



City Planning & Environment Committee

6.30pm

Wednesday 6 November 2024

Venue:

Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany

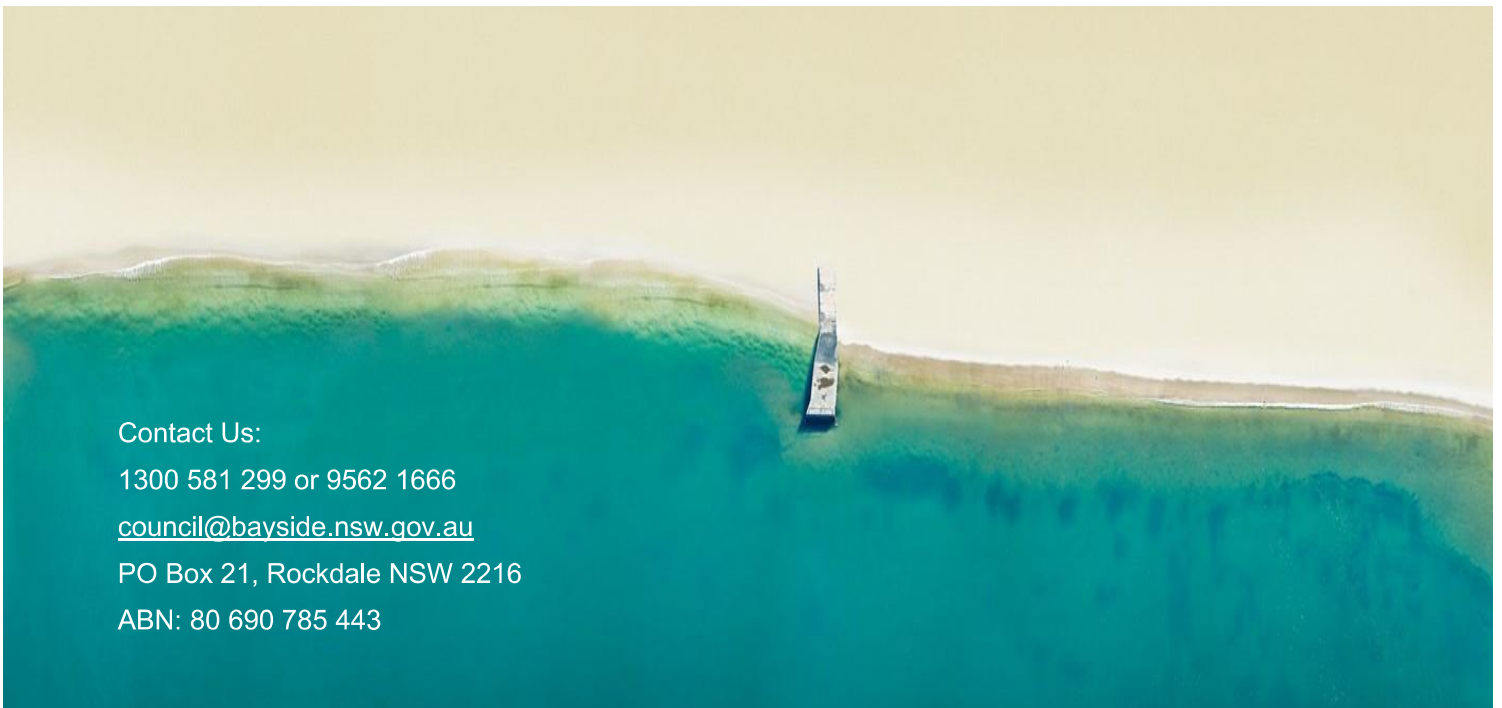
Contact Us:

1300 581 299 or 9562 1666

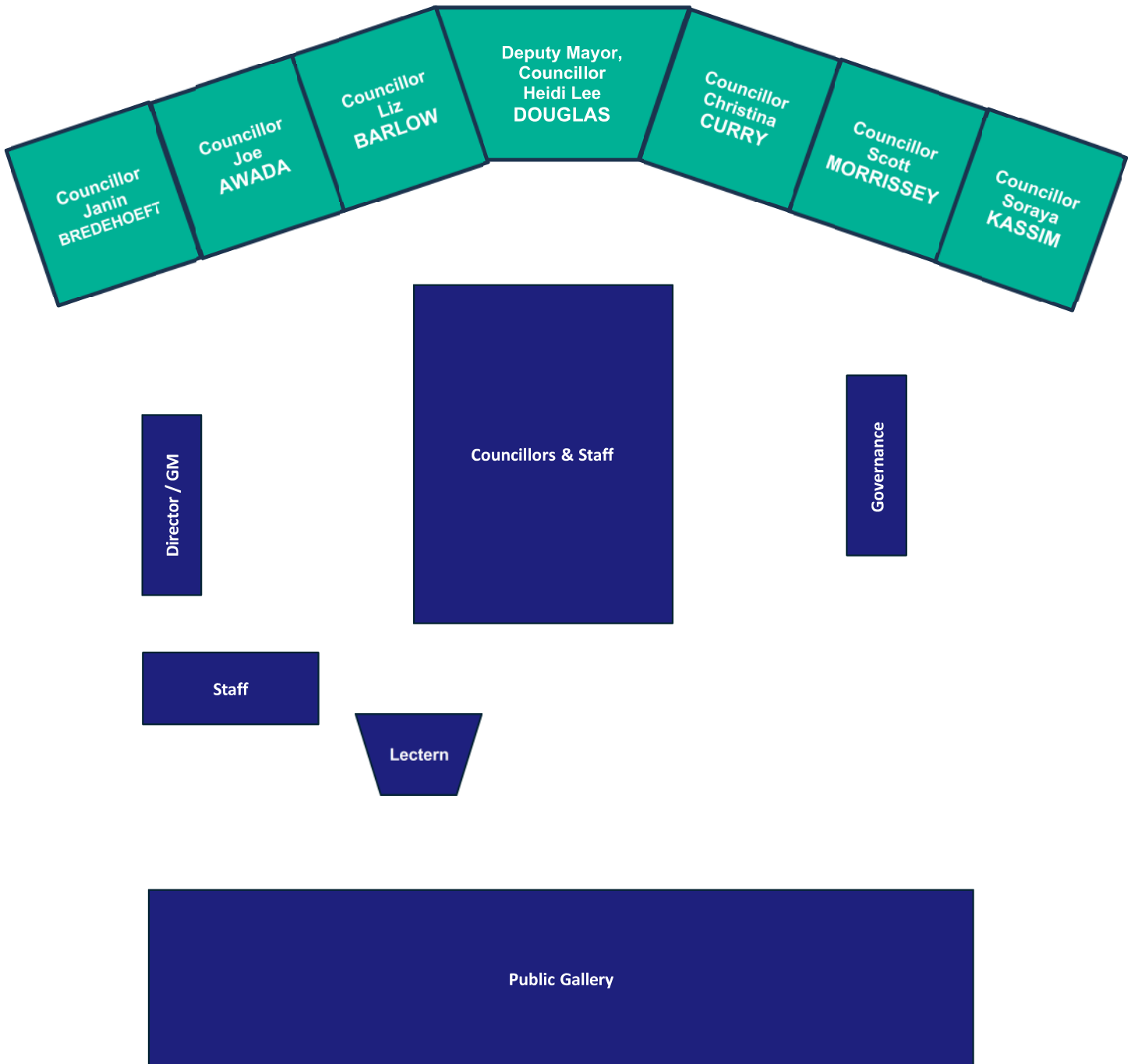
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City Planning & Environment Committee Seating Plan



Statement of Ethical Obligations

Obligations	
Oath [Affirmation] of Office by Councillors	<p>Oath</p> <p>I swear that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the <i>Local Government Act 1993</i> or any other Act to the best of my ability and judgment.</p> <p>Affirmation</p> <p>I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the <i>Local Government Act 1993</i> or any other Act to the best of my ability and judgment.</p>
Code of Conduct conflict of interests	
Pecuniary interests	<p>A Councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.</p> <p>The Councillor must not be present at, or in sight of, the meeting:</p> <ol style="list-style-type: none"> at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter.
Non-pecuniary conflicts of interests	<p>A Councillor who has a non-pecuniary conflict of interest in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.</p>
Significant non-pecuniary interests	<p>A Councillor who has a significant non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.</p>
Non-significant non-pecuniary interests	<p>A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.</p>

MEETING NOTICE

A meeting of the
City Planning & Environment Committee
will be held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Wednesday 6 November 2024 at 6.30pm**

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The meeting will be video recorded and live streamed to the community via Council's
YouTube channel, in accordance with Council's Code of Meeting Practice.

Meredith Wallace
General Manager

1 ACKNOWLEDGEMENT OF COUNTRY

Bayside Council acknowledges the traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 APOLOGIES, LEAVE OF ABSENCE & ATTENDANCE VIA AUDIO-VISUAL LINK

3 DISCLOSURES OF INTEREST

In accordance with Council's Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

City Planning & Environment Committee

6/11/2024

Item No	CPE24.035
Subject	Post Exhibition Report - Planning Proposal - Wentworth Avenue, Eastlakes (Land Occupied by Pedestrian Bridge)
Report by	Peter Barber, Director City Futures
File	SF24/5558

Summary

On 28 February 2024, Council resolved to support a Planning Proposal (PP) which would amend the Bayside Local Environment Plan 2021 by including signage as an Additional Permitted Use (APU) on the pedestrian bridge over Wentworth Avenue, Eastlakes.

The PP amends the *Bayside Local Environmental Plan 2021* (BLEP 2021) as follows:

- Introduce new Additional Permitted Use in Schedule 1 which enables signage as a permissible use; and
- Amend the Additional Permitted Uses Map, Sheet APU_011 to identify where the proposed APU applies.

As part of the land is Council owned and Council receives income from advertising displayed on the existing sign, the PP is subject to an Independent Planning assessment. This assessment and report was completed by The Planning Studio.

On 3 June 2024, a Gateway Determination was issued for the proposal by the NSW Department of Planning, Housing and Infrastructure (DPHI), allowing the proposal to proceed to public exhibition, subject to conditions. Council requested delegation to be the Local Plan Making Authority (LPMA), however, Council was not authorised to be the LPMA as Council owns part of the land and receives income from advertising displayed on the existing sign.

The PP was exhibited from 25 July 2024 to 22 August 2024, satisfying the minimum 20 working day community consultation requirement in the Gateway determination. A total of 43 submissions were received. Transport for NSW also provided a submission. All submissions were either in full support or partial support. It is considered that there are no further matters raised in the submissions that need to be addressed in the planning proposal and it is recommended that the PP be finalised.

Officer Recommendation

- 1 That Council notes the submissions received during exhibition of the Planning Proposal.
 - 2 That Council forwards the Local Environmental Plan amendment to the Department of Planning, Housing and Infrastructure for finalisation in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
-

Background

Owner: Bayside Council (Wentworth Avenue and airspace above)

Applicant: Outdoor Systems Pty Limited

Subject Site and surrounding area

The subject site is limited to the land occupied by the pedestrian bridge over Wentworth Avenue at Eastlakes. The bridge provides access between two sections of the Eastlakes Golf Course and is only accessible to those using the Golf Course. There are currently two digital signage panels affixed to either side of the bridge, one facing north-west and the other facing south-east.

The immediate surroundings of the site are the Eastlakes Golf Course, and the Wentworth Avenue road corridor. Either side of Wentworth Avenue has significant vegetation and trees, which strongly defines the road corridor.

Further south, south-west and south-east of the site are low density residential dwellings. There are no residential dwellings within the immediate vicinity of the site. Further to the north, east and west of the site is the Golf Course and associated waterbodies. Wentworth Avenue and the M1 Motorway intersect the northern part of the golf course.

The subject site is identified as ROAD R8292F. The golf courses either side of the pedestrian bridge are formally described as Lot 1 DP 1144655. The site address is R8292 Pedestrian Bridge over Wentworth Avenue, Eastlakes. The current zoning of the site is SP2 Infrastructure (Classified Road).



Figure 1: Subject Site (Source: Visual Assessment Report, Urbis 2023)

Planning Proposal History

The PP was lodged with Council on 29 June 2023. Council appointed The Planning Studio to undertake an independent assessment of the PP noting that Council generates income by the existing advertising signage on the subject site. Council also engaged independent peer reviewers for the Traffic and Safety Assessment and Statement of Heritage Impact Assessment.

Following the initial assessment of the PP, a letter was issued to the proponent on 13 October 2023 requiring updates to the supporting reports for the PP. These updated reports were provided on 27 October 2023.

The objective of the PP is to amend the BLEP 2021 to include an 'Additional Permitted Use' within Schedule 1 of the BLEP 2021 to make signage a permissible use on the subject site.

The Wentworth Avenue bridge has existing digital signage panels on each side of the bridge. The advertising signage was originally approved by the Land and Environment Court in 2006, when it was a permissible use within the relevant zoning at the time.

Under the current zoning, advertising signage is a prohibited use and any subsequent Development Applications (DA) to extend the current use would not be permissible. Accordingly, the proponent has lodged a PP with Council to expand the permissible uses to include signage.

The Bayside Local Planning Panel (BLPP) considered the proposal on 5 December 2023 and advised Council that the PP Request should be supported.

Council considered the advice of the BLPP and resolved to submit the PP for Gateway determination on 28 February 2024.

Gateway Determination

The PP was received by DPHI on 19 March 2024, with a Gateway determination issued on 3 June 2024. The Gateway determination recommended that the PP should proceed subject to conditions including a requirement for exhibition to occur for a minimum of 20 working days and for Transport for NSW to be consulted. The Gateway determination is included at **Attachment 2**.

As required by a Gateway condition 1 regarding mapping, the PP Report was updated (21 June 2024, Version 3) prior to exhibition to include mapping showing the proposed changes to the BLEP 2021 APU Map.

The PP was exhibited from 25 July 2024 to 22 August 2024 satisfying the minimum 20 working day community consultation requirement in the Gateway determination condition 2.

Transport for NSW was required to be consulted as the public authority and was given at least 30 working days to comment on the proposal, as required by the Gateway condition 3. Transport for NSW submitted a response on 9 August 2024 and raised no objections to the proposal.

As per Gateway condition 4, no public hearing was required or held for the PP.

Community Consultation

The PP was exhibited from 25 July 2024 to 22 August 2024. Exhibition of the proposal resulted in 43 submissions from the community and 1 submission from Transport for NSW, of which all submissions were either in full support or partial support. A summary of the submissions received, and the Independent Planner's consideration of the submissions is provided at **Attachment 3**. The Applicant's response to submissions is provided at **Attachment 4**.

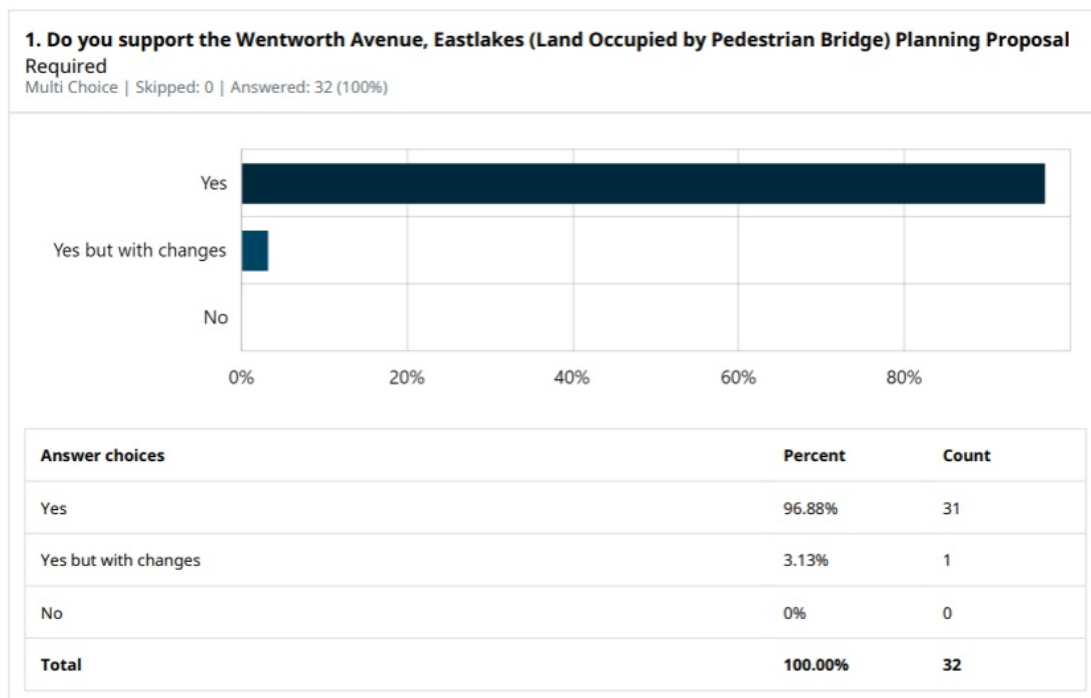
Community Submissions

Submissions were received throughout the exhibition process as detailed below:

- 32 submissions through Council's Have Your Say Portal;
- 5 submissions provided directly to Council via Email; and
- 6 submissions through the NSW Planning Portal.

The proposal and supporting documents were made available on Bayside Council's *Have Your Say* website. The exhibited PP is included at **Attachment 1**.

32 submissions were received through the *Have Your Say* website, of which 31 submissions were in support of the proposal and one submission partially supported the proposal with amendments. The partial supportive submission raised concerns regarding the strength of illumination which has been addressed below.



5 submissions were made directly to Council via email, of which all submissions were supportive of the advertising signage on the bridge.

6 submissions were received through the NSW Planning Portal, all of which supported the proposal.

The partial support submission raised concerns regarding the extent of illumination of the signage, in particular during nighttime. The applicant's Response to Submissions considers this issue and notes that

- *The proposed luminance levels fully comply with the requirements of State Environmental Planning Policy (Industry and Employment) 2021, the Transport Corridor Outdoor Advertising & Signage Guidelines 2017, AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting and the CASA Manual of Standards Part 139 (Aerodromes). The lighting impact assessment report prepared by Electrolight Australia Pty Ltd is referred to;*
- *The analysis of crash history carried out by Traffic and Safety Solutions has concluded that in the relevant 5 year period there was only 1 crash where the signage was visible equating to a very low crash rate noting the signage have been in operation since 2017. Additionally, no adverse impact on road safety associated with the operation of the digital signage has been found in the road safety audit carried out by McLaren Traffic Engineering (appended to the Traffic and Safety Solutions report);*
- *Transport for NSW has responded to exhibition and in its response advises that the Traffic and Safety Solutions report and the independent peer review carried out by ABTT Consulting do not raise any adverse traffic issues and as such has raised no objection to the proposal on traffic efficiency and safety grounds.*

The concern raised is noted, however, this is a detailed DA matter that will be addressed as part of the assessment of any future DA. It is considered that the proposed LEP amendment would be unlikely to result in a development which would have unacceptable impacts or potential impacts that could not be managed through the DA process.

Public Authority Submissions

As required by the Gateway determination, Transport for NSW were consulted, and a submission of support was received in response (**Attachment 6**).

Conclusion

Following public exhibition of this Planning Proposal, the Independent Planner has reviewed submissions received, and is satisfied that there are no outstanding objections raised that preclude the Planning Proposal from proceeding to finalisation.

Financial Implications

- | | | |
|--------------------------------------|-------------------------------------|--|
| Not applicable | <input type="checkbox"/> | |
| Included in existing approved budget | <input checked="" type="checkbox"/> | A fee has been paid by the proponent for the assessment of this Planning Proposal request. |
| Additional funds required | <input type="checkbox"/> | |

Community Strategic Plan

- | | |
|--|-------------------------------------|
| Theme One – In 2032 Bayside will be a vibrant place | <input type="checkbox"/> |
| Theme Two – In 2032 Our people will be connected in a creative City | <input type="checkbox"/> |
| Theme Three – In 2032 Bayside will be green, resilient and sustainable | <input type="checkbox"/> |
| Theme Four – In 2032 Bayside will be a prosperous community | <input checked="" type="checkbox"/> |

Risk Management – Risk Level Rating

- | | |
|----------------|-------------------------------------|
| No risk | <input type="checkbox"/> |
| Low risk | <input checked="" type="checkbox"/> |
| Medium risk | <input type="checkbox"/> |
| High risk | <input type="checkbox"/> |
| Very High risk | <input type="checkbox"/> |
| Extreme risk | <input type="checkbox"/> |

Community Engagement

Community engagement has been undertaken as required by the Gateway determination and Council's Community Participation Plan, as described above.

Attachments

- 1 Exhibited Planning Proposal (Under separate cover Attachments Part One)
- 2 Gateway Determination - 3 June 2024 (Under separate cover Attachments Part One)
- 3 Response to Submissions prepared by Independent Planner (Under separate cover Attachments Part One)
- 4 Applicant's Response to Submissions (Under separate cover Attachments Part One)
- 5 Council Meeting Minutes (Pre-Gateway) - 28 February 2024 (Under separate cover Attachments Part One)
- 6 Transport for NSW Submission - 9 August 2024 (Under separate cover Attachments Part One)