



Planning,
Industry &
Environment

Gateway determination report – PP-2020-876 (PP_2019_BSIDE_006_00)

2 Guess Avenue, Wolli Creek

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Table 1: Reports and plans supporting the proposal

Relevant reports and plans
Commercial and Retail Demand Assessment, Hill PDA, July 2019
Preliminary Site Investigation, Senversa, 5 April 2019
Preliminary Height Assessment, Landrum and Brown Worldwide, 8 February 2019
Traffic Impact Assessment, Bitzios Consulting, 26 July 2019
Flood and Stormwater Report, Northrop, 29 July 2019
Open Space Assessment, SGS Economics and Planning, July 2019
Urban Design Report, SJB Architects, 31 July 2019
Additional information, Bayside Council, 12 November 2020: <ul style="list-style-type: none"> • Response to issues raised by the Department • 200m Walkability map prepared by Council • Mayoral letter to Minister for Water, Property and Housing • Mayoral letter to Minister for Planning and Public Spaces • Response to Council from Minister for Water, Property and Housing • Response to development contributions history

1 Introduction

1.1 Overview of planning proposal

Table 2: Planning proposal details

LGA	Bayside
PPA	Bayside Council
NAME	Amend Rockdale Local Environmental Plan 2011 by rezoning land at 2 Guess Avenue, Wolli Creek from RE1 Public Recreation to B4 Mixed Use and introducing development standards and removing the obligation of Council to acquire the land.
NUMBER	PP-2020-876 (PP_2019_BSIDE_006_00)
LEP TO BE AMENDED	Rockdale LEP 2011
ADDRESS	2 Guess Avenue, Wolli Creek
DESCRIPTION	Lot 101 DP808944 (2 Guess Avenue);
RECEIVED	19/09/2019 Lodged with the Department of Planning, Industry and Environment. 12/11/2020 Adequate.
FILE NO.	IRF20/5375
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal documentation refers to the 'site' as 2 and 4 Guess Avenue, Wolli Creek as both sites are identified as a future Town Park in various Council documents. However, the planning proposal only seeks to amend the Rockdale Local Environmental Plan 2011 (Rockdale LEP 2011) at 2 Guess Avenue (the site).

The planning proposal seeks to rezone 3765m² of the site to B4 Mixed Use (B4) and remove the requirement for Council to acquire this portion of the land. It seeks to enable a mixed use residential development in two buildings of 12 and 6 storeys. The concept proposes a ground floor comprising commercial space for a retail/café tenancy, with residential apartments above and two levels of basement car parking. The remainder of the site is sought to be delivered as a local park in conjunction with the adjoining land at 4 Guess Avenue.

1.2 Site description

2 Guess Avenue (the site)

The site is located at 2 Guess Avenue, Wolli Creek and comprises 4188m² of land legally known as Lot 101 DP808944 (**Figure 1**). It has a fall of approximately 1.8m from north to south and forms a corner lot with frontages to Guess Avenue (~176m) and Arncliffe Street (~99m). The site is currently privately owned and currently used for truck repairs and spare parts. The site is mostly built upon and cleared of vegetation however has large established trees along its frontages to Guess Avenue and Arncliffe Street.

4 Guess Avenue (adjoining site)

Directly adjoining the site to the north is 4 Guess Avenue which is legally known as Lot 102, DP 808944 (**Figure 1**). It has frontages to Guess Avenue (south-west) and Mount Olympus Boulevard (north-west) and is approximately 3577m² with a site fall of 2.35m from north (Mount Olympus Boulevard) to south (2 Guess Avenue). It is currently a vacant lot that was previously used as a depot and laboratory by Sydney Water and is in the ownership of Property NSW.

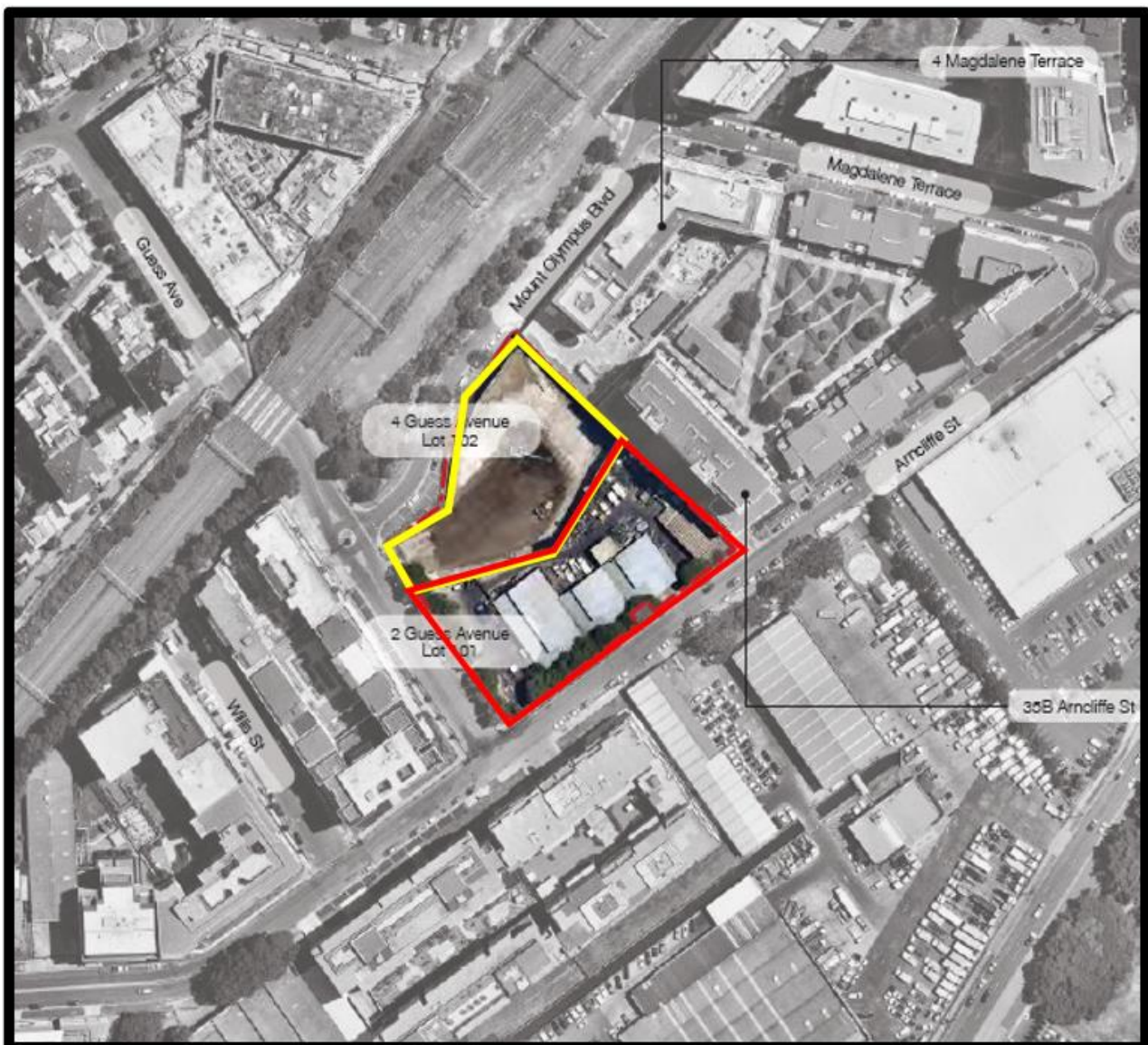


Figure 1: Aerial view of the site and 4 Guess Avenue. Source: Planning Proposal (FDP)

1.3 Surrounding Area

The site is immediately surrounded by:

- the T4 Eastern Suburbs and Illawarra rail line (T4 Line) to the north west;
- an industrial freight warehouse to the east; and
- mixed use high density residential development, ranging in height from 8 to 15 storeys on all other frontages.

This is reflected in corresponding controls and zonings under the Rockdale LEP 2011.

1.4 Broader Strategic Context

The area surrounding the site has undergone substantial urban renewal since the early 2000's. This has seen a shift from previous industrial land uses to high density mixed use residential development. This has been facilitated by three precinct rezonings (the Precincts) which are as follows:

- Wolli Creek Precinct (**Figure 2 – highlighted yellow**), which includes the site;
- Bonar Street Precinct (**Figure 2 – highlighted pale orange**); and
- the Bayside West Precincts, which includes the Banksia, Arncliffe (**Figure 2 – highlighted red**) and Cooks Cove (**Figure 2 – highlighted green**) Precincts.

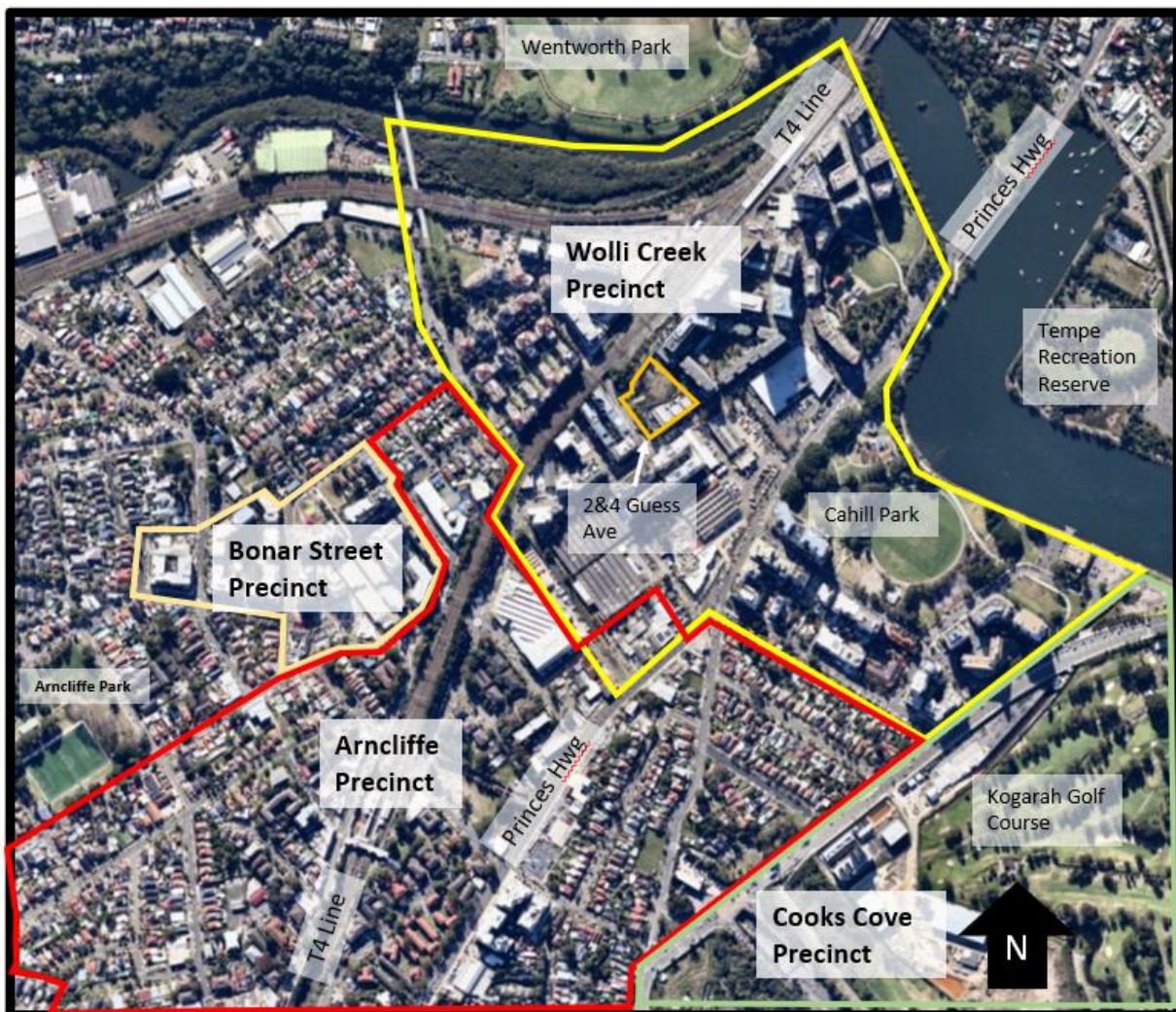


Figure 2: Strategic Context Aerial Photo (Source – Nearmaps)

The planning proposal states that:

- development in the Wolli Creek and Bonar Street Precincts has occurred more quickly than initially envisaged; and
- much less non-residential development has been approved than was originally anticipated¹.

The number of dwellings approved since 2015 and the projected additional dwellings by 2030-2036 for Wolli Creek, Bonar Street and Bayside West Precincts are shown in Table 3.

Table 3 number of dwellings approved since 2015 and projected additional dwellings by 2030-2036 for Wolli Creek, Bonar Street and Bayside West Precincts

Urban renewal area or Precinct	Year of rezoning	No. dwellings approved to mid-2015	Maximum development potential	Expected population
Wolli Creek ¹	Early 2000s	4078 dwellings	6,459 additional dwellings by 2030	By 2030: 15,685 residents;
Bonar Street ¹	2008	864 dwellings	1,363 additional dwellings by 2030	3,051 workers (or 1007 resident equivalents)
Bayside West (Arncliffe Banksia, and Cooks Cove) ²	2018	Not applicable, rezoned after 2015	5000 ¹ additional dwellings by ~2036. (noting planning for Cooks Cove was handed back to Council in the Precincts Plan)	See opposite - expressed as no. of dwellings

Sources: Wolli Creek and Bonar Street Precincts Contribution Plan 2019¹ (Bayside Council), Bayside West Precincts Plan 2036² (Department 2018), Planning Proposal (File Planning and Development 2019).

Existing and proposed public open space within the Precincts and located within 200m to 400m walking catchments of the site include (**Figure 3**):

- Cahill Park;
- Lusty Street Park;
- Bonar Street Park;
- Discovery Point Park; and
- the proposed Burrows Street Park.

The use of these public open spaces is reflected in a RE1 Public Recreation zoning under the Rockdale LEP 2011.



Figure 3: Existing and Planned open space within a 200 and 400m catchment of the site. Source: Urban Design Report, SJB Architects

2 Proposal

2.1 Objectives and Intended Outcomes

The objectives and intended outcomes, as stated in the planning proposal, are to:

- Ensure adequate access to open space can be provided for the Wolli Creek area by providing a 4,000 m² local park within the site;*
- Provide an open space outcome within Councils capacity to deliver;*
- Retain the RE1 zone and acquisition requirements on 4 Guess Avenue and 423 m² of 2 Guess Avenue;*
- Rezone 3,765m² of 2 Guess Avenue to allow for mixed use development which could potentially accommodate 144 apartments and a ground floor retail / commercial space;*
- Remove Council's obligation to acquire 3,765m² of 2 Guess Avenue as open space;*
- Provide for activation of the proposed local park through the location of a retail / commercial space overlooking the park;*
- Enhance permeability of the site by providing a through site link to Arncliffe Street;*
- Retain the amenity of the surrounding residential uses by ensuring an adequate level of solar access and privacy is maintained; and*
- Enhance the existing neighbourhood character through the provision of high-quality public spaces and built form.*

2.2 Explanation of provisions

The *Environmental Planning and Assessment Act 1979* requires a planning proposal to make amendments to an LEP and it is therefore considered appropriate that the 'site' refer only to the lot of land to which proposed LEP changes apply, being 2 Guess Avenue (Lot 101 DP808944), not 4 Guess Avenue.

2 Guess Avenue

The planning proposal seeks to amend the Rockdale LEP 2011 with regard land located at 2 Guess Avenue, Wolli Creek in the following manner:

Table 4: Current and Proposed controls for 2 Guess Avenue

Control	Current	Proposed
Zone	RE1 (most) with a small portion of B4 in the south-east along the Arncliffe Street frontage	3765m ² – B4 423m ² – RE1
Maximum height of the building	Nil and 28m (small portion in SE)	3765m ² – 42m 423m ² – Nil
Floor space ratio	Nil	3765m ² – 3:1 423m ² – nil
Number of dwellings	Nil	3765m ² – 144 units 423m ² – Nil
Number of jobs	Unknown	3765m ² – 115m ² commercial floor space 423m ² – Nil
Land reservation acquisition (Local Open Space)	Local open space	3765m ² – Remove this requirement 423m ² – Retain this requirement Retain
Land reservation acquisition (Local Road)	Local road widening on Arncliffe frontage	Local road widening on Arncliffe frontage
Relevant Acquisition authority (Clause 5.1)	Council is the relevant acquisition authority for a - 'local park' and - 'local road'	3765m ² – Remove this requirement for Local Park 423m ² – Retain this requirement for Local Park Arncliffe frontage – retain this requirement for 'local road'

A concept plan was provided with the planning proposal and for the adjoining site (4 Guess Avenue) which includes a:

- Mixed use development on 3765m² (90%) of the site (**Figure 4**), including:
 - two separate buildings of 12 and 6 storeys respectively;
 - 144 apartments (12,220 m² of residential floor space);
 - 115m² of commercial floor space to accommodate a retail / café tenancy on the ground floor of the 12 storey building overlooking the park; and
 - 99 car parking spaces across two basement levels.
- A local public park on adjoining land and remaining 10% of the site (**Figure 4**), including:
 - Central portion - seating, picnic tables, tree planting, passive recreation;
 - Northern portion - a basketball half-court, community vegetable garden;
 - Southern portion - A nature play area adjacent to the retail/café tenancy;
 - Through-site links from Arncliffe Street to Mount Olympus Boulevard; and
 - A paved loop within park for use of scooters and bicycles by children.

The planning proposal states the intention to amend the Rockdale Development Control Plan 2011 (Rockdale DCP 2011) should a Gateway be issues to include a site-specific section for:

- built form controls;
- the requirement for a through site link and associated design guidelines;
- requirements for public domain interfaces;
- active frontages; and
- a concept layout for the proposed park.

The Wolli Creek and Bonar Street Contributions Plan 2019 and Public Domain Plan apply to 2 Guess Avenue, however, there are no amendments specified or outlined to these Plans.



Figure 4: Concept plan for new development at 2 Guess Avenue and land at 4 Guess Avenue (+ 10% of 2 Guess Avenue) as a local park. Source: Planning Proposal (File Planning and Development)

Relationship to 4 Guess Avenue

The adjoining land at 4 Guess Avenue is zoned RE1 and nominated for acquisition by Council under the Rockdale LEP 2011 for a local park from the current landowner, Property NSW.

It is identified along with 2 Guess Avenue as a future town park in the relevant DCP, Contributions Plan and Public Domain Plan. The Department understands that discussions are currently occurring between Council and Property NSW regarding the delivery of a future public park to this land.

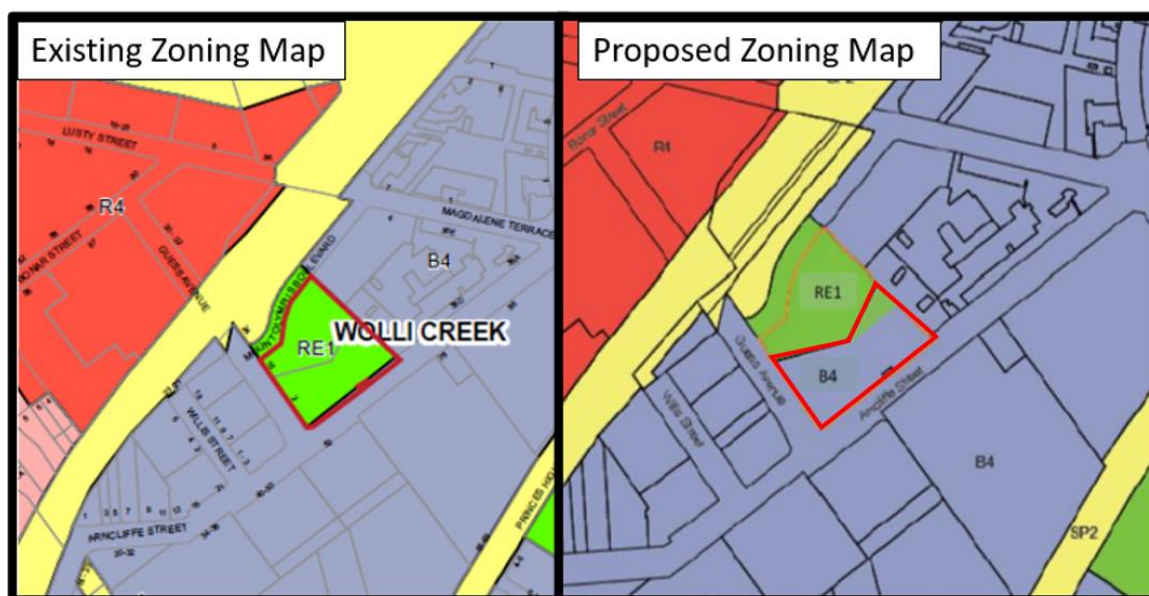
The planning proposal does not apply to 4 Guess Avenue, however, the objectives and intended outcomes of the planning proposal rely upon the delivery of 4 Guess Avenue to create 4000m² of public open space (See Table 5 below).

Table 5 Current and Proposed controls – 4 Guess Avenue

Control	Current	Proposed
Zone	RE1	RE1
Maximum height of the building	Nil	Nil
Floor space ratio	Nil	Nil
Land reservation acquisition	Local open space	Retain this requirement
Relevant Acquisition authority	Council is the relevant acquisition authority under Clause 5.1 of Rockdale LEP 2011	Retain this requirement

2.3 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning, Height of Buildings, Floor Space Ratio and Land Reservation Acquisition maps as shown below.

**Figure 5: Zoning Maps**

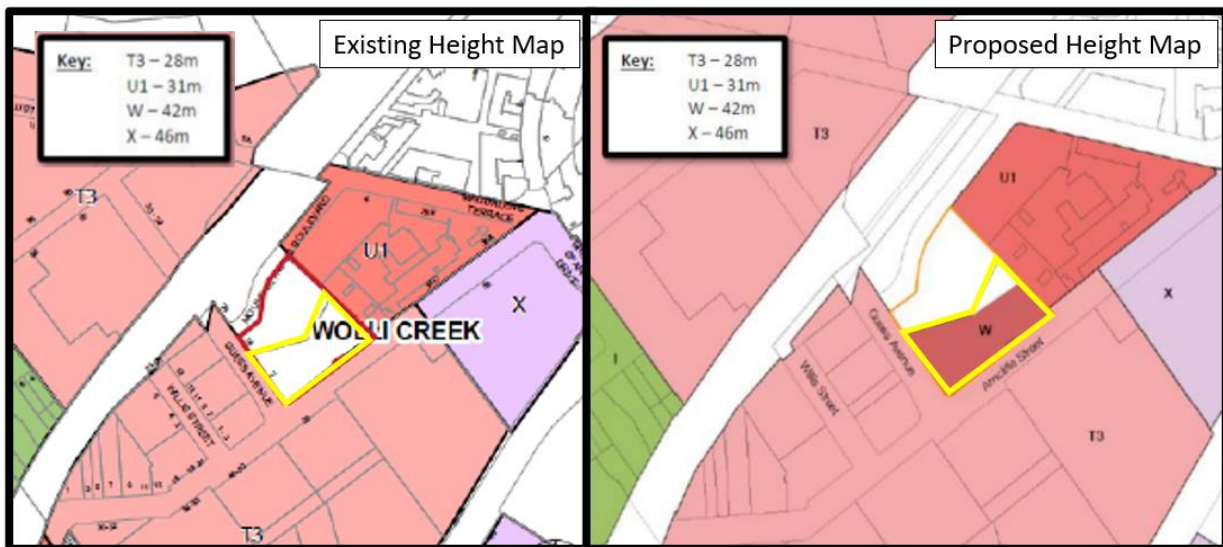


Figure 6: Height of Building Maps

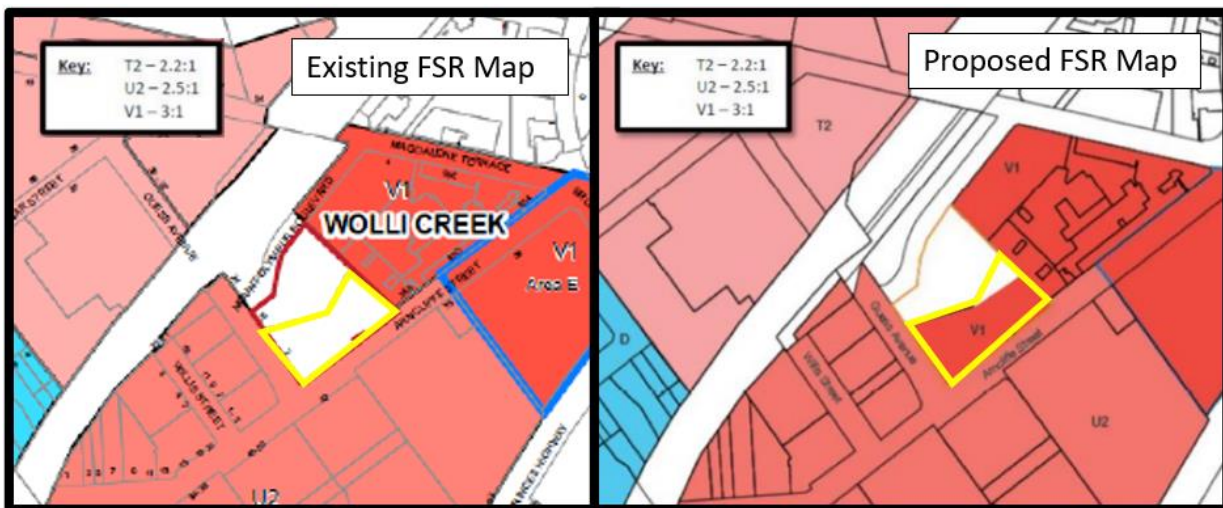


Figure 7: Floor Space Ratio Maps

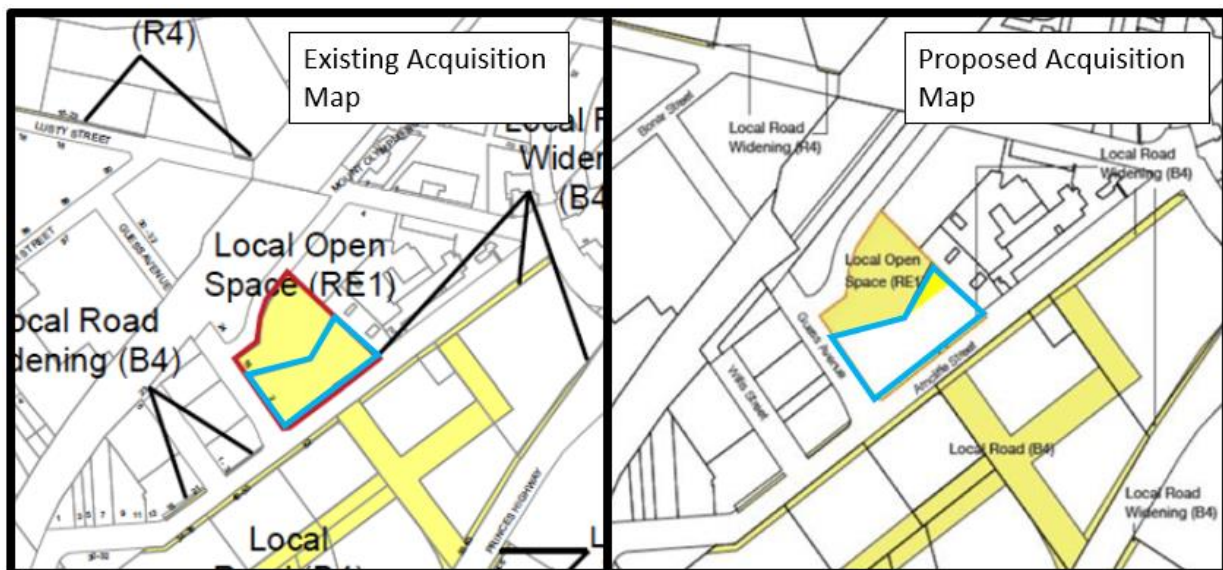


Figure 8: Land Acquisition Maps

2.4 Planning Proposal History

Since 2006, both 2 and 4 Guess Avenue have been identified in Council's environmental planning instruments (Rockdale LEP 2000 and 2011) and the corresponding development control plans (DCP No. 62 and DCP 2011), contributions plans (Rockdale CP 2004; Wolli Creek and Bonar Street Precincts CP 2016 and 2019) and public domain plan (2011) as the site of a future town park.

Council Meeting - 13 December 2017

The planning proposal states that on 13 December 2017, Bayside Council resolved that it no longer required 2 and 4 Guess Avenue for a public purpose and that a planning proposal be prepared to amend the land zoning and remove the obligation for Council to acquire the land for public purposes. No reasons were provided by Council in the resolution.

Accordingly, Council engaged File Planning and Development Pty Ltd to prepare a draft planning proposal. An Open Space Assessment by SGS Economics and Planning was submitted with the planning proposal and concludes that the delivery of 4,000m² of public park is sufficient for the area.

Bayside Local Planning Panel Meeting - 15 August 2019

On 15 August 2019, the Bayside Local Planning Panel (LPP) considered the merits of the planning proposal and raised concerns about the following aspects of the proposal:

1. Whether there is adequate justification for the deletion of some 3,700m² of future local open space, in an area which has experienced significant population growth;
2. Whether the local community has an expectation that the entire site would be developed as a park in the future;
3. Whether the amenity of the future open space will be compromised by development of the site up to 12 storeys; and
4. Whether the proposed 3:1 FSR and maximum building height of 42 metres are appropriate controls when zoned as B4 Mixed Use.

Ultimately, the Panel recommended that Council proceed with the draft planning proposal. However, this was subject to the following matters (summarised below) being further investigated and resolved by Council prior to submission for a Gateway Determination:

1. Amend the zoning map as recommended by the Panel (**Figure 9**);
2. Carry out further investigations (as highlighted in the SGS Report) in relation to ways to improve pedestrian access to nearby regional open space and better pedestrian connections to other existing public open space that may be enhanced; and
3. Investigate FSR and building height controls which will achieve a lower density and height.



Figure 9: Bayside Local Planning Panel recommendation reflecting relocation of proposed open space provision (423m²)

In response to the LPP recommendation, Council officers advise the following:

Recommendation 1:

The Panel recommended that the 423m² portion of land to be retained for acquisition be relocated to the Guess Avenue frontage. Council advises that SJB Planning and Design were engaged to prepare the Urban Design Study who advised in response to the LPP recommendation that:

- The brief provided to SJB was to balance the provision of public open space and mixed-use development on the site.
- The proposed land use configuration places land uses in areas best suited to the environmental conditions and statutory requirements.
- Impacted by overshadowing from adjacent development and building separation requirements, the eastern portion of the site is less appropriate for residential uses and compromises the capacity to achieve Apartment Design Guide compliance.
- The provision of public open space within the overshadowed north-east portion of the site can provide opportunities for some shaded refuge in the hot summer months and passive recreational use.

Recommendation 2:

In response to Recommendation 2, Council officers advised in September 2019 that:

- A number of options were being considered to improve pedestrian access to Cahill Park subject to feasibility.

Department note - no further information has been provided since this date on progress for this.

- A number of public domain upgrades will be completed within 2 years (from September 2019) to improve connections to other public open space.

Department note - no further information has been provided since this date on progress for this.

Recommendation 3:

In response to concerns raised by the LPP relating to the proposed height and density of the planning proposal, SJB Planning and Design were engaged to provide further comment. The comments provide further justification to support the proposed density and height with no amendments undertaken.

In conclusion, Council officers consider the issues raised by the LPP were satisfactorily addressed.

Council Meeting - 11 September 2019

Council resolved to forward the planning proposal to the Department for a Gateway determination and request the Minister for Water, Property and Housing and Minister for Planning and Public spaces to sell/transfer the land at 4 Guess Avenue (owned by Property NSW) at minimal cost to Council for the delivery of the park.

On 18 September 2019, Bayside Council submitted the planning proposal to the Department for a Gateway determination.

Department assessment

The Department has previously raised concern with the merits of the planning proposal and has requested Council withdraw the planning proposal for the reasons outlined in this report. Council has since sought to respond to the issues raised by the Department with additional information submitted 12 November 2020. Council has confirmed it will not withdraw the Gateway request.

3 Need for the planning proposal

The planning proposal has been initiated as a result of a 2017 Council resolution in which Council resolved that the land at 2 and 4 Guess Avenue were no longer required for public purposes. Both properties are identified in various EPIs and endorsed in Council documents as a future town park. The planning proposal states that a reduction in the size of the park is needed to deliver adequate supply of open space that is within Council's financial capacity.

SGS Economics' supporting Open Space Assessment concluded that a 4000m² park (all of 4 Guess Avenue and 10% of 2 Guess Avenue) would be sufficient to allow for an adequate open space outcome that is within Council's capacity to deliver. The planning proposal is not the result of a broader Council study or strategy analysing public space in the area.

Council states that development contributions were the sole funding mechanism for the purchase, design and delivery of the park. Council states that due to a long standing cap in development contributions and market growth in property prices, Council can no longer afford to acquire the site to deliver a park. Council concludes that the planning proposal delivers a balanced solution for the site which is:

- largely consistent with the criteria for proximity to open space set out in the District Plan, and will ensure that all existing and future residents of Wolli Creek are within around 3 minutes walk of open space. Only 4 lots (theoretically 100 dwellings based on development potential and standards) would no longer be in 200m of planned open space;
- exceeds the land area criteria outlined in the draft NSW Government Architect Greener Places Design Guide Discussion Paper and can accommodate a range of uses suitable to the needs of the local community; and

- is within Council's capacity to deliver, noting that any additional expenditure would be at the direct cost of planned open space elsewhere in the LGA which is highly in demand.

4 Strategic assessment

4.1 NSW Premier's Priorities and draft Documents

Premier's Priorities

In March 2019, the NSW Premier announced a series of Premier's Priorities which represent the NSW government's commitment to making a significant difference to enhance the quality of life for the people of NSW. Premier's Priority 11 *Greener Public Places: Increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10 per cent by 2023* demonstrates the NSW Government's intention to increase access to high quality open space across NSW.

Priority 11 is relevant to the planning proposal which seeks to rezone land for public recreation and remove Council's obligation to acquire the land for a local park to enable a mixed-use development. The planning proposal is inconsistent with this Premier's Priority as it:

- reduces the potential quantity, quality, and distribution of open space;
- reduces the capacity to accommodate diverse recreation activities; and
- restricts accessibility for residents.

Draft Greener Places Design Guide, Government Architect NSW

The Draft Greener Places Design Guide provides a framework for assessing the values and performance of the urban landscape to meet current and future needs for public open space. While it is a draft exhibited policy that is not yet endorsed by the NSW Government, it seeks to help support and achieve the Premier's Priorities and the NSW Government Architect's endorsed policy *Greener Places* which provides a strategic and design framework for urban green infrastructure.

This draft Guide is relevant for the planning proposal as it provides a framework for improved public open space planning, and strategies to encourage performance-based approaches to planning for open space and recreation.

The draft Guide states that a local park is identified as being 4000m² to 1 hectare in size. The site is within a high density area, as such the relevant performance-based criteria for local open space and high density areas are assessed below:

Table 6: Consistency with draft Greener Places Design Guide

	Performance criteria	Assessment of Proposal
Accessibility and Connectivity	<p>For High-density areas:</p> <ul style="list-style-type: none"> • > 60 dwellings/ha 2–3 minutes walk / 200m walking distance to a local park (barrier free). 	The planning proposal will result in some lots zoned for high density residential development that are outside the 200m walking distance of planned open space.

	Performance criteria	Assessment of Proposal
Distribution	<p>High-density areas:</p> <ul style="list-style-type: none"> 0.15–0.5 ha public open space 200m from most houses 	<p>The planning proposal may achieve 0.4ha of open space within 200m from most (but not all) houses. However, this is reliant upon the delivery of the adjoining site at 4 Guess Avenue as a park.</p> <p>The site is within 200-400m of Banksia and Arncliffe (Bayside West Precinct) which already experience poor-very poor access to open space (see discussion on Draft Greater Sydney Recreation Report below), and will be further exacerbated by the proposal.</p>
Size and Shape	<p>High-density areas:</p> <ul style="list-style-type: none"> the minimum size of a local park is 4000m²; in high-density areas, parks are sometimes as small as 1500m². Smaller spaces can provide local amenity but are not adequate for a diverse range of recreational needs; and smaller parks need to be supported by larger open spaces in the network. 	<p>The planning proposal may achieve 0.4ha of open space within 200m from most (but not all) houses. However, this is reliant upon the delivery of the adjoining site at 4 Guess Avenue as a park.</p> <p>Connections to larger open spaces to support the site are constrained by physical barriers – roads, rail, waterways (see Section 1.4 of this report).</p>
Quantity	<p>Quantity should be considered in the number of opportunities available. Larger public open space areas mean more recreation opportunities can be provided in one location</p>	<p>A number of activities will be accommodated, including passive recreation and active recreation (Figure 4). However, it is considered that more opportunities could be provided if the current quantum (approx. 7765m²) intended for the park is retained.</p> <p>Connections to larger open spaces are constrained by physical barriers – roads, rail, waterways (see Section 1.4 of this report).</p>
Quality	<p>Open space needs to be strategically planned and designed to create a quality open space network</p>	<p>The planning proposal results in some lots planned for high density development in Wolli Creek being outside the 200m walking distance to open space.</p>

	Performance criteria	Assessment of Proposal
Diversity	Open space should be combined, as multi-use facilities, including: local play for the very young (LPY); local children's play (LPC); older children's activity space (OCA); youth recreation space (YRS); local recreation space (LRS); active recreation space (ARS); large community outdoor recreation area (LCOR); fitness and exercise space (FES); trail and path-based recreation (TPR); organised sport and recreation (OSR); off-leash dog exercise area (DEA).	<p>A number of activities will be accommodated, including passive recreation and active recreation (see Section 1.4 of this report). However, it is considered that significantly more opportunities could be provided if the approx. 7765m² of land intended for the park is retained.</p> <p>Connections to larger open spaces are constrained by physical barriers – roads, rail, waterways (see Section 1.4 of this report).</p>

The following additional comments are provided in response to the performance criteria discussed above:

- based on 2016 Census data, the planning proposal will reduce accessibility and connectivity of some residents to local open space in Wolli Creek and the adjoining Bayside West Precincts;
- the anticipated dwelling that Wolli Creek, Bonar Street and Bayside West Precincts will accommodate approximately 12,000 additional dwellings (see **Table 3**) by 2036 which will increase demand for open space. The proposal will also place increased pressure on the remaining public open spaces to support the open space needs for this population growth facilitated by the rezoning of the Precincts;
- the planning proposal states that existing open space in Wolli Creek is characterised by smaller parks that just provide passive recreation opportunities and acknowledges the physical barriers to larger District open spaces. This includes access to Cahill Park, with access restricted by the Princes Highway and Waterworth Park due to the T4 train line and waterways. There is inadequate justification for the delivery of a smaller park as it will further disrupt the open space network; and
- there is insufficient justification that the proposed mixed-use development on the site would result in a better outcome for site permeability and pedestrian connectivity to surrounding open space. It is unclear if the public domain and transport improvements for connecting the site to the broader open space network identified in Council's Report (11 September 2019) detailing the planning proposal are directly related to the proposal. This is because there is a lack of detail about such works in the planning proposal documentation and it is unclear if these works would proceed regardless of the proposal.

Draft Greater Sydney Recreation Report, Department of Planning, Industry and Environment

The draft Greater Sydney Recreation Report 2020 (the draft Report) has been prepared to understand the provision of public open space across Greater Sydney and identify key recreation trends to better inform the future planning of public open space and recreation areas. It builds on the findings of the Greater Sydney Outdoor Survey and is accompanied by draft mapping. It was released for public exhibition in 2020 but is not yet endorsed.

The draft Report is relevant to the planning proposal as the findings will assist the Department in identifying and recommending future actions to meet the recreation needs of Greater Sydney, and provide information to aid councils in planning of open space and recreation and identify where gaps occur.

The draft Report identifies opportunities early in the planning process to ensure:

1. sufficient land is reserved for public recreation and open space;
2. a place-based approach is used to ensure public open spaces are accessible and within walking distance of higher density areas; and
3. consideration is given to existing and planned open space in the region to ensure diversity of use and support connectivity between these spaces.

The mapping in the draft Report indicates that existing residents of Wolli Creek have good-to-moderate access to local open space and that the quality and diversity of the recreational opportunities are limited. This is consistent with the planning proposal and its supporting documents which states that Wolli Creek is characterised by smaller parks that provide for passive recreation opportunities.

The draft Report also indicates that the Banksia / Arncliffe area (within 200-400m of the site) has poor to very poor access to open space in general. The anticipated population growth from the Precincts indicates there will be increase demand for open space in an area that already has an identified deficiency for this type of social infrastructure.

The draft Report also identifies that the size of a park appears to influence community satisfaction of the space. The proposal will reduce the anticipated size of the park from approx. 7765m² to 4000m². This must be considered in the context with physical barriers (roads, rail and waterways) which constrain access for residents in Wolli Creek and Banksia-Arncliffe to nearby areas of larger open space. As mentioned previously, it is unclear how the loss of future public open space and diverse recreational offering on the site will be offset by significant improvements to pedestrian connectivity to alternative recreational options.

The proposal is therefore not consistent with the principles and findings of the draft Report as it does not address how the reduction in land zoned for open space will provide for the open space needs of the community in the context of existing and projected population and open space demand.

4.2 Regional Plan

The *Eastern City District Plan* gives effect to the Greater Sydney Region Plan, *A Metropolis of Three Cities*, which encompasses the Bayside LGA. The proposal is inconsistent with the Region Plan.

Objective 31 in the Region Plan provides key overarching considerations of quantity, quality and distribution in the planning of open spaces in Greater Sydney (**Figure 10**):

Objective 31 Public open space is accessible, protected and enhanced

The Objective states that access to high quality open space is increasingly important for higher housing densities. It identifies that an understanding of the open space, sport and recreation needs of the community is required to identify the quantity, quality and distribution of open space needed. In general, it recommends that high density development (over 60 dwellings per hectare) should be located within 200 metres of quality open space, and all dwellings should be within 400 metres of open space.



Figure 10: Considerations for planning open space (Eastern District Plan)

Strategy 31.1 identifies the following mechanisms to protect, enhance and expand public open space and ensure it is accessible, protected and enhanced:

- *providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow*
- *investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space*
- *requiring large urban renewal initiatives to demonstrate how the quantity of, or access to high quality and diverse local open space is maintained or improved*
- *planning new neighbourhoods with a sufficient quantity and quality of new open space*

The proposal is inconsistent with Objective 31 and Strategy 31.1 because it:

- will place increased pressure on the remaining public open spaces to support the open space needs for the population growth (**Table 3**) facilitated by the rezoning of the Precincts;
- will reduce the potential for the delivery of a larger consolidated area of public open space in the area, which the planning proposal and supporting documents note is already lacking;
- will exacerbate existing access issues, noting that areas within a 200-400m walking catchment of the site already experiences poor-to-very poor access to open space; and
- will result in an increase in the number of lots zoned for high-density residential development that are not within 200m of planned open space in the Wolli Creek and Bayside West Precincts.

4.3 District Plan

The site is within the Eastern City District, with the Eastern City District Plan (the District Plan) applying to the site. The District Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department considers the planning proposal does not give effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 7** includes an assessment of the planning proposal against relevant directions and actions.

Table 7: District Plan assessment

District Plan Priorities	Justification
Planning Priority E1 Planning for a city supported by infrastructure	<p>This priority seeks to align land use and infrastructure planning (growth infrastructure compact) to ensure growth is supported by the delivery of cultural, education, health, community and water infrastructure.</p> <p>The proposal will co-locate housing and jobs in an area well serviced by existing public transport and infrastructure, and commercial and retail centres, consistent with this Priority.</p> <p>However, the proposal is inconsistent with Priority E1 and does not achieve Action 3 and 4 which seek to align growth with infrastructure using a place-based approach because:</p> <ul style="list-style-type: none"> • Wolli Creek residents' accessibility to larger open space areas is already physically constrained, and the adjoining Precincts lack accessibility to open space more generally; and • it does not consider the cumulative demand for open space resulting from the forecast growth in high density residential development in the surrounding Bayside West Precincts, and to a lesser extent Wolli Creek and Bonar Street Precincts. <p>It is also noted that the planning proposal is supported by analysis which indicates that:</p> <ul style="list-style-type: none"> • a 200m accessibility gap to public open space to the south of the site; • the T4 Line and Princes Highway form barriers to pedestrian and cycle access to existing open space within 200m; and • there are additional barriers from the Cooks River and Wolli Creek waterways to regional open spaces within 400m. <p>As such the proposal has not adopted a place-based approach to the quantity, accessibility and connectivity needs for open space in the broader area.</p>

Planning Priority E3 Providing services and social infrastructure to meet people's changing needs	<p>Priority E3 and Action 8 seek to deliver social infrastructure that reflects the needs of the community now and in the future.</p> <p>For the reasons identified above in Priority E1, the proposal is not consistent with Priority E3 and Action 8.</p>
Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	<p>Priority E4 identifies that connectivity of, and access to, diverse open spaces and recreational physical activity is essential for communities.</p> <p>The planning proposal relies upon larger open spaces in the surrounding area to justify the delivery of a smaller park at the site and 4 Guess Avenue. This is not supported as the proposed rezoning:</p> <ul style="list-style-type: none"> • will contribute to existing access issues to larger consolidated areas of public open space in the area, noting significant barriers existing to regional open space in this part of Sydney; and • will exacerbate existing access issues, noting that areas within a 200-400m walking catchment of the site already experiences poor-to-very poor access to open space.
Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>Priority E5 seeks to deliver housing supply that is also diverse and affordable. The Priority provides key technical aspects for housing strategies which include:</p> <ul style="list-style-type: none"> • <i>Amenity: opportunities that improve amenity including recreation, the public realm, and increase walkable and cycle-friendly connections to centres.</i> • <i>Capacity: land with potential for rezoning for residential development.</i> • <i>Delivery: the staging of enabling infrastructure, upgrades or expansions of local infrastructure such as schools, open space including sportsgrounds and community facilities.</i> <p>The planning proposal seeks to deliver approximately 144 additional dwellings to assist delivery of Council's 6-10 year housing supply which will be co-located with local employment opportunities in an area well serviced by existing public transport and infrastructure.</p> <p>The proposal will provide a mix of apartment types to cater to diverse household structures and demographics. However, it is unclear how the proposal will deliver housing affordability, other than by supply mechanisms.</p>
Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage	<p>Priority E6 identifies the role of and principles for place-based planning of local centres, including:</p> <ul style="list-style-type: none"> • <i>Improve walking, cycling and public transport connections, including through the Greater Sydney Green Grid.</i> • <i>Protect or expand retail and/or commercial floor space, and employment opportunities.</i> • <i>Increase residential development in, or within walkable distance of, the centre</i> • <i>Provide public realm and open space focus.</i> • <i>Provide, increase or improve local infrastructure and open space.</i> <p>In addition, Action 18(a) states: <i>Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</i></p>

a. prioritising a people-friendly public realm and open spaces as a central organising design principle.

The proposal will provide additional local employment opportunities in the Wolli Creek local centre co-located with new residential dwellings, an adjoining park and additional pedestrian through site links between Mount Olympus Boulevard, Arncliffe Street and Guess Avenue. However, the realisation of the benefits received from the new park and through-site links are reliant upon:

- No 4 Guess Avenue being acquired by Council and delivered as a town park in conjunction with 10% of the site. It is also noted that a similar or improved level of connectivity could be accommodated by retaining the existing RE1 zone and Council acquisition for a park;
- the delivery of new roads identified in the Rockdale DCP 2011 to provide connectivity to the Pacific Highway, District open spaces, Wolli Creek station and other retail/commercial uses.

While the planning proposal will deliver a portion of 2 Guess Avenue as public open space, it is not consistent with the last 2 principles above, nor Action 18(a) as it does not increase or improve the amount or quality of public open space to accommodate the future population of this area and surrounding precincts. The rezoning and removal of the acquisition clause also decreases the opportunity and community expectation for the provision of open space.

Priority E6 also identifies the need for District planning to integrate site-specific planning proposals with precinct-wide place and public domain outcomes, and that as population grows, more high-quality public spaces will be required around centres. The proposal is not consistent with this approach as it does not consider the existing and future open space and recreation needs for the broader area.

Planning Priority E7: Growing a stronger and more competitive Harbour CBD

Priority E7 identifies the priorities for economic precincts such as office markets, health, education and innovation, residential and tourism, entertainment and culture. The most relevant classification for the site would be a residential precinct for which Priority E7 states: *“The nature of high-rise living necessitates a reliance on public places to meet a range of activities...”*.

The proposal will deliver local employment opportunities as part of a mixed-use development. A Commercial and Retail Demand Assessment (by Hill PDA) has been submitted in support of the proposal and recommends the site is capable of accommodating 100-200m² of retail at ground floor level.

Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city

The proposal intends to deliver new local jobs co-located with new housing near public transport (500m to train station) and existing commercial and retail centres.

Planning Priority E17: Increasing urban tree canopy cover and delivering

Priority E17 identifies that parks and open spaces are one of four connected elements of green infrastructure and acknowledges role of the Greater Sydney Green Grid to connect communities with open spaces, centres, public transport and public places. Green infrastructure is identified as being fundamental to creating a high quality of life and is important in creating a region that is climate resilient and adaptable to future needs.

Green Grid connections.	<p>The proposal will limit the future potential of the site to deliver green infrastructure (a local park) which is not consistent with this Priority or Action 65 because:</p> <ul style="list-style-type: none"> the proposed mixed-use development will likely encompass greater site coverage than could be achieved on RE1 zoned land thereby reducing potential area dedicated to green infrastructure and urban tree canopy; and it reduces the quantity, quality and distribution of land zoned for open space that is within walking distance of homes, a local centre and public transport.
Planning Priority E18 Delivering high quality open space	<p>Priority E18 states: <i>Public open space is a form of green infrastructure that enhances the character of the Eastern City District's neighbourhoods, supports healthy and active lifestyles and brings communities together... As the District grows, providing open space areas for recreation, sport and social activity, as well as establishing physical links that support social networks and create a sense of community, will become increasingly important...</i></p> <p><i>Action 67 is to protect, enhance and expand public open space by providing opportunities to expand a network of diverse, accessible, high quality open spaces that responds to the needs and values of communities as populations grow.</i></p> <p>The proposal does not sufficiently consider the current and future recreation needs of the community nor the key considerations for planning open space of quality, quantity and distribution because it:</p> <ul style="list-style-type: none"> will further existing deficiencies in the size and diversity of open spaces in Wolli Creek (as stated in the Open Space Assessment) by reducing the capacity of the planned town park to accommodate diverse activities; relies upon larger district open spaces to provide diverse active recreation opportunities, to which access is already constrained, and it will further reduce community access to open space more broadly; and does not consider how the needs of the future community will be addressed given the anticipated high-density residential growth in the surrounding area.
Planning Priority E20	<p>Priority E20 seeks to ensure development is compatible with urban and natural hazards.</p> <p>Hazardous Pipeline</p> <p>The site is located approximately 160m to the south of the Moomba Sydney High Pressure Ethane Pipeline (the pipeline) which is licensed under the Pipelines Act 1967. As such, the potential impacts from this urban hazard needs to be considered. These potential impacts are considered through the NSW Land Use Safety Planning Guidelines (the Guidelines) and Australian Standard AS2885, with the requirements discussed below:</p> <p><u><i>NSW Land Use Safety Planning Framework</i></u></p> <p>The planning proposal is required to address the Guidelines because of the:</p> <ul style="list-style-type: none"> site's proximity to the pipeline; and the population increases facilitated by the rezoning to B4 Mixed Use and associated development standards. <p>These Guidelines seek to ensure that development and the associated population is compatible with the potential impacts from the pipeline, which is assessed in two different ways:</p> <ul style="list-style-type: none"> individual risk – risk from the pipeline to an individual; and

- societal risk – risk to the surrounding community. Societal risk measures the risks of incidents from the pipeline that would critically injure a large number of the population surrounding the facilities.

Individual and societal risk are collectively referred to as hazard risks.

To ensure the hazard risks are acceptable, detailed analysis through a land use safety study (LUSS) must be undertaken. However, the planning proposal is not supported by a LUSS to address this matter.

A LUSS comprehensively analyses the predictive land uses and population facilitated by the planning proposal to determine its compatibility with the hazard risk of the relevant pipeline. Specifically, this accounts for the proposed zoning with the permissible uses and accompanying development standards as they inform development density.

Consequently, a LUSS informs the merit of proposed LEP provisions. Without this analysis, the suitability of the provisions against the hazard risks cannot be determined.

Australian Standard AS 2885 and the Pipeline Operator

The planning proposal is within the 590m notification zone of the pipeline as identified in Australian Standard AS2885 - Pipelines - Gas and Liquid Petroleum (the Standard). As required by the Standard, the pipeline operator should be notified of any change of land uses or increased residential densities within the notification zone. This is to ensure the operation of the pipeline can continue to comply with AS 2885.

Depending on the consultation outcome with the pipeline operator, the preparation of a Safety Management Study maybe required. This will review the operational and construction risk both to and from the pipeline. Consequently, the pipeline operator, APA Group, should be consulted during any community consultation. As the planning proposal is not supported to proceed to Gateway due to other matters, there is no requirement for this consultation to occur with this planning proposal.

4.4 Bayside West Precincts 2036 Plan

The site is located immediately to the north of the area to which the Bayside West Precincts 2036 Plan (the Precincts Plan) applies. The Precincts Plan includes three precincts, being Arncliffe, Banksia and Cooks Cove and was prepared by the Department in collaboration with Council and the community.

The Precincts Plan resulted in the rezoning of the Arncliffe and Banksia Precincts to provide for an additional 5000 dwellings, predominately through high density residential development by 2036. The Banksia-Arncliffe Green Plan 2036 (the Green Plan) supported this rezoning (**Figure 11**).

The Green Plan concludes the following:

- despite the existing ratio of open space per person being relatively high, the current network of open space per person is not distributed uniformly;
- there is a lack of sport fields and recreational spaces and residents must rely on parks in the periphery of the Precinct for these needs;
- there are physical barriers from infrastructure which limit the realistic walking catchment area of each park; and
- the opportunity to improve linkages to better guarantee accessibility to larger open spaces. It is noted that the site adjoins one of five access points across the T4 Line.

In response, the Precincts Plan includes infrastructure projects to resolve existing limitations and support the proposed growth. These projects include upgrades to existing parks and the delivery of the new 7000m² Burrow Street Park near Arncliffe Station. Delivery of the park is to be undertaken in collaboration by the Department and Council through state infrastructure contributions.

This new park, with the other proposed actions, seeks to resolve shortfalls and limitations in the existing public open space supporting the new development facilitated by the Precincts Plan.

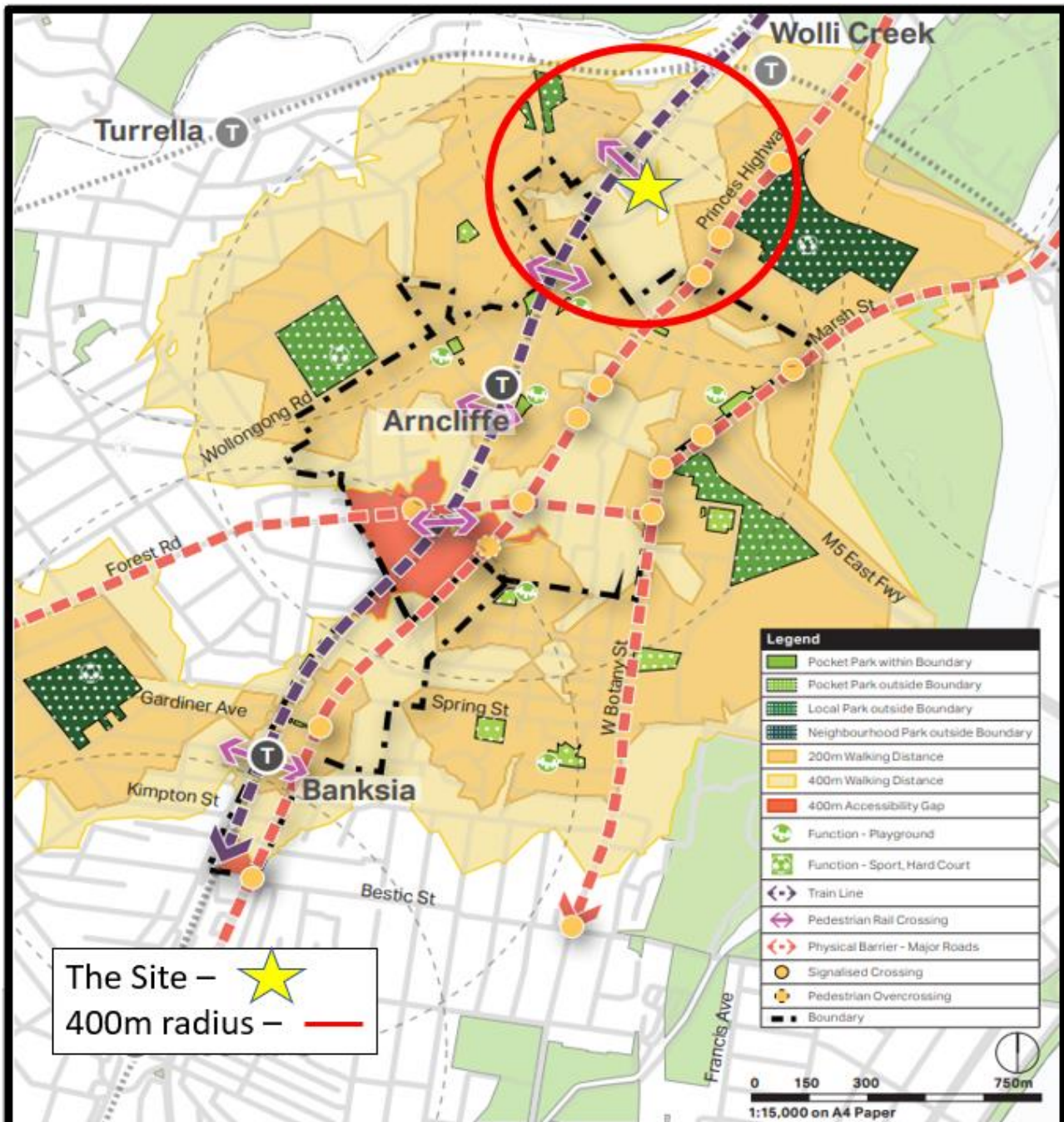


Figure 11: Walking distance to open space. Source: AECOM 2018 in the Banksia-Arncliffe Green Plan 2036

To support the planning proposal would:

- undermine the Precinct Plan's measures to support the proposed growth by reducing public open space; and
- would cause a re-recurrence of the open space issues which the Precincts Plan seeks to resolve, including shortfalls in open space distribution, diversity and accessibility.

4.5 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. However, the Department considers it is largely inconsistent with the strategic direction and objectives, as stated in the table below:

Table 8 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The planning proposal achieves the following Planning Priorities:</p> <ul style="list-style-type: none"> • <u>Planning Priority 1</u> by aligning new local jobs and high-density housing in proximity to existing transport infrastructure. • <u>Planning Priority 7</u> as it provides a mix of apartment types. • <u>Planning Priority 12; Planning Priority 15, Acton 15.8</u> as it will deliver additional housing, local jobs and retail/commercial floor space to meet future demand in a local centre and close to public transport networks. <p>Despite this, in addition to the reasons already stated in this Report, the planning proposal is inconsistent with the following Priorities and Actions:</p> <ul style="list-style-type: none"> • <u>Planning Priority 2 and Planning Priority 4</u>: as it reduces the amount of planned open space and has not considered existing and future demand a result of projected growth in Wolli Creek and surrounds. This includes Banksia and Arncliffe as identified in the LSPS for +3500 dwellings in the immediate term and +5000 dwellings by 2036 in Bayside West Precinct. • <u>Planning Priority 5 and Planning Priority 21: Action 21.4</u>: as the proposed through-site connections will not necessarily be improved by the proposed rezoning of RE1 to B4 land, for the reasons outlined in Section 3.3. • <u>Planning Priority 6: 6.3</u>: as the proposal does not have regard to the high pressure dangerous goods pipeline that constrains residential development on the site. • <u>Planning Priority 20</u>: The proposal will reduce potential tree canopy opportunities. • <u>Planning Priority 21: Action 21.1, 21.2</u>: LSPS Action 21.1 identifies that council will <i>review current open space and sport infrastructure provision to identify opportunities to provide and/or enhance open space to meet user needs consistent with the Social Infrastructure Strategy</i>. The proposal is not informed by a comprehensive analysis of the existing and future demands for open space. Any rezoning of recreational land is premature in the absence of a social infrastructure study to understand the recreation needs of the area and the LGA more broadly. <p><i>Action 21.2 require large urban renewal areas to include the provision or access to local open space as part of the planning</i>. Wolli Creek is not identified for 'urban renewal area' however Banksia-Arncliffe is identified (Bayside West Precincts). The proposal does not achieve Action 21.2 as it</p>

Local Strategies	Justification
	<p>will place further strain and demand on the existing and planned open space network, of which access, distribution and diversity is already deficient in surrounding urban renewal areas.</p> <p>On balance, the planning proposal does not positively respond and give effect to the LSPS.</p>
Bayside Local Housing Strategy	<p>The Bayside Local Housing Strategy (the Bayside LHS) was adopted by Council on 10 March 2021 and endorsed by the Department on 30 June 2021.</p> <p>The Bayside LHS identifies that:</p> <ul style="list-style-type: none"> • providing public open space within 200m of residential development is important to achieve well serviced centres of highest density change and areas of medium density change (up to 6 storeys); and • much of the recent development in the last 10 years in the LGA took place in high density development precincts of Wolli Creek, Mascot and Botany. It acknowledges anticipated housing intensification in Banksia and Arncliffe. <p>The proposal will therefore:</p> <ul style="list-style-type: none"> • further exacerbate an increased demand for open space in these areas in terms of quantity, quality and distribution; and • not attain the requirement of providing open space within a 200m catchment for the surrounding development, noting these developments fall within the centres and medium change typologies.
Rockdale Urban Strategy 2010	<p>The Strategy outlines seven Principles which informed the preparation of the Rockdale LEP 2011. This is relevant as the site is zoned for RE1 under Rockdale LEP 2011. The relevant Principles are:</p> <ul style="list-style-type: none"> • <i>Improve residential amenity by improving the variety and quality of new housing</i> • <i>Encourage active and passive recreation and recognise the City's natural assets</i> <p>The description for the Wolli Creek area identifies a vision for a high-quality high-density urban precinct with new parks and public open space. The proposal does not encourage recreation or assist in the delivery of new parks and public open space as it seeks to rezone 90% of the site to enable mixed use development. It is therefore inconsistent with the Principles of this Strategy which have informed the existing land zone for the site.</p>

4.6 Rockdale Development Control Plan 2011 - Section 7.1 Wolli Creek

Rockdale DCP 2011 - Section 7.1 Wolli Creek applies to the site and came into effect on 4 May 2011. This section of the Rockdale DCP 2011 identifies a vision, specifies objectives and development controls for future development in the Wolli Creek Precinct. The vision and objectives are supported by a structure plan and proposed public domain, with identifies infrastructure projects. The Wolli Creek Structure Plan in the Rockdale DCP 2011 identifies:

- the site and adjoining 4 Guess Avenue as a future town park;

- a recreation link adjacent to the southern portion of the site providing pedestrian and cycle connections; and
- future proposed roads and lanes to facilitate movement and access throughout the Wolli Creek precinct, including to Cahill Park.

It is relevant to consider this DCP to provide an understanding of the impact the supporting concept design will have on the successful implementation of the DCP provisions.

The supporting concept design is consistent with the following aspects of the DCP because:

- it will deliver a mix of uses within the B4 zone whilst providing continued opportunities for local employment.
- it will ensure the delivery of residential apartments within a landscaped area.
- whilst the proposed retail space will not address the Guess Avenue street frontage, the Commercial and Retail Demand Assessment (by Hill PDA) submitted with the planning proposal justifies the benefits of retail floor space addressing the park as an alternative.

The concept design supporting the planning proposal is not consistent with the DCP for the following reasons:

- it does not achieve the outcomes for the site as identified in the structure plan (**Figure 12**), land use strategy and open space and pedestrian cycle network, all of which identify 2 Guess Avenue as a future town park with 4 Guess Avenue. This inconsistency may not uphold the community's expectations that the entire site at 2 and 4 Guess Avenue of approximately 7765m² would be delivered as a large public park; and
- it does not achieve the area's vision *to create a high quality, high density urban environment, for living, working and recreation* as the proposal reduces the quantity, quality and distribution of public open space for existing and future residents, as discussed in Sections 3.2 and 3.3.

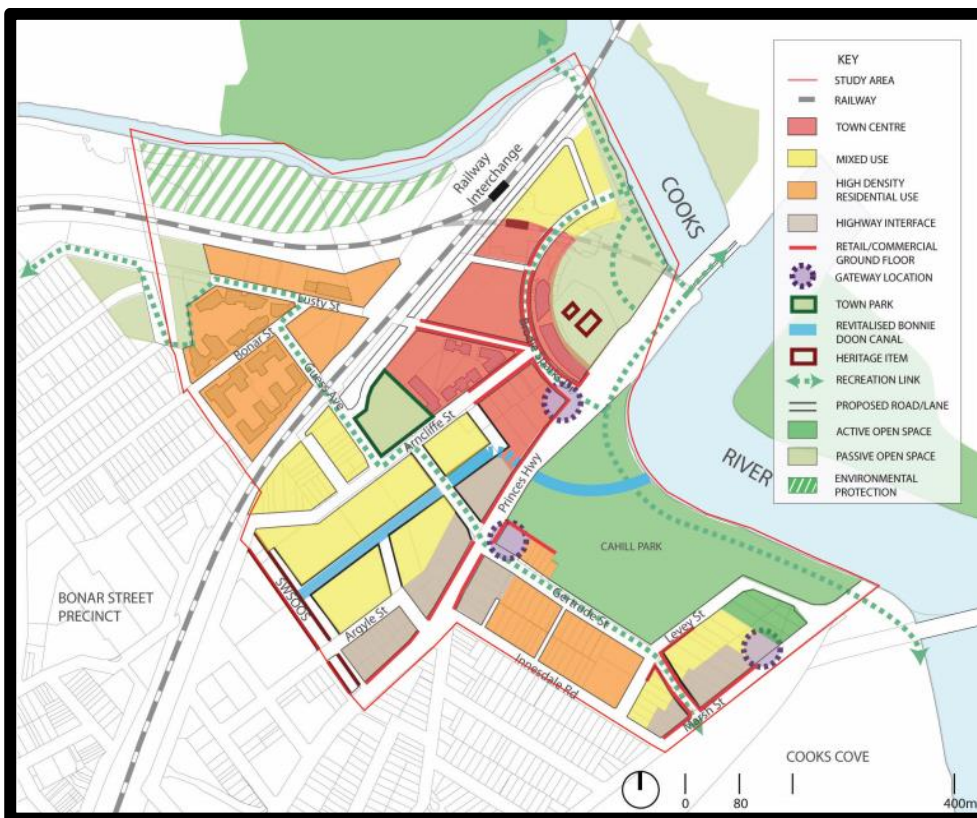


Figure 12: Wolli Creek Structure Plan in Rockdale DCP 2011, Section 7.1

4.7 Wolli Creek and Bonar Street Precinct Public Domain Plan 2011

In response to the transformation of the Wolli Creek and Bonar Street Precincts, the Wolli Creek and Bonar Street Precinct Public Domain Plan (PDP) was endorsed by Council and came into effect on 5 December 2011.

The PDP seeks to guide and coordinate improvements to the public domain and identify opportunities for enhancement of all aspects of the public domain within the Wolli Creek and Bonar Street Precincts.

The PDP identifies:

- that the open spaces and streets should form a public domain network with a variety of recreational opportunities; and
- the constraints on pedestrian connectivity and need to improve linkages between new parks and residential areas, and across or under infrastructure corridors (road and rail); and
- the Town Park is identified for the site and 4 Guess Avenue (**Figure 13**). An alternate location on the southern side of Arncliffe Street (#3) has been suggested but not been further investigated. The intent is to provide *green space relief from high density new development*.

The PDP also includes seven Design Principles for the new Town Park relating to passive surveillance and Crime Prevention Through Environmental Design principles, building interfaces and activation, solar access, Water Sensitive Urban Design, and universal access. The concept plan submitted with the planning proposal is largely consistent with these.

Despite this, the planning proposal is inconsistent with the PDP because:

- the proposed rezoning prevents the delivery of a diversity of recreation activities to be provided by reducing the footprint of the Town Park;
- it will reduce the access and connectivity of residents to open space in the Wolli Creek and Bonar Street Precincts, and therefore will not facilitate a network of diverse open spaces;
- it will place increased pressure on the remaining public open spaces to support the open space needs for this population growth facilitated by the rezoning of the Wolli Creek and Bonar Street Precincts (**Table 3**).

This is further exacerbated by the rezoning of the Bayside West Precincts Plan following adoption of the PDP; and

- the rezoning will undermine the PDP's strategic direction for the Town Park to encompass both 2 and 4 Guess Avenue, facilitating the provision of a public domain network supporting the transformation of the Bonar Street and Wolli Creek Precincts to high density residential communities.

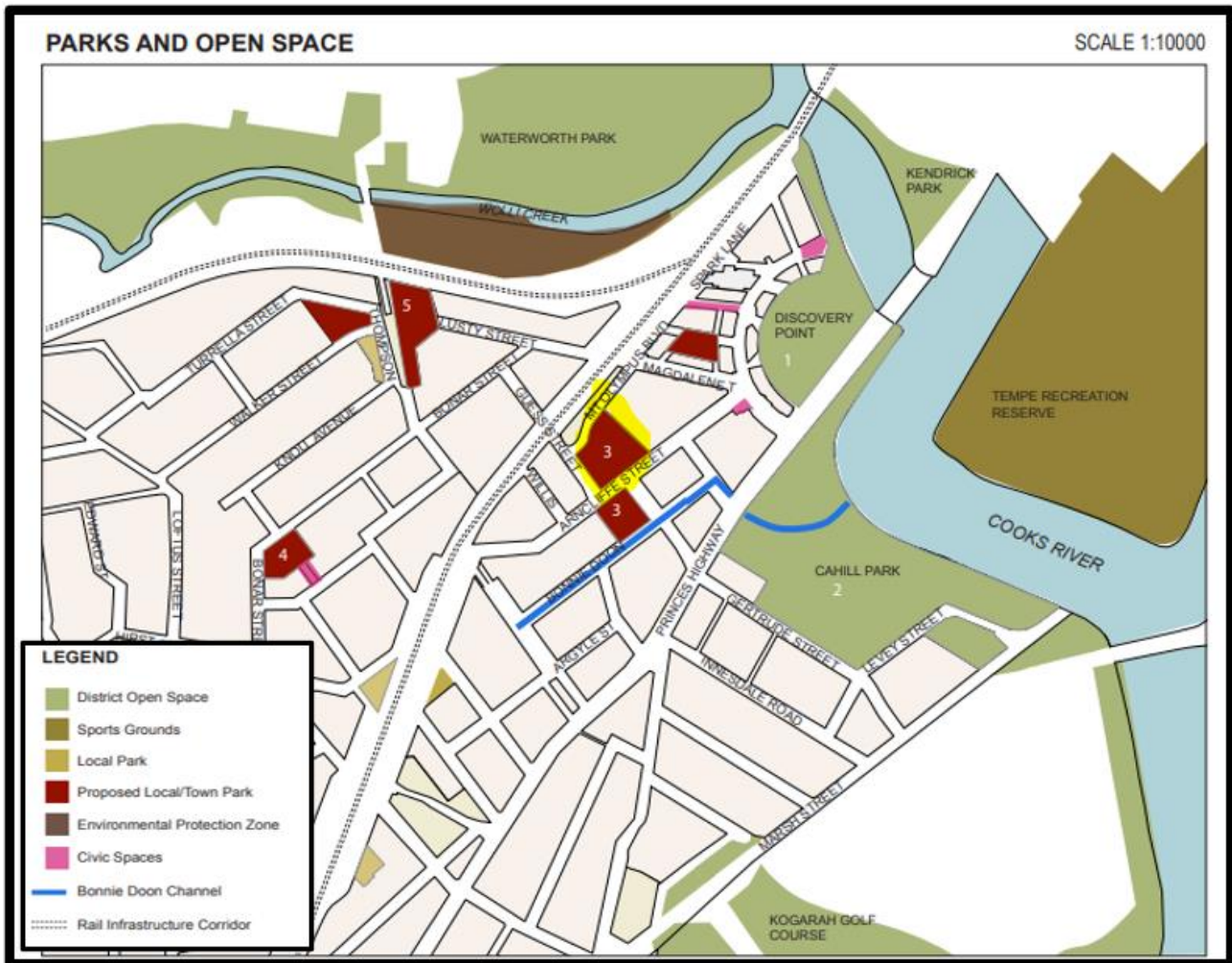


Figure 13: PDP Parks and Open Space Plan

4.8 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant Section 9.1 Directions is discussed below:

Table 9: Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial zones	Consistent	The proposal does not relate to an existing business or residential zone but proposes to rezone most (90%) of the site to B4 Mixed Uses. The proposal will encourage new commercial uses and employment opportunities and is therefore is consistent with this Direction.
2.6 Remediation of Contaminated land	Consistent	The Direction applies as the site and 4 Guess Avenue have historical and/or current uses which are potentially contaminated. The planning proposal seeks to amend the

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>zones and the permissible land uses, and will result in residential and recreational use on the site.</p> <p>Part (5) of this Direction requires Council to have regard to a preliminary site investigation before rezoning land for residential uses.</p> <p>A Preliminary Site Investigation (prepared by Senversa, 5 April 2019) for 2 and 4 Guess Avenue has been submitted in support of the proposal and is based on the assumption that both sites would be rezoned for B4 Mixed Uses (as per the 2017 Council resolution).</p> <p>The Report considers the site can likely be remediated (if required) and made suitable for land uses in the B4 zone given the successful remediation of 4 Guess Avenue and type of redevelopment (high-density residential) occurring in the surrounding area. The Report concludes that a Detailed Site Investigation be undertaken to assess the contamination status of the site and inform whether remediation or management may be required (principally Lot 101 [2 Guess Avenue]), and determine potential risk to human health.</p> <p>Part 4(a)-(c) requires Council to be satisfied that the land is suitable for the proposed uses in its contaminated or remediated state, and that the land will be so remediated before the land is used for the proposed purposes. Should the proposal receive a favourable Gateway Determination, a Gateway Condition could stipulate that a Detailed Site Investigation be undertaken to:</p> <ul style="list-style-type: none"> • determine whether the land will be suitable for all purposes permitted in the RE1 and B4 zones • confirm that the land will be remediated to the appropriate standard (if needed) before land is used for the uses permitted in the zone, and • any LEP provisions will be included where needed to satisfy the aforementioned matters.
3.1 Residential Zones	Consistent	The planning proposal will facilitate high density residential development located within a mixed-use development and in a location that has sufficient access to existing infrastructure and services.
3.4 Integrating Land Use and Transport	Consistent	<p>The site is bound by Arncliffe Street to the south-east and Guess Avenue in the south west, with the adjoining site bound by Mount Olympus Boulevard, all of which are local roads. In March 2019, Council resolved to introduce a one-way circuit incorporating the above-mentioned roads and Magdalene Terrace. The site's Arncliffe frontage (~97m) is also reserved for Council acquisition for local road widening.</p> <p>A Traffic Impact Assessment (TIA; prepared by Bitzios Consulting) has been submitted in support of the proposal. The</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>TIA anticipates the net trip generation to be 29 and 24 vehicles trips per hour during the AM and PM peak periods, respectively, and considers the proposal will have negligible increase in traffic delays across the network.</p> <p>It also recommended vehicular access via Guess Avenue to reduce vehicle conflicts and minimise re-routing from the proposed One-Way Circuit (refer to the above stated Gateway Condition). There are discrepancies in the urban design report (p. 48, 50, 60) as to whether vehicular access to basement parking is via Guess Avenue or Arncliffe Street (or both). As the proposal is not recommended proceed there is no further action required on this outstanding issue.</p> <p>The TIA has been based off a microsimulation model of Wolli Creek, Turrella and Arncliffe prepared in 2012 to ascertain performance on the road network in 2031. It is stated that the model has been updated to reflect the changes to the road network from the One-Way Circuit and the proposed development. It is unclear if this model has been updated to include other approved and constructed development since 2012. As the proposal is not recommended to proceed there is no further action required on this outstanding issue.</p> <p>Despite the above, the TIA acknowledges the site's suitable location near public transport and recommends opportunities to maximise this location and minimise traffic generation and impacts including:</p> <ul style="list-style-type: none"> • adopting the CBD parking rates, due to proximity to public transport, • reducing café parking provision due to proximity to the Wolli Creek town centre, • providing bicycle and car share parking spaces within the development. <p>The planning proposal is consistent with this Direction as it will deliver residential density and new commercial uses in proximity to public transport infrastructure, key roads, facilities and services, and will accommodate alternative transport modes through and encourage the use of car share sharing by dedicated bicycle and car sharing parking.</p>
3.5 Development Near Regulated Airports	Unresolved	<p>The Direction applies as the planning proposal seeks to alter land zones and create new LEP provisions relating to land near a core regulated airport (Sydney Airport). This includes introducing residential uses and a maximum building height.</p> <p>A Preliminary Height Assessment (PHA; by Landrum & Brown Worldwide) has been undertaken to identify constraints and limitations on maximum building heights.</p> <p>The proposal is inconsistent with Direction 5(a) as there is no documentation provided to indicate that Council has consulted</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>with the Department of the Commonwealth and the lessee/operator of the Airport during the preparation of the planning proposal.</p> <p>As the proposal is not recommended proceed there is no further action required on this outstanding issue.</p>
4.1 Acid Sulfate Soils	Unresolved	<p>This Direction applies as the site is within Class 3 land on the Acid Sulfate Soil map of Rockdale LEP 2011 and the planning proposal will involve the intensification of land uses on this land and basement excavation.</p> <p>A Preliminary Site Investigation (prepared by Senversa) submitted in support of the proposal identifies high probability >70% of Potential Acid Sulfate Soils. It considers that the site can likely be and made suitable for land uses and also recommends a detailed site investigation be undertaken to assess the contamination status of the site and determine potential risk to human health. The planning proposal states that an Acid Sulfate Soils Study would be prepared following Gateway Determination. However, as the proposal is not recommended proceed in its current form there is no further action required on this outstanding issue.</p>
4.3 Flood Prone Land	No, but justified	<p>This Direction applies as the site is in a flood planning area in the Rockdale LEP 2011 and seeks to amend the zone that applies to flood prone land.</p> <p>The proposal is inconsistent with (5) of the Direction as it will rezone recreation land within the flood planning area to a residential and business zone. An inconsistency is permitted if the planning proposal is in accordance with a floodplain risk management plan (prepared in accordance with the Floodplain Development Manual 2005). The inconsistency is justified as a Flood and Stormwater Report (by Northrop) has been submitted in support of the planning proposal which demonstrates it is feasible to implement Council's stormwater and flood plain related development controls on the site and outlines a flood risk management strategy.</p> <p>The Report also states the proposal is consistent with the Direction because it is not in a floodway area, does not result in significant impacts to adjoining properties, results in development consistent with the surrounding area, will include flood mitigation measures constructed by the developer of that land, and only permits works with consent.</p>
6.2 Reserving Land for Public Purposes	Inconsistent	<p>This Direction applies as the proposal seeks to reduce the amount of land zoned for RE1 and remove Council's land acquisition order. The Direction relates primarily to procedural aspects where a public authority is seeking to or is requested to</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>(by the Planning Secretary) to reserve or remove land for public purposes.</p> <p>The proposal is inconsistent with Part (4) which requires that a planning proposal must not alter or reduce existing zonings or reservations of land for public purposes without the approval of the public authority (e.g. Council) and the Planning Secretary. Whilst Council has resolved to support the planning proposal, it is recommended that the Planning Secretary (or delegate) not support the planning proposal.</p>
6.3 Site Specific Provisions	Consistent	<p>This Direction applies as the planning proposal seeks to allow a particular development to be carried out, being a mixed use development. The proposal is consistent with this Direction as the proposed B4 zone and land uses are already permitted in the LEP without imposing any additional development standards or requirements in addition to those contained within the relevant provisions and the LEP.</p>

4.9 State environmental planning policies (SEPPs)

Table 10: Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
Draft Design and Place SEPP	The proposed Design and Place SEPP seeks to establish principles, matters for consideration and guidance to encourage innovative design that maximises public benefit.	<p>The draft Design and Place SEPP (draft Place SEPP) was placed on exhibition in early 2021 and has now closed. Formal submissions are currently being reviewed.</p> <p>The draft Place SEPP states Gateway assessments will include consideration of the proposed Design and Place SEPP (where relevant) and conditions may include requirements to address consistency with the Place SEPP.</p> <p>The draft Place SEPP is framed around five guiding principles which aim to deliver healthy and prosperous places that support the wellbeing of people, communities and Country.</p> <p><i>Principle 2: Design inviting public spaces to support engaged communities</i> is particularly relevant to this planning proposal. It states that the intended effect of the principle will (amongst other matters) propose new targets to retain or increase the provision and diversity of public space across</p>	No

SEPPs	Requirement	Proposal	Complies
		<p>NSW, including the protection of existing public space assets.</p> <p>In addition, the draft Place SEPP provides a number of matters for consideration applying to three development scales. This includes:</p> <ul style="list-style-type: none"> • precincts; • significant development; and • all other development. <p>The site and accompanying proposal would likely be classified as significant development as it applies to a site greater than 4000m².</p> <p>Consideration 15 includes the requirement that <i>there is no encroachment on existing public open space, and adverse impacts from adjoining built development, with no net loss of public space.</i></p> <p>The benefit of this consideration is that it ensures the quality and amenity of open space is not diminished over time by protecting public space from encroachment, including overshadowing.</p> <p>The proposal does not positively respond to the relevant draft requirements and larger overall principles relating to the delivery of public open space as it does not uphold the previously identified expectation that the site would be delivered as public open space. The proposed reduction in size of future public open space will result in a reduced potential for quality and useability in the future.</p>	

SEPPs	Requirement	Proposal	Complies
SEPP 65 – Design Quality of Residential Apartment Buildings	This SEPP aims to improve the design quality of residential apartment development in NSW. The provisions in the SEPP require that the design quality principles, the Apartment Design Guide and advice from a design review panel (if any) be considered before a development application is determined by the relevant consent authority.	<p>The aspects of the proposal related to residential flat buildings and mixed-use development will be to the provisions of SEPP 65. The draft Place SEPP is also intended to include revisions to the Apartment Design Guide that will likely be exhibited in late 2021.</p> <p>It is intended that planning related guidance will be developed in a separate Urban Design Guide, to better support the strategic planning process, the preparation of planning proposals and the urban design of a broader range of development types. This includes the intention that the guide will establish benchmarks and performance indicators for the delivery of public open space.</p> <p>In terms of the ADG, the concept scheme provided with the proposal demonstrates the capability for the proposed Floor Space Ratio and Height Limit to be achieved on the site. However, the concept scheme provided with the proposal does not demonstrate the capability to achieve the ADG solar access controls to adjoining properties and within the development, as detailed in Section 4.2.</p>	No
SEPP (Building Sustainability Index) 2004	SEPP BASIX requires all future residential developments to achieve mandated levels of energy and water efficiency, and thermal comfort.	The proposal relates to residential accommodation and will require BASIX certificates at the DA stage, demonstrating compliance with the SEPP.	Yes

SEPPs	Requirement	Proposal	Complies
SEPP (Vegetation in Non-Rural Areas) 2017	<p>The SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation.</p> <p>Part 3 of the SEPP contains provisions which require a council permit to clear vegetation declared by a development control plan.</p>	<p>The planning proposal states that trees will largely be retained, except for 1 Camphor Laurel, and that additional trees will be planted.</p> <p>There is no arborist report submitted with the proposal, however, the proposed development will be subject to the provisions of the SEPP at the development application stage. The proposal is not inconsistent with this SEPP.</p>	Yes
SEPP (Infrastructure) 2007	<p>The Infrastructure SEPP contains provisions for:</p> <ul style="list-style-type: none"> Noise criteria for development adjacent to rail corridors (Clause 87) which must be satisfied at the DA stage. The SEPP is supported by an Interim Guideline. Development permitted without consent or exempt development in parks and public reserves 	<p>The site is in proximity (60-80m) of the T4 Illawarra and Eastern Suburbs train line and proposes to introduce new residential accommodation.</p> <p>Any proposed development will need to demonstrate that the noise criteria in the SEPP and Interim Guideline have been satisfied at the DA stage.</p>	Yes

SEPPs	Requirement	Proposal	Complies
SEPP 70	Under Clause 9 of the SEPP, Bayside Council has been identified as a local government area in need of affordable housing. Under the SEPP a future development application for the site may be subject to a contribution or dedication of affordable housing to be determined by Council.	The planning proposal does not identify affordable housing measures however this will be subject to further consideration at the development application stage. The planning proposal is not considered to hinder the application of the SEPP.	Yes

5 Site-specific assessment

5.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 11: Environmental impact assessment

Environmental Impact	Assessment
Built Form and Overshadowing	The planning proposal is accompanied by an Urban Design Report by SJB Architects which includes a view analysis of the concept development from the south-east and south-west.

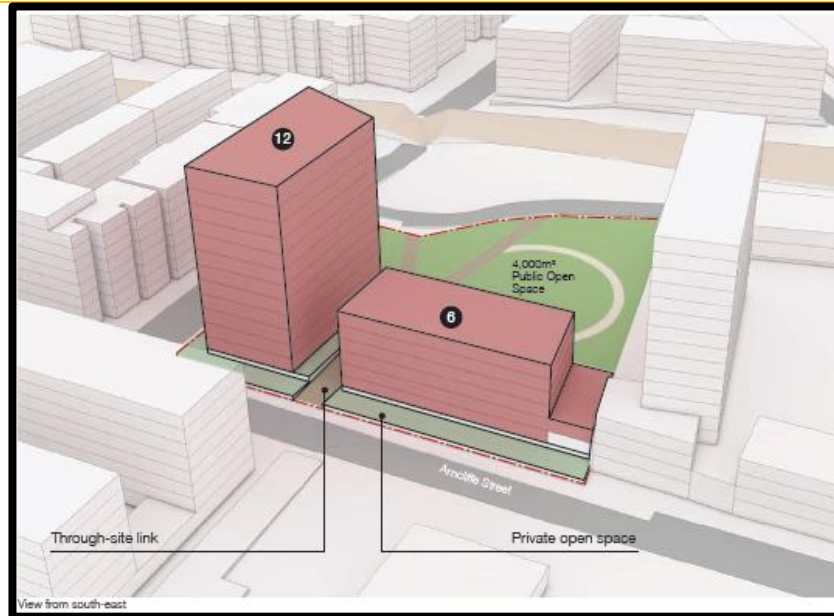


Figure 14: Concept scheme view from south east (source: SJB Architects)

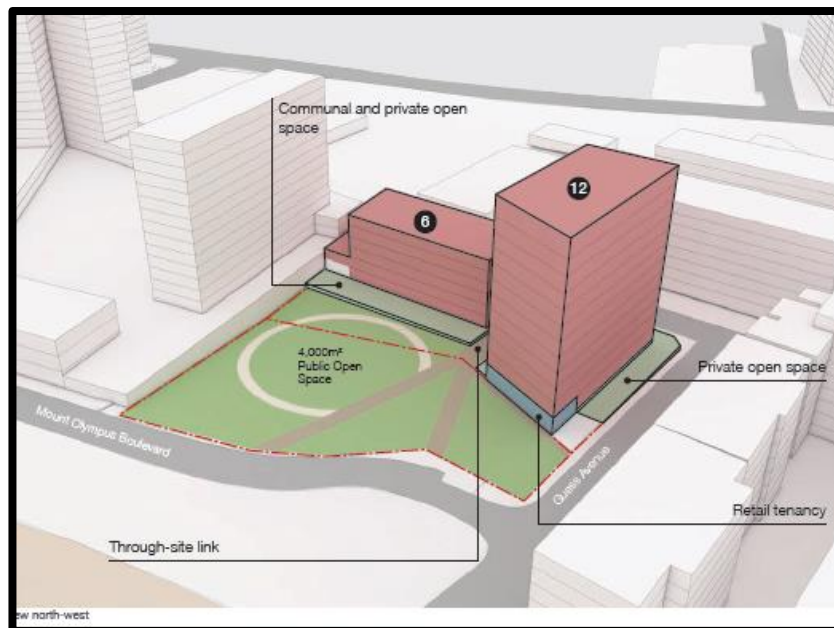
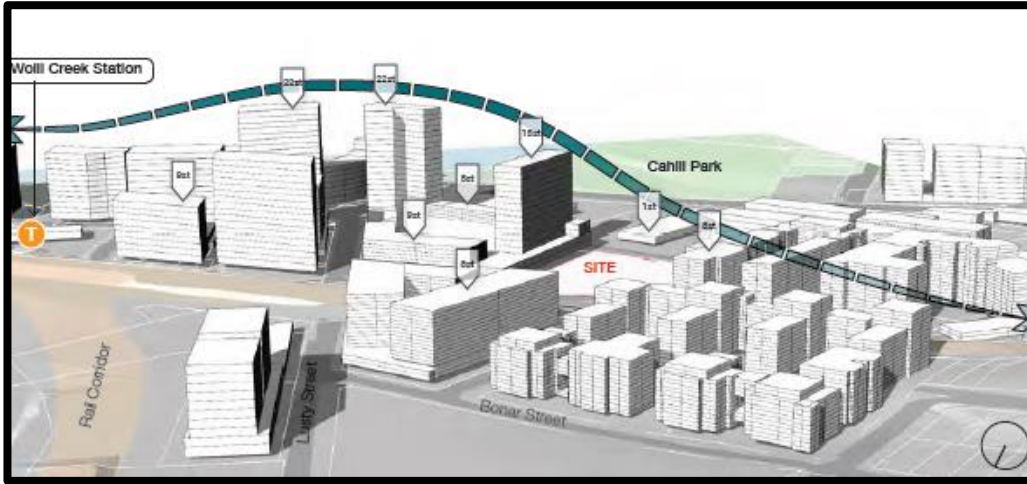
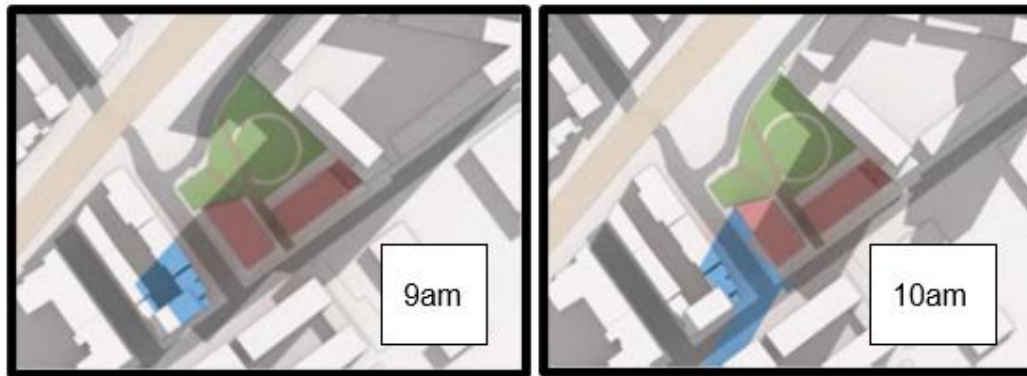


Figure 15: Concept scheme view from north west (source: SJB Architects)

The proposed 42m building height applies across the site and the concept scheme proposes the following built form:

- 6 storey building fronting Arncliffe Street and adjoining the neighbouring 15 storey building; and
- 12-storey building fronting Guess Avenue and Arncliffe Street frontages.

The accompanying urban design report includes analysis of the context of the site in terms of its existing skyline. It seeks to demonstrate that existing building height is focused within the area immediately to the south of Wolli Creek railway station, stepping down to the south and west. The urban design report states that the site's location marks a significant step in height between adjacent sites, transitioning from

Environmental Impact	Assessment
	<p>15 to 8 storeys. It is therefore stated that the site has the potential to create a more gradual height transition that mediates between the development areas.</p>  <p>Figure 16: Height context view from north-east (source: SJB Architects)</p> <p>This approach does not acknowledge the long standing intent for the site to be delivered as open space which will also allow for a break in built form to the area. The scale of the development whilst in keeping with a high density environment does not correspond with the previously envisaged urban design outcome for the site and its contribution to the amenity of the area. Insufficient analysis has been provided to demonstrate why this change of approach is now acceptable.</p> <p>It is also provides minimal analysis of the impacts of the scale of development proposed to the useability of the intended public open space. The proposal states that the new built form will provide passive surveillance to the adjoining open space but this does not acknowledge that adjoining buildings already provide this surveillance.</p> <p>The overshadowing diagrams within the urban design report depict the hourly impact of the proposal between 9am-3pm on 21 June (shown below in sequence).</p> 

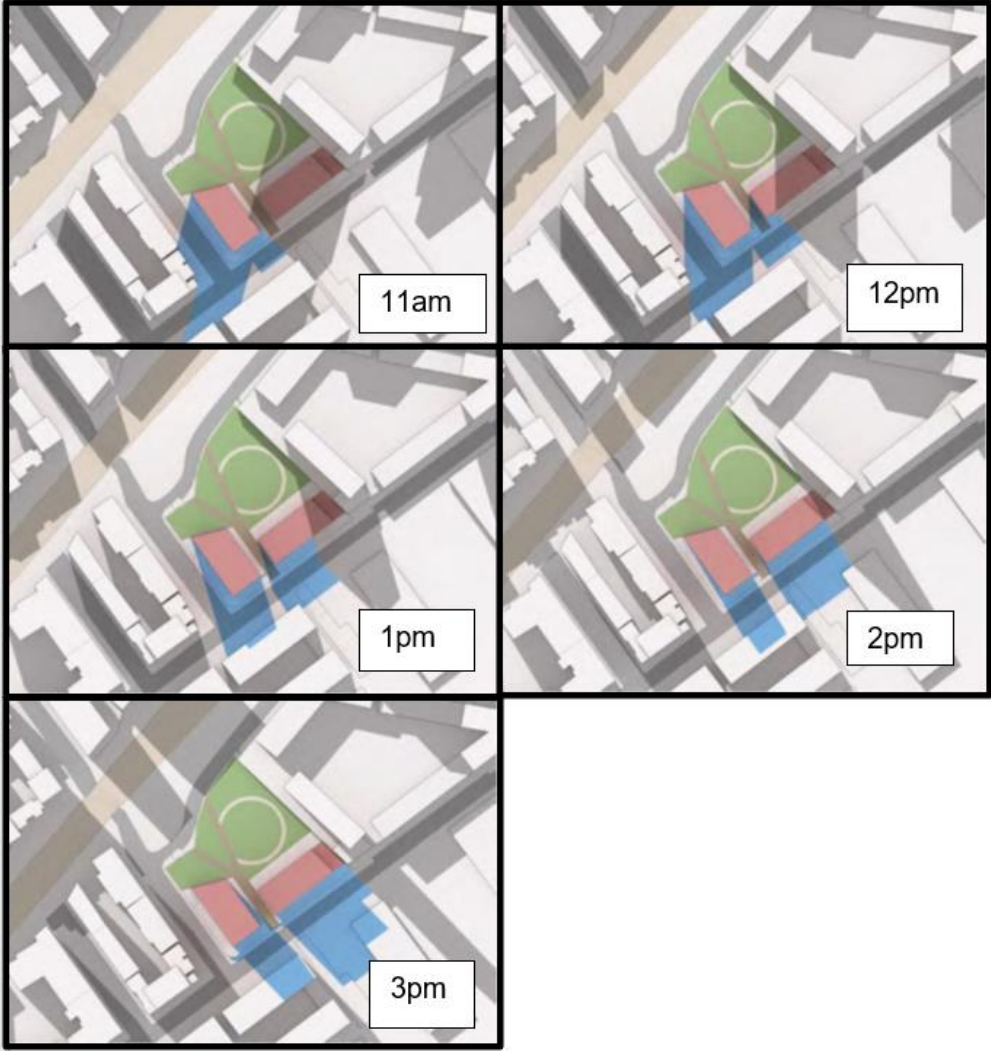
Environmental Impact	Assessment
	

Figure 17: Overshadowing of proposed scheme (source: SJB Architects)

Additional areas of overshadowing would occur between 9am and 3pm to the properties along south Arncliffe Street and a portion of the properties on Guess Avenue. The diagrams demonstrate that overshadowing impacts will be experienced to the following:

- An unknown percentage of the units on southern Arncliffe Street, which includes the private open space (balconies) for these units.
- The private open space along the Arncliffe Street frontage for the proposed 12 storey building.
- One allotment of B4 zoned land (where a truck rental premises is currently located). Whilst the current use is not protected under the ADG requirements, the zoning could enable a residential flat building in the future, which will be impacted.

These overshadowing impacts would require further detailed information to demonstrate impacts should the proposal proceed in the future. These additional shadowing impacts could be avoided and greater amenity maintained to adjoining residents with the retention of the existing zoning and development standards.

Environmental Impact	Assessment
Flooding	<p>The site may be affected by the 1% Annual Exceedance Probability (AEP) flood and due to that reason, the development of the land or part of the land may be subject to flood related development controls.</p> <p>Section 3.9 details that a Flood and Stormwater Report (by Northrop) has been submitted in support of the planning proposal. The Report demonstrates the feasibility to implement Council's stormwater management and floodplain related development controls on the site and that the proposal will not have significant adverse impacts to adjoining properties.</p>
Traffic and parking	<p>The planning proposal is accompanied by a Traffic Impact Assessment (TIA) and a detailed assessment of its findings that the proposal will result in negligible traffic or parking impacts is located in Section 3.9.</p> <p>As discussed in Part 3.9, there are considered to be outstanding unresolved traffic issues including:</p> <ul style="list-style-type: none"> • the proposed vehicle access point; • the proposed the impact on the road network given that the TIA currently recommends vehicle access via Guess Avenue rather than Arncliffe Street as outlined in the urban design report; and • the proposal's impact with regards to approved and constructed development in the surrounds since 2012. <p>While these matters could be resolved through the preparation of an updated TIA, the proposal is not recommended to proceed in its current form.</p>
Aircraft and Airport operations	<p>A Preliminary Height Assessment (Landrum & Brown Worldwide) submitted with the planning proposal demonstrates that the proposed maximum height is below the height of all airport limitations and therefore will not disrupt the effective and safe operation of Sydney Airport. A more detailed assessment is in Part 3.9 of this report.</p>

Environmental Impact	Assessment
Contamination and Acid Sulfate Soils	<p>The planning proposal is accompanied by a Preliminary Site Investigation (PSI) which identifies that the site and 4 Guess Avenue have historical and/or current uses with the potential to result in contamination, potentially impacted fill materials of unknown origin and high probability of potential acid sulfate soils.</p> <p>The PSI recommends that a Detailed Site Investigation is required to assess the contamination status of the site (namely 2 Guess Avenue) and whether there is potential risk to human health and ecological receptors (current and proposed). The PSI considers that 2 Guess Ave could likely be remediated (if required) and made suitable for the land uses permitted in the B4 zoning. It also considers that 4 Guess Avenue has been successfully remediated for future high-density residential land use subject to management of residual contamination in fill material within the boundary batters.</p> <p>The planning proposal is identified as high probability (Class 3) of potential acid sulfate soils and is likely to result in basement excavation lower than 1m. Clause 6.1 in the Rockdale LEP 2011 will therefore apply requiring an acid sulfate soil management plan to be prepared before consent is granted.</p> <p>The proposal could be updated to ensure that it satisfactorily addresses land contamination and acid sulfate soils, as discussed in Section 3.9. However, as the proposal is not recommended to proceed in its current form this is not applicable.</p>

5.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 12: Social and economic impact assessment

Social and Economic Impact	Assessment
Economic	<p>A Commercial and Retail Demand Assessment (Hill PDA) has been provided in support of the proposal. The C&RD Assessment recommends the site is suitable for a small portion (100-200m²) of retail space, as there are more favourable locations for larger retail and commercial floor space closer to the existing retail centre (Wolli Creek Town Centre).</p> <p>As such, the planning proposal will create new local jobs that are co-located with residential uses and in proximity to public transport and other services.</p>

Social

The planning proposal is accompanied by an Open Space Assessment (SGS Economics and Planning) which concluded that a 4000m² park on 4 Guess Avenue (and a portion of 2 Guess Avenue) would provide enough area to meet the recreational and open space needs in the area.

The planning proposal will reduce the quantity of public open space which will have implications for the local community as detailed throughout this report and summarised as follows:

- accessibility and connectivity for existing and future residents to open space that is within a reasonable walking catchment (in Wolli Creek and surrounding Precincts).
- the quality of open space and the capacity of this park, and others in the vicinity to accommodate diverse recreational uses, particularly given that larger, District open spaces have physical constraints to pedestrian and vehicular accessibility.
- accessibility to open space for existing and future residents in Wolli Creek and Bayside West Precincts which already experience open space deficiency, and which will be further exacerbated by high density growth.

The proposal is not considered to be acceptable with regards to the impacts on the provision of adequate social infrastructure for the current and future residents of Wolli Creek and the surrounding Precincts.

5.3 Infrastructure

The planning proposal is unlikely to place significant additional demand on infrastructure for roads, sewer, transport and other services. It does not seek any changes to state or local infrastructure contributions.

Despite this, the planning proposal will reduce the quantity of social infrastructure (local park) in the Wolli Creek area which will place increased demand on surrounding existing and planned open spaces. For the reasons detailed throughout this report, this reduction in social infrastructure is not supported.

6 Consultation

6.1 Community

The planning proposal is not recommended to proceed to public exhibition.

6.2 Agencies

The planning proposal is not recommended to proceed to agency consultation.

7 Timeframe

The planning proposal is not recommended to proceed.

8 Local plan-making authority

The planning proposal is not recommended to proceed.

9 Assessment Summary

The planning proposal in its current form is recommended to not proceed, as there is inadequate justification to demonstrate that the proposed amendments to the Rockdale LEP 2011 are appropriate and would achieve the objectives and intended outcomes of the proposal.

The key issue of the proposal is that it does not sufficiently take into consideration the current and future recreation needs of the immediate and surrounding areas, nor the key principles for planning open space of distribution and accessibility, diversity and quality, and quantity as described below:

- Distribution and accessibility - the proposal will reduce opportunities for the future distribution and accessibility of public open spaces by removing the existing zoned land for this purpose. This will exacerbate the existing access constraints of residents in Wolli Creek and surrounding Precincts to either larger open space or open space in general, and the anticipated high density residential growth that will place increasing demand on green infrastructure;

It remains unclear how the proposal will provide a better outcome for pedestrian connectivity to surrounding open space than if the site was retained for a future park use;

- Diversity and quality - the proposal will further exacerbate the lack of diversity of open space in the Wolli Creek Precinct and surrounds, which are characterised by smaller, pocket parks (<0.4ha or 4000m²). This has implications for the quality of open space and diverse recreational offering which could be delivered by the current land zoning; and
- Quantity - there is a need to consider how the community's needs for open space infrastructure will be catered, particularly given planned high density residential development in the surrounding areas. The proposal does not consider the site's contribution to the open space and recreational supply and demand of the broader Bayside area. The proposal will also limit future opportunities to re-quire the land as public open space once it is rezoned for mixed use purposes.

In addition, the following comments are made relating to the overall strategic and site specific merit of the proposal:

- The need for the planning proposal is unclear as there is insufficient justification that the site is no longer required for public purposes and the proposal has not adequately considered the site's contribution to the open space and recreational supply and demand the broader area;
- Consistency with the following has not been resolved: the relevant planning priorities and actions in the Greater Sydney Regional Plan, Eastern City District Plan and Bayside LSPS, Council's *Wolli Creek and Bonar Street Public Domain Plan 2011 and Contributions Plan 2019* and *Rockdale Development Control Plan 2011*, the NSW Premier's Priorities and other NSW Government endorsed and draft guidelines, and draft reports discussed throughout this report.
- The height, bulk and scale of the proposal will result in a built form outcome that does not correspond with the previously envisaged urban design outcome for the site and its contribution to the amenity of the area. The site and 4 Guess Avenue have been identified as a future town park in various Council documents and EPIs since the 2000s, and therefore the proposal does not uphold the community expectation for a 7765m² local park to be delivered in this location.

10 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should not proceed because:

1. The proposal does not meet the strategic merit assessment criteria, including:
 - a) There is inadequate justification for the need for the planning proposal having regard to the current strategic planning framework.
 - b) The consistency with the following Planning Priorities and Actions of the Eastern City District Plan, which gives effect to the Greater Sydney Regional Plan, is unresolved due to potential impacts on the quantity, quality and distribution of public open space and the implications for creating distinctive places, and healthy and active communities:
 - i. E1 *Planning for a city supported by infrastructure*, and Actions 3 and 4,
 - ii. E3 *Providing services and social infrastructure to meet people's changing needs*, and Action 8,
 - iii. E4 *Fostering healthy, creative, culturally rich and socially connected communities*,
 - iv. E6 *Creating and renewing great places and local centres, and respecting the District's heritage* and Action 18,
 - v. E17 *Increasing urban tree canopy cover and delivering Green Grid connections* and Action 65.
 - vi. E18 *Delivering high quality open space* and Action 67.
 - c) The proposal does not address consistency with the Bayside LSPS. The inconsistencies with the following Planning Priorities and Actions in the LSPS remains unresolved due to potential impacts on the supply and accessibility to open space to meet existing and future demand:
 - i. Priority 2,
 - ii. Priority 4,
 - iii. Priority 5,
 - iv. Priority 6 and Action 6.3
 - v. Priority 20,
 - vi. Priority 21 and Actions 21.1, 21.2 and 21.4
 - d) The planning proposal is inconsistent with the NSW Government's Premier's Priority 11, the draft performance criteria in the Draft Greener Places Design Guide, and the draft principles and findings of the draft Greater Sydney Recreation Report.
 - e) The planning proposal demonstrates inconsistency for the strategic direction and vision for the site as identified in the Wolli Creek Development Control Plan 2011, Wolli Creek and Bonar Street Precincts Urban Renewal Contributions Plan 2019 and Wolli Creek and Bonar Street Precincts Public Domain Plan 2011. Insufficient information has been provided to demonstrate the need and reason to remove the envisaged public open space having regard to broader infrastructure and amenity expectations for the public.
 - f) The planning proposal does not demonstrate consistency with the draft Design and Place SEPP which seeks to increase the provision and diversity of public space across NSW, including the protection of existing public space assets.
2. The proposal does not meet the site-specific merit criteria because the proposal has not adequately demonstrated that the following environmental and social impacts could be appropriately addressed and/or mitigated:
 - a) The loss of land for public purposes which has implications for the quantity, quality and distribution of local open space for existing and future residents.

- b) The height, bulk and scale of the proposal will result in a built form outcome that does not correspond with the previously envisaged urban design outcome for the site and its contribution to the amenity of the area. Insufficient analysis has been provided to demonstrate the appropriateness of the proposed approach which will remove opportunities for visual relief and amenity provision.
- c) The land use safety implications of the Moomba Sydney High Pressure Ethane Pipeline have not been addressed to demonstrate the appropriateness of the proposed rezoning of the site.



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