



IRF24/2590

Plan finalisation report – PP-2023-1358

Bayside LEP 2021 – Wentworth Avenue Eastlakes
Pedestrian Bridge

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

Overview

1.1.1 Name of draft LEP

Bayside Local Environmental Plan 2021 (Amendment No.8).

The planning proposal seeks to allow signage as an additional permitted use on the Wentworth Avenue Eastlakes Pedestrian Bridge to enable the ongoing use of an existing digital signage panels on each side of the bridge.

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to the pedestrian bridge over Wentworth Avenue, Eastlakes.
Type	Site
Council / LGA	Bayside

The site of the proposal is the pedestrian golf course access bridge over Wentworth Avenue at Eastlakes, formerly described as part Lot 1 in DP 1144655 (**Figure 1**).

The bridge has existing digital signage panels on each side of the bridge (**Figure 2 and 3**).

The road corridor of this part of Wentworth Avenue is surrounded by the Eastlakes Golf Course and vegetation. The closest residential land is approximately 250m to the southeast.

The site is within the Mill Stream and Botany wetlands open space corridor. The existing bridge the signage is mounted on is located above the road and is outside of the wetland areas and removed from any area of high ecological value. The site is near the Botany Water Reserves heritage item.

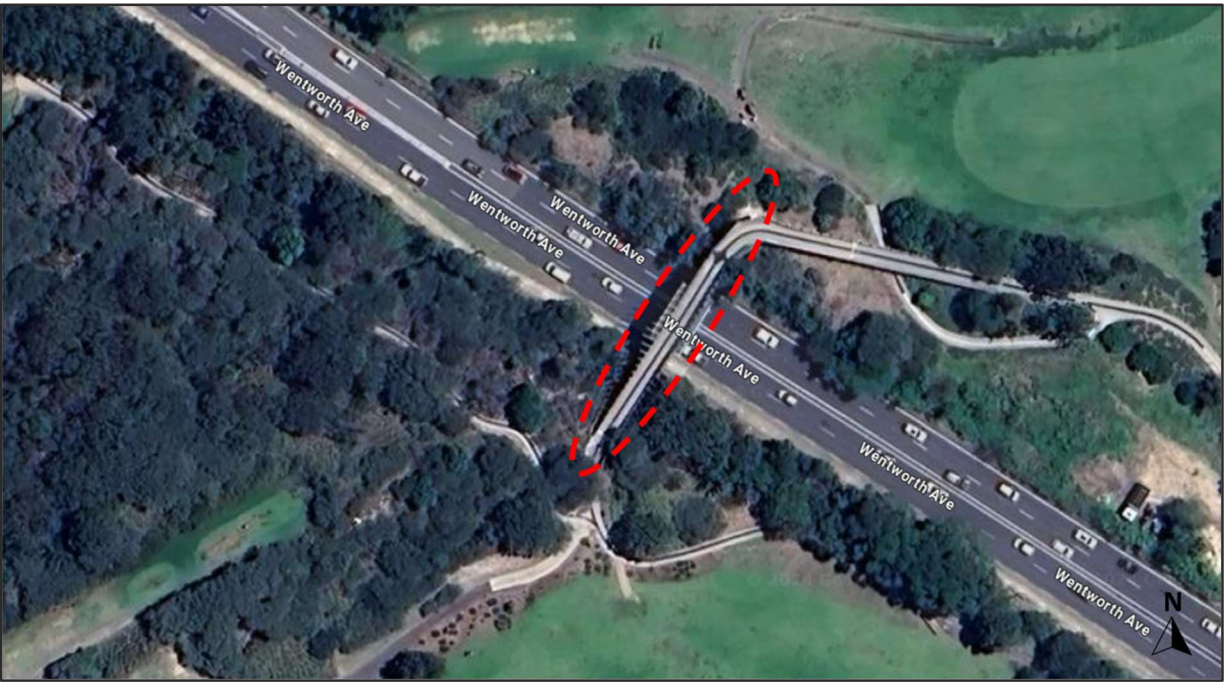


Figure 1: Subject site (source: Nearmap, 2024)



Figure 2: View of sign facing South East (source: Nearmap 2024)



Figure 3: View of sign facing North West (source: Nearmap 2024)

1.1.3 Purpose of plan

The draft LEP seeks to amend the Bayside LEP 2021 to make 'signage' an additional permitted use on the subject site by amending Schedule 1 *Additional Permitted Uses* and the corresponding map.

The existing advertising signage was originally approved through a Land and Environment Court appeal in 2006, when signage was a permissible use within the zone. Signage was also previously

permitted in the SP2 Infrastructure zone of the Botany Bay LEP 2013 but is no longer permissible under SP2 Infrastructure (Classified Road) under the Bayside LEP 2021. Council receives income from advertising displayed on the existing sign (associated with the previous DA approval).

The planning proposal seeks to facilitate future development processes to formalise and regularise the existing use.

No changes are proposed to the existing land zoning or development standards.

1.1.4 State electorate and local member

The site falls within the Maroubra state electorate. Michael Daley MP is the State Member.

The site falls within the Kingsford Smith federal electorate. Matt Thistlethwaite MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 3/06/2024 (**Attachment B**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

The timeframe for completion of the LEP is 28 March 2025.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 25/07/2024 to 22/08/2024.

A total of 43 community submissions were received by Council.

On 6 November 2024, Council considered a post exhibition report on the outcome of consultation and resolved that the planning proposal should proceed and be submitted for finalisation.

Submissions during exhibition

A total of 43 community submissions were received, 42 of which supported the proposal, and 1 submission which partially supported the proposal with amendments relating to concerns regarding the strength and extent of illumination of the signage.

Council's post-exhibition report provides responses to submissions. The Department notes the support expressed in the submissions.

Advice from agencies

In accordance with the Gateway determination, Council was required to consult with Transport for NSW (TfNSW) who raised no objections to the planning proposal.

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

Post-exhibition changes

No post exhibition changes are proposed.

4 Department’s assessment

The proposal has been subject to detailed review and assessment through the Department’s Gateway determination and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council’s Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report, the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans relating to the site.
- Remains consistent with the Council’s Local Strategic Planning Statement.
- Remains consistent with all relevant Section 9.1 Directions, excepting for 1.4 Site Specific Provisions and 4.2 Coastal Management, which were considered suitably justified at in the Gateway assessment report.
- Remains consistent with all relevant SEPPs.

The Department is satisfied that there are no outstanding issues relating to Gateway determination, which would prevent finalisation.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 2 Consultation following the Department’s assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	The draft map has been prepared by the Department’s ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> . Council confirmed on 4 March 2024 that provided feedback on the drafting and raised no objection to the plan being made.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Certificate	Parliamentary Counsel issued a Certificate on 20 March 2025 that the draft LEP is in an appropriate form for it to be published on the NSW Legislation website.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with regional, district and local strategic plans.
- It is consistent with the Gateway Determination.
- Issues raised during consultation have been addressed and there are no outstanding agency objections to the proposal.



25/03/2025

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