr><tr><td>564 Botany Rd</td><td></td><td></td><td>3806</td><td>B2</td></tr><tr><td>566 Botany Rd</td><td></td><td></td><td>4322</td><td>B2</td></tr></table> * L Shaped Lot The BBLEP 1995 controls are: - Residential 2(b) Zone BBLEP 2013– (which is considered to be generally consistent with the R3 Medium Density Zone in the BBLEP 2013) - FSR 0.5:1, with a bonus of 0.5:1 FSR available for sites >2,500sqm, to enable a maximum FSR of 1:1 - No Height of Building limit During consideration of the Draft BBLEP 2013 2011 some residents expressed concern in relation to: - Parking, traffic and access - Form of housing and height transition - Height - Privacy - Rubbish removal - Stormwater - Botany Council deferred the properties from the BBLEP 2013.	Address	Lot	DP	SP	Proposed Zone	18B Macintosh St	8	1191439		R3 Medium Density Residential	18A Macintosh St	7	1191439		R3	16 Macintosh St	1	15513		R3	14 Macintosh St			89104	R3	12B Macintosh St	5	1191439		R3	12A Macintosh St	4	1191439		R3	10C Macintosh St	3	1191439		R3	10B Macintosh St	2	1191439		R3	10A Macintosh St	1	1191439		R3	8 Macintosh St/ 568 Botany Road*			4276	B2 Local Centre	2-4 Macintosh St	105 and 106	550420		B2	562 Botany Rd			65912	B2	564 Botany Rd			3806	B2	566 Botany Rd			4322	B2				
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				• The majority of sites which are affected by the Deferred Matter 1 at MacIntosh Street have been developed for 3-4 storey medium density development in recent years, with older four storey walk ups located on the majority of sites fronting Botany Road / Corner MacIntosh Street. • It is noted that the FSR bonus provisions (Clause 4.4A – Sliding Scale FSR) of the BBLEP 2013 do not currently apply to R3 Medium Density zoned land within the locality. • It is proposed to encourage retail and commercial uses at the ground floor and to minimise impacts from road noise at ground floor (in line with best practice planning, including the NSW Road Noise Policy), by zoning the lots fronting Botany Road as B2 Local Centre zone and including the sites with frontage to Botany Road in the Active Street Frontage (ASF) map. • It is proposed to apply Active Street Frontage across the Botany Road frontage, consistent with application of the Active Street Frontage along Botany Road where the B2 Local Centre zone currently applies. • 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. • Proposed controls will allow for greater FSR to be achieved, control uses at ground floor and help mitigate against road noise (in an area already impacted by aircraft noise), and allow for greater height than has currently been achieved within the site. • The controls for the western extent of the site are consistent with recently approved development immediately to the east (within the extent of the Deferred Matter). • A minor reduction in residential floor space is potentiated by application of the B2 zone. However, the reduction is considered to be a minor

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				inconsistency that can be justified and which will result in an active street frontage and increased capacity for employment. <i>Recommendation:</i> - That each of the Deferred Matter sites at Macintosh Street & Botany Road Mascot, be included in the Land Application Map. The sites being: 18B Macintosh Street (Lot 8 DP 1191439) 18A Macintosh Street (Lot 7 DP 1191439) 16 Macintosh Street (Lot 1 DP 155113) 14 Macintosh Street (DP 89104) 12B Macintosh Street (Lot 5 DP 1191439) 12A Macintosh Street (Lot 4 DP 1191439) 10C Macintosh Street (Lot 3 DP 1191439) 10B Macintosh Street (Lot 2 DP 1191439) 10A Macintosh Street (Lot 1 DP 1191439) 8 Macintosh Street / 568 Botany Road (DP 4276) 4 Macintosh Street (Lot 106 DP 550420) 2 Macintosh Street (Lot 105 DP 550420) 562 Botany Road (DP 65912) 564 Botany Road (DP 3806) 566 Botany Road (DP 4322) - the lots with frontage to Botany Road be zoned B2 Local Centre, with a height of building limit of 14 metres; an FSR of 2:1; and an Active Street Frontage layer. - the remaining lots be zoned R3 Medium Density Residential with a height of building limit of 12 metres, and a FSR of 0.85:1

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				<u>Deferred Matter 2: Lot 6 DP 776212 Dransfield Avenue, Mascot</u> • Planning Ordinance (Botany IDO 19) applies to the site, as the site was also deferred from the BLEP 1995. That is, it has been deferred from two consecutive LEPs. • Botany Council recommended RE1 Public Recreation Zone as part of the Draft BBLEP 2013. • The Department of Planning, Industry and Environment supported Council's recommendation for the RE1 zone at the time. • However, RMS requested that the land be zoned B5 Business Development. • Application of the RE1 Public Recreation Zone would be consistent with the strategic direction of the Eastern City District Plan, particularly Planning Priorities 17 and 18, as the site forms part of the 'Botany Wetlands' BioMap Regional corridor identified in the Government Architect's Office publication <i>'Sydney Green Grid – Spatial Framework and Project Opportunities: Central District'</i>. • Application of the RE1 zone to the subject properties is a logical extension to the adjoining RE1 zoned land which is located to the west of the site, and which is a State-owned site (Department Planning, Industry and Environment) comprising significant, contiguous vegetation with evidence of significant regeneration. • It is noted that <i>State Environmental Planning Policy (Infrastructure) 2007</i> would permit, without consent, a number of uses on the subject site if it were to be zoned RE1 Public Recreation, including: - o outdoor recreation areas and facilities - o landscape structures and features - o amenities such as toilets/ change rooms - o food preparation and related facilities for people using the reserve - o maintenance depots - o cycleways and pathways

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				- Rezoning to RE1 Public Recreation would be consistent with <i>Practice Note PN_10-007: Zoning for Infrastructure in LEPs</i>, which provides that surplus public land should be rezoned to be compatible with surrounding land uses having regard to: - nature and character of the site (the site contains bushland regrowth) - Existing adjacent land uses and preferred future uses (RE1 zoned bushland directly adjoins to the west) - regional strategy priorities (mapped in the Sydney Green Grid – Central Priority Project - Mill Stream and Botany Wetlands) availability of services and infrastructure environmental impacts and risks. <i>Recommendation:</i> Amend planning controls for Lot 6 DP 776212 Dransfield Avenue, Mascot - include Lot 6 DP 776212 Dransfield Avenue, Mascot in the Land Application Map - zone the subject site to RE1 Public Recreation Zone. <u>Deferred Matter 3: Lot X DP 32914, 26 Tupia Street, Mascot</u> - The site is zoned Residential 2(b) under the Botany LEP 1995. - The equivalent zone under the BBLEP 2013 is the R3 Medium Density Residential Zone - Proposed controls need to be considered in the context of the Botany LEP 1995 controls (FSR: 1:1 and Height: to be compatible with the scale of existing residential development in the locality) and the controls under the BBLEP 2013 (FSR: 0.85:1 and Height: 10 metres). - The <i>Botany Bay Planning Strategy 2031</i> identified the site for higher density residential, which is inconsistent with the surrounding zoning and planning

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				controls, for low and medium density residential zoned land, and public recreation land. • However, development of the land for residential purposes is consistent with Local Planning Direction 3.1 - <i>Housing, Infrastructure and Urban Development</i>, as it 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. Bayside Council will prepare site-specific DCP provisions for inclusion in the new Bayside Development Control Plan. <i>Recommendation: Amend the following controls for Lot X DP 32914, 26 Tupia Street, Mascot</i> • Zone the subject site to R3 Medium Density Residential Zone • Include the site in the Height of Building Map - with a height of 10 metres Include the site in the FSR Map as 0.85:1
Definitions	Cl 1.4	Cl 1.4	Clause is consistent across both LEPs. However there are some differences in the terms and definitions included in the Dictionary.	Updated Dictionary to reflect LEP provisions. Definitions will be consistent with the Standard Instrument.
Notes	Cl 1.5	Cl 1.5	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Consent authority	Cl 1.6	Cl 1.6	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Maps	Cl 1.7	Cl.17	Wording of clause is consistent across both LEPs. Individual maps reviewed separately.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged. Refer to justification below relating to specific maps.

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Repeal of planning instruments applying to land	CI 1.8	CI 1.8	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Saving provision relating to the development application	CI 1.8A	CI 1.8A	Marginal difference between the LEPs.	This clause has been retained and updated to reflect appropriate controls to the Bayside LGA.
Application of SEPPs	CI 1.9	CI 1.9	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Suspension of covenants agreements and instruments	CI 1.9A	CI 1.9A	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
PART 2 – PERMITTED OR PROHIBITED DEVELOPMENT				
Land use zones	CL 2.1	CI 2.1	This is an introductory clause listing land use zones included under the LEP. There are some differences between LEPs in the zones listed.	The clause has been updated to reflect zones included in the Bayside LEP.
Zoning of land to which plan applies	CI 2.2	CI 2.2	Consistent across both LEPs.	Land zoning map reflects new LGA boundary and zones.
Zone objectives & Land Use Table	CI 2.3	CI 2.3	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Unzoned land	CI 2.4	CI 2.4	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Additional permitted uses for particular land	CI 2.5	CI 2.5 & map	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.

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Subdivision – consent requirements	CI 2.6	CI 2.6	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Demolition requires consent	CI 2.7	CI 2.7	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Temporary use of land	CI 2.8	CI 2.8	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
LAND USE TABLE				
Zone RU4 Primary productions small lots	Applies	N/A	This zone applies to two sites in the RLEP 2011. The sites are both local heritage items and are used as market gardens.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone R2 Low Density residential	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the R2 Low Density Residential Zone. However, there are differences in the land use table.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone R3 Medium Density Residential	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the R3 Medium Density Residential Zone. However, there are differences in the land use table.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone R4 High Density	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the R4 High Density Residential Zone. However, there are differences in the land use table.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone B1 Neighbourhood Centre	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the B1 Neighbourhood Centre Zone. However, there are differences in the land use table.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.

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Zone B2 Local Centre	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the B2 Local Centre Zone. However, there are differences in the land use table.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone B3 Commercial Centre	N/A	Applies	This zone only applies to land in the BBLEP 2013.	This zone is to be retained and the objectives from the BBLEP 2013 are to be carried over. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone B4 Mixed Use	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the B4 Mixed Use Zone. However, there are differences in the land use table.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone B5 Business Development	N/A	Applies	This zone applies to some sites subject to the current BBLEP 2013 applies.	This zone is to be retained and the objectives from the BBLEP 2013 are to be carried over. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone B6 Enterprise Corridor	Applies	N/A	This zone only applies to land in the RLEP 2011.	This zone is to be retained, and the objectives from the RLEP 2011 are to be carried over. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone B7 Business Park	N/A	Applies	This zone only applies to land in the BBLEP 2013.	This zone is to be retained and the objectives from the BBLEP 2013 are to be carried over. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone IN1 General Industrial	N/A	Applies	This zone only applies to some sites subject to the current BBLEP 2013 applies.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone IN2 Light Industrial	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the IN2 Light Industrial Zone. However, there are differences in the land use table.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone SP1 Special Activities	N/A	Applies	This zone only applies to land in the BBLEP 2013.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone SP2 Infrastructure	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the SP2 Infrastructure Zone. This zone is generally applied consistently, with the exception of environmental protection works	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.

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			which are permitted without consent in the BBLEP 2013.	
Zone SP3 Tourist	Applies	N/A	This zone only applies to land in the RLEP 2011.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone RE1 Public Recreation	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the RE1 Public Recreation Zone. However, there are differences in the land use table.	This zone is to be retained. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone. The Standard instrument sets out the objectives for the zone, namely to enable land to be used for public open space or recreational purposes, to provide a range of recreational settings and activities and compatible land uses and to protect and enhance the natural environment for recreational purposes.
Zone RE2 Private Recreation	Applies	Applies	Both the RLEP 2011 and the BBLEP 2013 include the RE2 Private Recreation Zone. However, there are differences in the land use table.	It is proposed to retain this zone, with amendments. Refer to the Explanatory Paper for any proposed changes to the land use table for this zone.
Zone E1 National Parks & Nature Reserves	Applies	N/A	This zone only applies to land in the RLEP 2011.	It is proposed to retain this zone, with the current objectives of the zone from the RLEP 2011 to be carried over. No changes are proposed to this land use table. This land is part of the National Parks and Wildlife Service's Towra Point Nature Reserve.
W1 Natural Waterways	N/A	N/A	This zone will be introduced in the Bayside Consolidated LEP.	This zoning is being introduced in the BLEP as one of Bayside's natural waterways that support wetlands and natural ecosystem processes is currently unzoned, being Wolli Creek. The objectives of this zone under the SI LEP include protecting ecological values of natural waterways, and preventing development that could have adverse impacts on the natural values of waterways. The entire length of Wolli Creek is proposed to be zoned W1 Natural Waterways, given the function that Wolli Creek provides to the adjoining wetlands and riparian corridor. Wolli Creek is proposed to be zoned W1 Natural Waterways, in order to limit inappropriate development that could occur if the land was to be zoned W2 Recreational Waterways. The zoning will also reflect the importance of the

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				adjoining Wolli Creek Parklands, North of Wolli Creek, within the Canterbury-Bankstown LGA, which is zoned E1 National Parks and Nature Reserves. Refer to the Explanatory Paper to view the objectives and land use table for this zone.
W2 Recreational Waterways	N/A	N/A	This zone will be introduced in the Bayside Consolidated LEP.	As per Practice Note: PN 11-001 All land must be zoned; however, it is identified that a number of Bayside's waterways currently remain unzoned. Subsequently, Bayside's waterways are potentially exposed to development which may not be compatible with, or impact adversely on, the unzoned waterway. Waterways within the Bayside LGA which are currently unzoned are: • Portion of Georges River adjacent to Sandringham • Lower reaches of the Cooks River where it meets Botany Bay • Muddy Creek • Wolli Creek • Bardwell Creek Refer to the Explanatory Paper to view the objectives and land use table for this zone.
W3 Working Waterways	N/A	Applies	This zone only applies to land in the BBLEP 2013.	This zone is to be retained to allow for working waterways adjacent to Port Botany and Sydney Airport (outside of the Three Ports SEPP) to support their important trade gateway role. Objectives of this zone are consistent with the Standard Instrument. No changes are proposed to this land use table. It is proposed to retain this zone, with the current objectives of the zone from the RLEP 2013 to be carried over. No changes are proposed to this land use table.

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PART 3 – EXEMPT AND COMPLYING DEVELOPMENT				
Exempt Development	CI 3.1	CI 3.1	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Complying Development	CI 3.1	CI 3.2	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
Environmentally sensitive areas excluded	CI 3.3	CI 3.3	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. Retain clause in the consolidated LEP unchanged.
PART 4 – PRINCIPAL DEVELOPMENT STANDARDS				
Minimum subdivision lot size	CI 4.1 & map	N/A	This clause was only included in the RLEP 2011.	RLEP 2011 requires a minimum lot size for subdivision in the R2, R3 and R4 zones of 450sqm (generally) and with particular precincts in Xenia Street (340sqm) and Caledonian Street (230sqm). In the IN2 zone, minimum subdivision lot size is 840sqm with no minimum subdivision lot size applying on R4 land. It is proposed to retain the existing provisions for each existing lot size under the current RLEP 2011, by retaining clause 4.1 and applying it to Bayside West only, and not map any of Bayside East with minimum lot sizes. Minimum lot sizes for subdivision will be the subject of detailed review Bayside-wide once the Housing Strategy is finalised. One area zoned R4 High Density Residential in the Arncliffe and Banksia Precinct is mapped with a minimum subdivision lot size of 450sqm. This area is the only R4 zone in RLEP 2011 mapped with a minimum lot size. This Precinct was under the SEPP (Arncliffe and Banksia Precincts) 2018, from R2 Low Density Residential to R4 High Density Residential. It is proposed to delete the 450sqm minimum lot

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				size from the map. This results in minimal implications as amalgamation of lots would be encouraged and desired to achieve the available height and FSR rather than Torrens Title subdivision. Part 3E of Botany Bay DCP states provides numerical minimum lot sizes and dimensions for industrial zoned land. The relevant controls are given in italics below: C6 The minimum allotment size permitted for industrial Torrens title subdivision or amalgamation of land is 1,500sqm with a: (i) Minimum allotment width of 30 metres; and (ii) Minimum allotment depth of 50 metres. Note: All dimensions of the subdivision or amalgamation must be shown on detailed subdivision plans. It is proposed to incorporate the minimum 1500 square metre lot size for industrial zoned land (IN1 General Industrial /IN2 Light Industrial zones) into the LEP minimum lot size requirements, and mapped as such on the LSZ map. It is recommended that minimum lot sizes for industrial land across the Bayside LGA be subject to a detailed review in a future LEP amendment. Minimum subdivision Lot size Map (LSZ_map) to have the following areas: ▪ 230 sqm - R2 zoned street block bounded by Caledonian Street Watkin Street, Park Road, Harrow Road ▪ 340 sqm - R2 zoned street block bounded by Xenia Avenue, Fleet Street, Ethel St, Carlton Pde ▪ 450sqm - All R2 and R3 zones in Bayside West only

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
				840sqm - All IN2 zones in Bayside West only 1500sqm - All IN1 and IN2 zones in Bayside East only The clause is to be retained and only subclause (3B) amended as follows: (3B) Despite subclause (3), development consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed on any land identified on the Lot Size Map , if— (a) the area of each lot resulting from the subdivision is equal to or greater than 350 square metres, and (b) each of the lots will have one of the dwellings on it. It is proposed to retain Clause 4.1(3A) as currently drafted under RLEP 2011.
Rural subdivisions	Cl 4.2	N/A	This clause was only included in the RLEP 2011.	There are no rural zoned lots under BBLEP 2013. The RU4 zoned land is to be retained as per RLEP 2011. No change is proposed and this clause will be retained unaltered.
Minimum lot size for attached and semi-detached dwellings in Zone R2	Cl 4.2A	N/A	This clause was only included in the RLEP 2011.	Adoption of the above clause Bayside- wide would preclude the construction of attached and semi-detached dwellings on existing small lots under 350sqm. As the above clause does not permit subdivision, only to erect the building(s), there is no potential erosion of lot sizes in any given subdivision pattern. On smaller existing lots, a semi-detached or attached typology would be preferable in many cases. Accordingly, it is proposed that clause 4.2A be deleted.
Height of Buildings	Cl 4.3 & map	Cl 4.3 & map	Clause objectives differ across the LEPs, however the general intent of the clause is consistent – setting appropriate maximum	The proposed objectives for this clause have been harmonised, utilising existing objectives from both the RLEP 2011 and BBLEP 2013.

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
			heights for land identified on the Height of Buildings Map. Exceptions to building heights differ across LEPs.	It is proposed to maintain current building heights within RLEP 2011 and Botany LEP. Retaining the current building heights will allow existing height transitions and heights introduced via site specific planning proposals to be maintained. Clause 4.3(2A) of the Botany LEP is proposed to be removed, in accordance with a current planning proposal being led by Council. In 2015 the former Botany Council initiated a Planning Proposal to delete clauses 4.3(2A) and 4.4B. A Gateway Determination was issued indicating that the Proposal was considered to have strategic merit. The conditions attached to the Gateway Determination required consideration of the Planning Proposal's consistency with Local Planning 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 conducted consultation with 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 (Attachment H), 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 BBLEP 2013, with the exception of the following privately-owned sites: • 96A Bay Street, Botany ; • 97 Banksia Street, Botany; and The following NSW Land & Housing Corporation-owned sites: • Slattery Place, Eastlakes

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
				• 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 • 68-80 Banks Avenue, Pagewood Clause 4.3(2A) will also be amended to apply to development for the purposes of multi-dwelling housing and residential flat buildings (rather than Zone R3 and R4), to be consistent with the wording within Clause 4.4(B) of Botany LEP. It is proposed to include the amended Clauses 4.3(2A) of Botany LEP as a subclause (5) of Clause 4.3 Height of Buildings of the consolidated LEP by identifying the above sites on the Height of Buildings map as 'Area 14'. Clause 4.3(2C) of Botany LEP is to be maintained in the consolidated LEP, as subclause 4.3(3)(l). Clause 4.3 (2A) of RLEP 2011 is a bonus incentive clause, which allows additional height in certain areas if specified minimum areas are achieved. For areas within the Rockdale Town Centre (current Area A, Area G, Area H, Area I, Area J and Area M – all proposed to be converted to numeric references in the BLEP) it is proposed to retain the current bonus incentives clauses. These may be amended via a planning proposal in the future. Clause 4.3(2A) of RLEP 2011 also identified bonus height provisions in areas outside of Rockdale Town Centre. The following remaining areas will be

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
				maintained in the consolidated LEP, with existing 'Area' lettering to be converted to numeric references: • Brighton Le Sands (Area B) • Bexley North (Area C) • Kogarah (Area D) • Bexley (Area E) • Bexley (Areas K) • Bexley (Areas L) Clause 4.3(2B) of the RLEP 2011 identifies maximum building heights for certain areas. This clause will be maintained in the consolidated LEP with no change.
Exceptions to height of Buildings	Cl 4.3A	N/A	This clause was only included in the RLEP 2011.	The clause was introduced in 2016 as part of Amendment 16 to the RLEP 2011 to ensure the increase in heights at 152–206 Rocky Point Road, Kogarah provided an appropriate transition to surrounding lower density development. This clause is proposed to remain as it has location-specific relevance, however will be incorporated into the 'height of buildings' clause as a subclause.
Floor Space ratio	Cl 4.4 & map	Cl 4.4 & map	Clause objectives differ across LEPs, however the general intent of this clause is consistent between the RLEP and BBLEP – regulating bulk and scale of development by setting appropriate maximum floor space ratio (FSR) controls identified on the Floor Space Ratio Map. The different LEPs have different bonuses for different areas approached in different ways.	It is proposed that the FSR controls as established by the RLEP 2011 be applied in all zones where the current RLEP 2011 applies. It is proposed that the FSR as established by the BBLEP 2013 be maintained, except for current Area 3, in the R2 zone. Instead of 1:1, these areas are proposed to have an FSR of 0.55:1, which is commensurate with a low density residential context. This is the lowest permissible FSR for a dwelling house under current clause 4.4A of BBLEP 2013. The rationale is that, instead of mapping at the maximum, the map should show the minimum, with clause 4.4A providing a 'bonus' for smaller lots in a sliding FSR scale. RLEP 2011 Clause (2A) states that <i>"The floor space ratio for a building on land that is in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or</i>

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
				<i>Zone R4 High Density Residential and that has an area of less than 460 square metres is not to exceed 0.55:1.” To ensure a harmonisation in a way that does not prejudice small lots of a 0.05:1 bonus, it is recommended that current RLEP 2011 R2, R3 and R4 zoned land be mapped to continue to this land.</i> In the IN1 and IN2 zones contained in the BBLEP 2013, FSR is either 1:1 or 1.2:1. In the RLEP 2011 the FSR for IN2 zoned land is 1:1. The current floor space ratios are proposed to be maintained. The Gateway Determination has conditioned the deletion of BBLEP 2013 Clause 4.4(2A). The retention of the bonus FSR Clause 4.4(2A) 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. BBLEP 2013 Clause 4.4 (2C) and (2D) are exceptions to floorspace controls, and have been retained. Due to the proposed deletion of Bonus Provisions currently applicable under Clauses 4.3(2A), and 4.4B of the BBLEP 2013, it is proposed to include subclauses in Clause 4.4 for bonus FSR applicable to certain sites. This is discussed in detail under Clause 4.4B below.
Exceptions to floor space ratio for residential accommodation	N/A	CI 4.4A	This clause was only included in the BBLEP 2013.	Clause 4.4A of the BBLEP 2013 relates to R2 Low Density zoned land nominated as ‘Area 3’. It is proposed that the Bayside LEP will include an amended clause 4.4A to add semi-detached dwellings, attached dwellings and dual occupancies, as they are all low density residential development and should be of similar scale and form. Currently these types of dwellings are subject to an FSR of 0.5:1, which

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
				has resulted in a large number of applications to amend the planning controls via a clause 4.6 variation. Analysis of the Clause 4.6 Register for 2016-19 reveals that only two semi-detached developments in key areas are approved at around 0.85:1 and these create lots as small as 183sqm. This creates design issues with bulk, scale, overshadowing, parking, setbacks and landscaping, and were approved as infill (for example, in George St) to an existing contextual situation. For the majority of semi-detached approvals, lots created range between 200-269 sqm with FSRs being 0.56:1 up to 0.75:1 (excluding the George St examples). Accordingly, it is recommended that the sliding scale be modified to start with 0.55:1 for lots over 400sqm, with bonus FSR applied, on a sliding scale as lots reduce, increasing up to 0.8:1. The FSRs have been tested using a sample set of Development approvals (using those in the Clause 4.6 Register). It is proposed to include an amended version of the wording in Clause 4.4A of the Botany Bay LEP 2013 within Clause 4.4 Floor Space Ratio of the consolidated LEP, under the proposed subclause (10). This will result in Clause 4.4A of Botany Bay LEP 2013 being removed, as this wording will no longer be required in a standalone clause. The amended sub clause is included below: (10) Despite clause 4.4 (2), development for the purposes of a dwelling house, semi-detached dwellings, attached dwellings and dual occupancies on land in Area 3 identified on the Floor Space Ratio Map on land with a site area noted in column 1 below, is not to exceed the floor space ratio specified in Column 2 below for land with that site area:

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
				Site Area <200 sqm 200-250 sqm 251-300 sqm 301-350 sqm 351-449 sqm >450sqm Maximum Floor Space Ratio 0.80:1 0.75:1 0.70:1 0.65:1 0.60:1 0.55:1 It is recommended that the floor space ratio area labels be converted to harmonise the RLEP 2011 and BBLEP 2013. It is also proposed that subclause 4.4A(3)(d) be deleted to allow low density development (dwelling house, semi-detached dwellings, attached dwellings and dual occupancies) to develop at a comparable density. Subclause (3)(c) relates to residential flat buildings, which are proposed to be prohibited in the R2 zone, and it is proposed that the subclause be deleted accordingly.

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
Exception to floor space ratio in zone R3 and zone R4	N/A	Cl 4.4B	This clause was only included in the BBLEP 2013.	In 2015, the former Botany Bay Council initiated a Planning Proposal to delete clause 4.4B in conjunction with subclause 4.4(2A) above, and received Gateway Determination, confirming the proposed change had strategic merit. The conditions attached to the Gateway Determination required consideration of the Planning Proposal's consistency with the relevant Local Planning Directions, to consult with the owners of all R3 and R4 zoned land and to amend the Planning Proposal as necessary. A subsequent independent planning review determined that the Planning Proposal was consistent with the Local Planning Directions. Council then consulted with the owners of R3 and R4 zoned land and modified the Planning Proposal to exclude a number of sites which demonstrated, through submission of concept designs, the ability for development to occur without unreasonably impacting the owners of adjoining land. Therefore, Clause 4.4B is to be deleted from the BBLEP 2013, with the exception of the following privately- owned 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

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
				68-80 Banks Avenue, Pagewood It is proposed to include the amended Clauses 4.4(B) of Botany LEP within Clause 4.4 Floor Space Ratio of the consolidated LEP by identifying the above sites on the FSR map as 'Area 14'. This will result in Clause 4.4B (1) and (2) of Botany LEP being removed, as this wording will no longer be required.
Consent to development in zone R3	N/A	CI 4.4C	This clause was only included in the BBLEP 2013.	This is proposed to be deleted The considerations set out in Clause 4.4C can be covered in a Clause 4.15 assessment under the heads of consideration, including the zoning objectives, SEPP 65/ADG and the DCP.
Calculation of floor space ratio and site area	CI 4.5	CI 4.5	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument. It is proposed to retain the clause in the consolidated LEP.
Exceptions to development standards	CI 4.6	CI 4.6	This clause is generally consistent across both LEPs.	Clause 4.6 is a mandated/compulsory clause in the Standard Instrument LEP. This clause should be retained in the consolidated LEP with only minor changes required to subclause (8). The Direction at the end of clause 4.6 of the Standard Instrument LEP states that 'additional exclusions may be added'. LEP Practice Note PN 11-001 (10.03.11) identifies provisions relating to clause 4.6. All additional subclauses under subclause (8)(c) have been amended to include new cross references to the respective HOB and FSR exceptions and incentive areas already included in the BBLEP 2013 and the RLEP 2011. With regard to the 'Notes' applicable to Clause 4.6, Clause 1.5 of both the RLEP 2011 and BLEP 2013 is relevant. This is a compulsory/mandated clause in the Standard Instrument LEP which states the following: '1.5 Notes Notes in this Plan are provided for guidance and do not form part of this Plan.'

Clause/ Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
				LEP Practice Note PN 11-001 (10.03.11) sets out a clause-by-clause outline which states the following in respect of 'Notes': 'The notes are non-statutory guidance to aid in the understanding of a clause and do not form part of the legal instrument. Notes will remain in councils' LEPs. Councils are not to insert notes.' Therefore, not only are the notes not required, it is not within Council's remit to insert these notes for guidance purposes. Clauses 4.6(8)(b1) and (b2) of the BBLEP 2013 relate to 4.3(2A) and 4.4(3B), which are both proposed to be reconfigured in the Bayside LEP under Clauses 4.3 and 4.4, respectively. The new cross-references to these introduced subclauses will therefore be updated in Clause 4.6 to reflect these changes. Clauses 4.6(8)(ca), (cb) and (cc) of the RLEP 2011 relate to Clauses 4.3 (2A), 4.4 (2A), (2B), (2C) or (2D); 4.3(A); and 7.1 & 7.2, respectively. These subclauses are proposed to be reconfigured/retained in the Bayside LEP under Clauses 4.3, 4.3A, 4.4, 7.1 and 7.2, respectively. The new cross-references to these introduced subclauses will therefore be updated in Clause 4.6 to reflect these changes.

PART 5 MISCELLANEOUS PROVISIONS

Clause/Issue	Coverage across LEPs		Summary of differences	Justification for consolidated LEP
	RLEP 2011	BBLEP 2013		
Relevant acquisition authority	Cl 5.1 & map	Cl 5.1 & map	This clause is generally consistent across both LEPs with some minor differences of additional land reservation types identified in the former RLEP 2011. The particular zones	Strategic Merit – Planning Framework Site Specific Merit – Technical and Environmental This is a mandated clause in the Standard Instrument and will be retained in the

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
				referenced in this clause also vary across the LEPs, however this is determined by what land reservations are identified in each LEP and where they are located, and does not reflect a difference in policy intent.	consolidated LEP. Consistent terminology will be used to refer to each type of land reservation. The list of land reservation types (and their relevant zone), and the land reservation, has been reviewed to include all reservations that are located within the Bayside LGA boundary. Any land reservations that have been acquired, or that are no longer needed, are not be retained in the consolidated LEP.
Development on land intended to be acquired for public purpose			CI 5.1A & map	N/A	This clause was only included in the RLEP 2011. This clause is to be directly transferred from the Rockdale Bay LEP.
Classification and reclassification of public land			CI 5.2	CI 5.2	Consistent across both LEPs. This is a mandated clause in the Standard Instrument, and will be retained in the consolidated LEP unchanged.
Development near zone boundaries			CI 5.3	CI 5.3	This clause was only included in the BBLEP 2013. This clause is optional and allows each Council to nominate a certain distance and zones that the clause applies. The clause contained within BBLEP 2013 applies a relevant distance of 25m between two zones, and excludes the application of the clause to RE1, E1, E2, E3 and W1 zones. The drafting of the clause in the BBLEP 2013 is generous when compared with other surrounding LEPs, which either do not include the clause, or generally limit the application of the clause to SP zones only.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					It is proposed to remove this clause in its entirety, as this is consistent with the approach of many surrounding Councils, and ensures that zoning boundaries and transitions are maintained. It also helps to ensure that only the land uses permissible within the relevant zone will be allowed.
Controls relating to miscellaneous permissible uses			CI 5.4	CI 5.4	There are differences across the LEPs in the prescribed maximum size of home businesses, home industries, industrial retail outlets, kiosks, neighbourhood shops and secondary dwellings. This is a mandated clause in the Standard Instrument and will be retained in the consolidated LEP. The gross floor area requirements for miscellaneous permissible uses will be harmonised, with existing controls being retained where they are consistent in both the BBLEP 2013 and RLEP 2011. The controls for the following miscellaneous permissible uses under the existing LEPs require harmonisation: • Home businesses • Home industries • Industrial retail outlets • Kiosks • Neighbourhood shops • Secondary dwellings • Artisan food and drink industry exclusion In order to ensure no net loss in development potential for controls to be included in the consolidated LEP, the more generous of the two

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					existing controls has been adopted, with the exception of secondary dwelling controls. For secondary dwellings, a maximum of 20% of the total floor area of the principle dwelling has been adopted, as per the existing control contained within BBLEP 2013. This control is considered to be consistent with the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)</i>, which specifies a maximum GFA of 60sqm. The proposed provision, being 20%, would allow a slightly more generous GFA for secondary dwellings when compared with the AHSEPP, depending on the size of the principle dwelling on site. This will provide slightly more flexibility than GFA controls specified by the AHSEPP, however will also ensure that secondary dwellings within the Bayside LGA are of an appropriate size and scale.
Development within the coastal zone			CI 5.5	CI 5.5	This clause was repealed from the Standard Instrument LEPs as part of the gazettal of the <i>Coastal Management SEPP</i> in March 2018. LEP provisions have been replaced by the <i>Coastal Management SEPP</i>, which will apply to development within coastal management areas located in the LGA.
Architectural roof features			CI 5.6	CI 5.6	The purpose of amending subclause (1) is to ensure quality design of buildings is encouraged and also, to integrate the built form and urban design throughout the LGA – quality urban design makes a valuable contribution to our natural and built environments, and to the liveability of our LGAs. To retain the existing RLEP 2011 clause 5.6 (2) and (3) which are consistent with controls and various councils in Sydney. RLEP 2011 clause permits variations to building height for decorative roof features whereas BBLEP 2013 doesn't allow the same.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP	
	RLEP 2011	BBLEP 2013				
					Suggested changes to include additional subclause (1) as part of RLEP 2011 clause 5.6 (1): <i>(1) The objectives of this clause are as follows—</i> <i>(a) to encourage the creation of a varied and aesthetically pleasing skyline,</i> <i>(b) to encourage quality roof designs that contribute to the aesthetic and environmental design and performance of buildings and allow for individuality of architecture,</i> <i>(c) to encourage the integration of the design of the roof into the overall facade, building composition and desired contextual response,</i> <i>(d) to minimise the external impact of roof features, in particular with respect to solar access and views.</i>	
Development below mean high water mark			CI 5.7	CI 5.7	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument and will be retained in the consolidated LEP unchanged.
Conversion of fire alarms			CI 5.8	CI 5.8	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument and will be retained in the consolidated LEP unchanged.
Preservation of trees or vegetation			CI 5.9	CI 5.9	Repealed by <i>Vegetation SEPP</i> which now applies.	No changes required
Trees or vegetation not prescribed by DCP			CI 5.9AA	CI 5.9AA	Repealed by <i>Vegetation SEPP</i> which now applies.	No changes required

Clause/ Issue	Coverage across LEPs		Summary of differences			Justification for consolidated LEP	
	RLEP 2011	BBLEP 2013					
Heritage conservation			CI 5.10 & map	CI 5.10 & map	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument and will be retained in the consolidated LEP unchanged.	
Bush fire hazard reduction			CI 5.11	CI 5.11	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument and will be retained in the consolidated LEP unchanged.	
Infrastructure development and use of existing buildings of the crown			CI 5.12	CI 5.12	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument and will be retained in the consolidated LEP unchanged.	
Eco-tourist facilities			N/A	N/A	This clause is not adopted in any of the LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach in both the BBLEP 2013 and RLEP 2011.	
Sliding Spring Observatory			N/A	N/A	This clause is not adopted in any of the LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach in both the BBLEP 2013 and RLEP 2011.	
Defence communications facility			N/A	N/A	This clause is not adopted in any of the LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach in both the BBLEP 2013 and RLEP 2011.	
Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones			N/A	N/A	This clause is not adopted in any of the LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach in both the BBLEP 2013 and RLEP 2011.	
Artificial waterbodies in environmentally sensitive areas of operation of irrigation corporation			N/A	N/A	This clause is not adopted in any of the LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach in both the BBLEP 2013 and RLEP 2011.	
Intensive livestock agriculture			N/A	N/A	This clause is not adopted in any of the LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach in both the BBLEP 2013 and RLEP 2011.	

Clause/ Issue	Coverage across LEPs		Summary of differences			Justification for consolidated LEP
	RLEP 2011	BBLEP 2013				
Pond-based, tank-based, oyster aquaculture			CI 5.19	CI 5.19	Consistent across both LEPs.	This is a mandated clause in the Standard Instrument and will be retained in the consolidated LEP unchanged.
PART 6 – LOCAL PROVISIONS						
Acid sulfate soils			CI 6.1 & maps	CI 6.1 & maps	Both the current BBLEP 2013 and RLEP 2011 have adopted a clause for acid sulfate soil management and a supporting map. This clause is generally consistent across both LEPs, with the exception of the RLEP 2011, which includes additional wording in subclause 6(a) providing examples of works that could involve the disturbance of less than 1 tonne of soil.	It is proposed to adopt the wording of the DPIE’s model local clause, in line with the current BB LEP 2013 wording. This will ensure a consistent approach across the whole LGA. The Acid Sulfate Map from each LEP has been combined into a new map, applying to the whole LGA, based on the latest data available to Council. Development applications within areas identified on the Acid Sulfate Soils Map will need to address the impact of development on acid sulfate soils and prepare an acid sulfate soils management plan, if an initial assessment indicates a management plan is required.
Earthworks			CI 6.2	CI 6.2	The intent of this clause is generally consistent across both LEPs, with some minor wording differences being the wording of 6.2 (1). The RLEP clause 6.2 (1) is separated into two subclauses (a) and (b). Subclause (b) includes the following additional wording: <i>(b) to allow earthworks of a minor nature without requiring separate development consent.</i> There are some additional differences between the respective clauses, most of which are of a minor nature and	An examination of the Marrickville LEP 2011, and Kiama LEP 2011, shows that the same wording of the clause as the RLEP 2011 is used. Later LEPs such as the Kogarah LEP 2012, Fairfield LEP 2013, Ku-ring-gai LEP 2015 and the Sutherland Shire LEP 2015 all use the same wording as the BBLEP 2013 clause. This would suggest that this is the latest wording to be used in the clause.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP	
	RLEP 2011	BBLEP 2013				
					can be altered without any changes to the objectives of the clause. The other differences of greater note are at RLEP (2)(b), BBLEP (2)(b) and BBLEP (3)(h). The BBLEP 2013 has additional subclause 3(h) requiring the consideration of appropriate measures to avoid, minimise or mitigate the impacts of the earthworks in addition to the other matters listed in the LEPs.	In addition, DPIE has confirmed that, in the absence of a mandated or model clause, it is acceptable to adopt the existing provisions in either the BBLEP 2013 or the RLEP 2011 as an acceptable clause for Earthworks. It is therefore recommended that the existing clause in the existing BBLEP 2013 be used.
Airspace operations			CI 6.4	CI 6.8	Consistent across both LEPs.	It is noted that, whilst the latest Sutherland and Hurstville LEPs include a much shorter clause, the latest Marrickville LEP uses the same clause as the BBLEP 2013 and the RLEP 2011. This would suggest that the LGAs most affected by airspace operations are required to include the more detailed clause. DPIE has been contacted to confirm.
Development in areas subject to aircraft noise			CI 6.3	CI 6.9	Consistent across both LEPs.	Sydney Airport raised in their submission the current drafting of clause 6.9 does not capture all of the airspace protection surfaces that comprise Sydney Airport’s prescribed airspace. A more appropriately worded clause – which, Council notes is already used in other LEPs, including the Hurstville and Liverpool LEPs – is suggested.
Limited development on foreshore area/foreshore building line			Cl. 6.5	CI 6.7 & map	The objectives and operation of each clause are generally consistent across both LEPs and the detailed matters of subclause (c) are consistent in intent even though wording differs.	The proposed clause consolidates the Foreshore Building Line clause of the RLEP and the Limited development on foreshore area clause of the BLEP.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
				The key difference is the inclusion of additional clauses referring to sea level rise as a result of climate change and considerations of public access to the foreshores in the BBLEP 2013.	Updated mapping: » Existing Foreshore Building Line in Turrella (adjacent to Wolli Creek) continue along Wolli Creek to the extent of the IN2 Light Industrial zone interface with the waterway. This is the only change to the Foreshore Building Line mapping as there are no other areas not mapped as FBL where there is private land, which provides direct interface with the waterway in the LGA (exception is Cooks Cove regulated by <i>SREP 33</i>).
Flood planning			6.6	N/A	This clause was only adopted in the RLEP 2011. The flood related development controls for Botany were contained within the Botany Bay DCP (2013). The first flood study including modelling of flood affected land was completed by the former City of Botany Bay in 2015. Mapping of flood affected land is to be included in the forthcoming Bayside DCP. It is proposed to apply substantially the same wording included in the existing RLEP 2011 flooding clause, to the whole of the Bayside LGA. This is to ensure that where there are known potential risks of flooding, all developments incorporate appropriate measures to manage flood hazards. The reference to a Flood Planning Map will be removed from the clause, as it is proposed that the flood planning maps will be included in the forthcoming Bayside Development Control Plan. 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.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP								
	RLEP 2011	BBLEP 2013											
					Council has prepared several flood studies and Flood Risk management Studies and Plans (listed in the table below). 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. These changes will be reflected in the forthcoming Bayside Development Control Plan. <table><tr><th>CATCHMENT</th><th>SUBURBS</th></tr><tr><td>Sans Souci</td><td>Ramsgate, Sans Souci, Monterey, Kogarah (part)</td></tr><tr><td>Bardwell Creek</td><td>Turrella, Bardwell Valley and Bardwell Park, Bexley North, Kingsgrove</td></tr><tr><td>Bonnie Doon</td><td>Arncliffe, Wolli Creek and Bonar St</td></tr></table>	CATCHMENT	SUBURBS	Sans Souci	Ramsgate, Sans Souci, Monterey, Kogarah (part)	Bardwell Creek	Turrella, Bardwell Valley and Bardwell Park, Bexley North, Kingsgrove	Bonnie Doon	Arncliffe, Wolli Creek and Bonar St
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							<table><tr><td>Muddy Creek, Spring St</td><td>Banksia, Rockdale, Carlton, Bexley, Kogarah (part), Brighton Le Sands, Kyeemagh</td></tr><tr><td>Springvale & Floodvale Drain</td><td>Banksmeadow and pagewood (Part)</td></tr><tr><td>Mascot, Rosebery and Eastlakes</td><td>Mascot, Rosebery and Eastlakes, pagewood east</td></tr><tr><td>Botany Bay Foreshore</td><td>Botany and Port Botany</td></tr><tr><td>Birds Gully and Bunnerong Rd</td><td>Daceyville, Eastgardens and Hillsdale</td></tr></table>	Muddy Creek, Spring St	Banksia, Rockdale, Carlton, Bexley, Kogarah (part), Brighton Le Sands, Kyeemagh	Springvale & Floodvale Drain	Banksmeadow and pagewood (Part)	Mascot, Rosebery and Eastlakes	Mascot, Rosebery and Eastlakes, pagewood east	Botany Bay Foreshore	Botany and Port Botany	Birds Gully and Bunnerong Rd	Daceyville, Eastgardens and Hillsdale	
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Flood Plain Risk Management		N/A	N/A	Not adopted in either the RLEP 2011 or the BBLEP 2013.		A Floodplain Risk Management clause is proposed to be included in the Bayside LEP to address Floodplain Risk Management. The clause is deemed necessary to meet the objectives of the NSW Flood Prone Land Policy (2005) and is consistent with the applicable Section 9.1(2) Direction.												

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					The Floodplain Risk Management clause provides for consideration of development controls primarily related to risk to life in areas outside the Flood Planning Area. This 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.
Stormwater management/stormwater			CI 6.7	CI 6.3	The intent of these clauses are generally consistent across both LEPs, with the exception of subclause (2) where the RLEP 2011 identifies the specific zones that the clause applies to. Both the RLEP 2011 and BBBLEP 2013 include Stormwater Management Clauses (6.7 of RLEP and 6.3 of BLEP), and the proposed clause provides an update to ensure principles of water sensitive urban design are incorporated into the design of development. This inclusion will help meet environmental and water quality objectives with the Bayside LSPS and Eastern City District Plan.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
Terrestrial Biodiversity			CI 6.8 & map	CI 6.4 & map The objectives and operation of each clause are generally consistent across LEPs and the detailed matters of subclause (3) are consistent in intent, even though the wording differs. Accordingly, the BBLEP 2013 has additional clauses relating to the potential to fragment, disturb or diminish the biodiversity structure, function and composition of land as well as requiring appropriate measures to avoid, minimise or mitigate adverse impacts from the proposed development.	Both the RLEP 2011 and BBBLEP 2013 include Terrestrial Biodiversity Clauses (6.8 of RLEP and 6.4 of BLEP), and the changes to this clause are an update to ensure consistency and amendments to the Clause. The clause has also been updated to improve environmental outcomes and meet LSPS and Eastern City District Plan environmental practice, including the addition of objectives of: - maintain and enhance terrestrial biodiversity by protecting, restoring and enhancing biodiversity corridors; and - including an opportunity for offsetting biodiversity impacts.
Riparian land, watercourses and artificial waterbodies			CI 6.9	CI 6.5 The intent of this clause is generally consistent across both LEPs, with some minor wording differences. The BBLEP 2013 has additional subclause 3(c) requiring the consideration of appropriate measures to avoid, minimise or mitigate the impacts the proposed development in addition to the other matters listed in the LEPs.	The Riparian Lands Clause identifies land where development implications exist to reduce impacts in riparian lands and waterways. The Wetlands Clause seeks to achieve similar objectives to the Riparian Lands Clause, therefore they have been consolidated to reduce complexity of the LEP. Mapping however has not been merged but remain independent. Waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural) under the Standard Instrument, thus the Clause and associated

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					mapping has been renamed to encapsulate all forms of waterways. Council has adopted the Strahler system for the riparian corridor (RC) buffers as this is considered best practise for mapping RC widths (Water NSW Guidelines) and adopted by former Bankstown Council, Ku-Ring-Gai Council and former Manly Council
Wetlands			CI 6.10 & map CI 6.6	The intent of this clause is generally consistent across both LEPs, with some minor wording differences. The BBLEP 2013 has an additional subclause, 4(c) which requires the proposed development to manage and mitigate adverse impact on wetlands in addition to the other matters listed in the LEPs.	The proposed Riparian Land, Waterways and Wetlands Clause identifies land where development needs to be managed to reduce, and mitigate, impacts on riparian lands, waterways and wetlands. The clause seeks to achieve similar objectives to the existing Riparian Lands clauses and the Wetland clauses in the RLEP 2011 and BB 2013 (6.5&6.6), therefore clauses have been consolidated to reduce complexity of the LEP. Mapping, however, has not been merged, but remains independent. Waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural) under the Standard Instrument, thus the Clause and associated mapping has been renamed to encapsulate all forms of waterways.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
Converting serviced apartments to residential flat buildings			N/A	CI 6.10	This clause was only adopted in the BBLEP 2013. It is proposed to include this clause in the Bayside LEP. The purpose of this clause is to ensure that serviced apartments that are converted to residential flat buildings comply with <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG)</i>. The clause provides the mechanism to ensure that serviced apartments that are converted to residential flat buildings will provide the same level of amenity, in order to prevent substandard accommodation occurring through conversion.
Residential flat buildings and multi dwelling houses in zone R2			N/A	CI 6.11	This clause was only adopted in the BBLEP 2013. As per condition 1(b) of the Gateway determination issued by DPIE, RFBs and Multi Dwelling Houses retained in the R2 Low Density Residential zone for R2 zoned land under BBLEP 2013 in the Bayside LEP. This clause has been incorporated into Schedule 1(34) as subclause.
Land at Hillsdale fronting Denison Street and Smith Street			N/A	CI 6.14	This clause was only adopted in the BBLEP 2013. This clause is to be included in the Bayside LEP. It will ensure that vehicular access to any development for land in Hillsdale is only provided from Denison Street. It is proposed to retain the location-specific clause which will have the same application is currently in place. However, a map is not required as the property description now only relates to a single allotment.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP	
	RLEP 2011	BBLEP 2013				
Site area of proposed development in Arncliffe and Banksia Precincts includes dedicated land			Cl 6.15	N/A	This clause was only adopted in the RLEP 2011.	This clause is to be included in the Bayside LEP, as it was adopted in the RLEP 2011 via <i>SEPP (Arncliffe and Banksia Precincts) 2018</i> . This is a location-specific clause which will have the same application as is currently in place in the RLEP 2011.
Dwellings houses in certain business zones			N/A	Cl 6.12	This clause was only adopted in the BBLEP 2013.	This clause allows for the use of dwelling houses in certain business zones, if the dwelling house was designed and constructed as a dwelling house before the commencement of the BBLEP 2013. It is considered that this clause is contrary to the proposed objectives of the business zones. This clause is proposed to be removed. Dwelling Houses are not currently permitted with consent in the B1, B2, B4 or B7 zones under the RLEP 2011, as the use does not meet the objectives of those zones (primarily, commercial activities). Dwelling houses that exist within business zones can continue to use existing use rights provisions contained in the Environmental Planning & Assessment Act 1979 (EP&A Act), if necessary.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					This approach allows the objectives and desired future character of business zones in the consolidated LEP to be achieved.
Office premises in certain residential zones			N/A	CI 6.13 This clause was only adopted in the BBLEP 2013.	The current clause is intended to provide for the adaptive reuse of existing buildings in the R2 and R3 zones, for office premises. <i>Office Premises</i> are inconsistent with the objectives of the R2 and R3 residential zones, and retention of the clause will allow for inappropriately located, out-of-centre office development. In any case, <i>Home Business</i> (with consent) and <i>Home Occupation</i> (without consent) are proposed to be permitted in the R2 and R3 zones, and are considered to be far more consistent with the scale of office type premises that could be reasonably considered in the R2 and R3 zones. Furthermore, after conducting a review, it is considered that the existing building stock that this clause applies to is generally not suitable for adaptive reuse, due to retaining only minimal architectural merit. Therefore this clause is proposed to be removed.
Active street frontages			CI 6.11	CI 6.15 & map The intent of these clauses is generally consistent across both LEPs, with the exception of the ASF clause in the RLEP 2011 only applying to land zoned as B4.	Active Street Frontage (ASF) clauses currently apply to (i) certain land currently zoned B1, B2 & B4 in the BBLEP 2013, and (ii) certain land zoned B4 in the RLEP 2011. The reference to specific

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					business zones has been removed from the proposed clause (consistent with the current BBLEP 2013 approach), to allow for the most suitable application of the ASF clause in certain locations zoned for business purposes, rather than application via a zoning hierarchy. Where there is an ASF defined by the LEP Map, Residential Flat Buildings (RFBs) are not to be permitted, which is consistent with the existing provisions of the ASF clauses under the BBLEP 2013 and RLEP 2011. Shoptop Housing is permitted with consent in these locations – as a mandated permissible use in the B1, B2 and B4 zones under the SI LEP. Currently, RFBs are permitted with consent in the B2 and B4 zone in the BBLEP 2013, and the B4 zone in the RLEP 2011. It is proposed that the land use table be changed to prohibit RFBs in the B2 zone, consistent with the current B2 zone under the RLEP 2011. However, it is not proposed to prohibit RFBs in the B4 zone, as some sites are appropriate for RFBs, particularly when considering the zone objectives that promote a mix of land uses. It is proposed to make minor changes to wording of the existing ASF clauses, to better inform the

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					appropriate locations of RFBs in the B4 zone. This is to prevent the poor planning outcomes that have resulted – mainly being loss of activation at ground floor in key commercial areas, through resulting residential apartments and/or other inactive uses at street level. Shoptop Housing is permitted with consent in these locations – as a mandated permissible use in the B1, B2 and B4 zones under the SI LEP – and is considered the most appropriate use to enable suitably scaled mixed use development (incorporating residential apartments) in the B2 and B4 zones. The following clause has been drafted based on DPIE's <i>Settled Model Local Provision Clause 7.X – Active Street Frontages</i>, to reflect the uses that Council would consider where an ASF applies. The clause is substantially consistent with the Model Provisions, however, also incorporates some minor wording from <i>Clause 6.7 - Mixed use development in business zones</i> of the Canterbury LEP 2012, regarding the appropriateness of Medical Centres within areas that an ASF applies. The inclusion of this wording would prevent the need for another clause and cross-referencing (and thereby complicating interpretation).

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP	
	RLEP 2011	BBLEP 2013				
Essential services			Cl 6.12	N/A	This clause was only adopted in the RLEP 2011.	This clause is to be included in Bayside LEP, as it will ensure that availability of essential services is considered at the development application stage.
Design Excellence			6.14 & map	6.16	Both LEPs adopt a design excellence clause, however the approach taken varies. The intent of the clause is consistent in that it requires development to demonstrate that design excellence can be achieved. The RLEP 2011 has a greater level of detailed criteria whereby the clause requires development proposals over a set threshold to undertake a design excellence competition. Accordingly, this clause also requires referral of applications to a Design Excellence Panel.	It is recommended that Clause 6.14 as currently included in the RLEP 2011 be adopted, rather than clause 6.16 of the BBLEP 2013. From the perspective of harmonisation of the two LEPs, BBLEP 2013 does not contain clauses (5), (6) or (7) and only includes four subclauses under clause (4). It is recommended that the <i>Key Sites Map</i> areas in the BBLEP 2013 be harmonised into the Rockdale DEX Map. Clause 6.14 of the RLEP 2011 was amended in October 2018, by the Minister, via notification of <i>State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018</i>. The clause is just over 12 months old, and is therefore considered current. Each Bayside Design Review Panel (DRP) meeting where a design excellence matter is to be assessed now requires a sitting member with demonstrated experience in determining Design Excellence. This DRP requirement is a result of the amendments the SEPP introduced to the clause in October 2018, predominantly around buildings

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					between 12m (or greater than 3 storeys) and 40m (or greater than 12 storeys), where the former version of the DEX clause (and supporting map) captured some sites for individual Design Excellence Competitions. The DRP must consider the Bayside Design Excellence Guidelines in determining design excellence on any given proposal. This is particularly important in the Arncliffe and Banksia Precincts, specific key sites (such as BATA and Mascot Station Town Centre), and sites within Rockdale Town Centre. The adoption of cl 6.14 is not more or less onerous than cl6.16, only the level of detail in the considerations. This aspect of the clause has been amended so that there will be a single Panel reviewing all proposal's subject to Design Excellence. The RLEP 2011 clause objective includes not only reference to architectural design, but also urban and landscape design and is therefore the preferred clause objective. The proposed wording changes are highlighted below:

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					6.14 Design excellence <i>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</i> <i>(2) This clause applies to the following development—</i> <i>(a) development involving the erection of a new building or external alterations to an existing building within the Arncliffe Precinct or the Banksia Precinct,</i> <i>(b) development that is the erection of a new building or external alterations to an existing building on land bounded by a heavy black line on the Design Excellence Map,</i> <i>(c) development that is the subject of a development application that relies on clause 4.3 (2A) (a), (f), (g), (h), (i) or (k).</i>
Location of sex services premises			CI 6.17 CI 6.13	Both the RLEP 2011 and BBLEP 2013 included this clause to limit the provision of sex service premises near sensitive uses such as schools, day care centres or places of public worship. The intent of this clause is generally consistent between the two LEPs, however there are differences in the identified permissible zones.	This clause seeks to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children. The intent of this clause is generally consistent across the LEPs, however there are differences in the identified permissible zones.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					The clause is consistent with the model clause, however as there is no R1 zone proposed for the consolidated LEP, this wording is not required. As such, it is proposed to retain the wording of the clause, consistent with the current BBLEP 2013 wording, which will mean that development consent will not be granted for sex service premises on land which is separated only by a road from land within the R2, R3 or RE1 one or on land adjoining or across the road from land used for places of public worship, community or school uses and centre based child care. The local provision also sets out the matters for Council to consider when determining whether to grant consent for a sex service premises.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP	
	RLEP 2011	BBLEP 2013				
Development requiring the preparation of a development control plan			6.18	This clause was only adopted in BBLEP 2013.	This clause is a site specific clause applying to 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens. It requires the preparation of a DCP. Retention of this clause is crucial as it will ensure any future development on the site addresses matters within the clause.	
128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens—general			6.19	This clause was only adopted in BBLEP 2013.	This clause is a site specific clause applying to 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens. It requires a minimum amount of non-residential floor space. Retention of this clause is crucial to ensure an adequate range of uses is provided on the site.	
Part 7 – INTENSIVE URBAN DEVELOPMENT AREAS						
Arrangements for designated state public infrastructure	7.1	N/A		This clause was only adopted in the RLEP 2011.	This clause is to be included in the Bayside LEP, as it was adopted in the RLEP 2011 via <i>SEPP (Arncliffe and Banksia Precincts) 2018</i> . The clause relates to satisfactory arrangements for the provision of state public infrastructure. Retention of this clause is crucial to ensuring that development within the Precincts is appropriately supported by state public infrastructure.	
Public utility infrastructure	7.2	N/A		This clause was only adopted in the RLEP 2011.	This clause is to be included in the Bayside LEP, as it was adopted in the RLEP 2011 via <i>SEPP (Arncliffe and Banksia Precincts) 2018</i> . The clause relates to satisfactory arrangements for the provision of infrastructure. Retention of this clause is crucial to ensuring that (i) development within the Precincts	

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					is appropriately supported by public utility infrastructure; and (ii) adequate arrangements have been made to ensure adequate infrastructure is available when required.
Relationship between part and remainder of Plan			7.3	N/A	This clause was only adopted in the RLEP 2011. This clause is to be included in the Bayside LEP, as it was adopted in the RLEP 2011 via <i>SEPP (Arncliffe and Banksia Precincts) 2018</i> . The clause outlines that in the event of an inconsistency, a provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.
SCHEDULES 1 - 6					
Additional Permitted Uses			Sch 1	Sch 1	As per condition (1)(b) 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. To allow these sites to retain permissibility, an additional subclause is to be inserted into the Additional Permitted Uses schedule (Schedule 1) identifying R2 land under BBLEP 2013 where multi-dwelling housing and RFBs may be permitted, with associated maps these sites. As discussed above, Clause 6.11 under BBLEP 2013 will therefore also be retained. The following subclause is to be added:

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					34 Use of certain land in R2 Low Density Residential zone for multi-dwelling housing and residential flat buildings (1) This clause applies to land identified as “34” on the Additional Permitted Uses Map. (2) Development for the following purposes is permitted with development consent— (a) multi-dwelling housing, (b) residential flat building, (3) Despite 34(2) above, development consent must not be granted to development for the purposes of a residential flat building or multi dwelling housing on land to which this clause applies unless— (a) the development is— (i) a building that was designed and constructed for, or (ii) on land that, on the commencement of this Plan, was used for, a purpose other than residential accommodation, and (b) the consent authority has considered— (i) the impact of the development on the scale and streetscape of the surrounding locality, and (ii) the suitability of the building or land for adaptive reuse, and

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					(iii) the degree of modification of the footprint and facade of the building. As per condition (1)(c) of the Gateway determination issued by DPIE, 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, an additional subclause is to be inserted into the Additional Permitted Uses schedule (Schedule 1) identifying R3 land under BBLEP 2013 where RFBs may be permitted, with associated maps these sites. The following subclause is to be added: 35 Use of certain land in R3 Medium Density Residential zone for residential flat buildings (1) This clause applies to land identified as “35” on the Additional Permitted Uses Map. (2) Development for the purposes of a residential flat building is permitted with development consent.

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	RLEP 2011	BBLEP 2013			
					Clause 2 from RLEP 2011 has been removed, as this clause has been repealed during the life of the RLEP 2011. Clauses 9 and 10 (applying to 50 Park Road, Sans Souci and 55 Sanoni Ave, Sandringham, respectively) of the RLEP 2011 include café/restaurant as permissible additional permitted uses for these sites. These sites are proposed to be removed from the Schedule, as the use is proposed to be permissible in the RE1 zone of the Bayside LEP.
Exempt Development			Sch 2	Sch 2	This clause allows Council to nominate additional exempt development provisions to those specific in SEPPs, such as the Codes SEPP. Both RLEP 2011 and BBLEP 2013 contain exempt development provisions, mainly in relation to signage. At the time that both LEPs were made, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 had limited exempt provisions in relation to signage. However, the current version of the Codes SEPP contains a number of exempt development provisions in relation to signage. As such, the current exempt development controls contained in the RLEP 2011 and BBLEP 2013 have been superseded by the Codes SEPP. The draft Bayside LEP proposes removal of exempt development provisions, and will rely on the existing provisions of the Codes SEPP, which will override any provisions in the Bayside LEP.

Clause/ Issue	Coverage across LEPs		Summary of differences		Justification for consolidated LEP
	RLEP 2011	BBLEP 2013			
					This schedule will appear blank for the consolidated LEP.
Complying Development			Sch 3	Sch 3	This clause allows Council to nominate additional exempt development provisions to those specific in SEPPs, such as the Codes SEPP. Both the RLEP 2011 and BBLEP 2013 do not contain complying development provisions. The consolidated LEP will not introduce complying development provisions and will rely on the existing provisions of the Codes SEPP (which overrides any provisions in the Bayside LEP). No changes will be made to this schedule. This schedule will appear blank for the consolidated LEP.
Classification and reclassification of public land			Sch 4	Sch 4	This clause provides a location for Council to capture information on the classification and reclassification of public land. This schedule will appear blank at the commencement of the Bayside LEP, however it may be amended in the future, should changes to public land classification be adopted by Council.
Environmental Heritage			Sch 5	Sch 5	All local heritage items identified in the RLEP 2011 and the BBLEP 2013 will be included in the Bayside LEP.
Pond-based and tank-based aquaculture			Sch 6	Sch 6	Standard Schedule. Consistent in both LEPs. This is a mandated schedule in the Standard Instrument. Retain clause in the consolidated LEP unchanged.