

Planning Proposal

Bayside Local Environmental Plan 2021:

**Heritage Conservation Areas - Banksia,
Bardwell Valley, Brighton Le Sands and
Ocean View Estate, Bexley**

August 2023



Contents

Introduction

Part 1 – Objectives or Intended Outcomes

Part 2 – Explanation of Provisions

Part 3 – Justification of Strategic and Site-Specific Merit

- A Need for the Planning Proposal
 - B Relationship to strategic planning framework
 - C Environmental, social and economic impact
 - D Infrastructure (Local, State and Commonwealth)
 - E State and Commonwealth interests
-

Part 4 – Maps

Part 5 - Community Consultation

Part 6 – Project Timeline

Appendix 1 – Agenda - Council Meeting (11/11/2020) - Proposed Heritage Conservation Areas - Feedback on Community Consultation.

Appendix 2 – Meeting Minutes - Council Meeting (11/11/2020) - Proposed Heritage Conservation Areas - Feedback on Community Consultation.

Appendix 3 – Bayside Local Planning Panel (BLPP) – Other Applications Meeting 22/3/2022 – Minutes

Appendix 4 – *Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas* (Niche 2023)

Appendix 5 – City Planning & Environment Committee Item CPE23.008 Report (8 March 2023)

Appendix 6 – City Planning & Environment Committee Minutes (8 March 2023)

Appendix 7 – Council Minutes (22 March 2023)

Appendix 8 – *Bayside Heritage Study, Review of Potential Heritage Conservation Areas* by GML Heritage (September 2019)

Appendix 9 –Banksia Heritage Conservation Area Inventory Sheet

Appendix 10 –Bardwell Valley Heritage Conservation Area Inventory Sheet

Appendix 11 –Brighton Le Sands Heritage Conservation Area Inventory Sheet

Appendix 12 –Ocean View Estate Heritage Conservation Area Inventory Sheet

Appendix 13 – Proposed amendment to *Bayside Development Control Plan 2022*

Table of revisions	
Version 1.0 – 15 March 2022	For Bayside Local Planning Panel Meeting 15 March 2022
Version 2.0 – 8 March 2023	For Bayside City Planning & Environment Committee Meeting 8 March 2023
Version 2.1 – 23 March 2023	For Gateway Determination following Council Meeting 22 March 2023
Version 2.2 – 31 July 2023	For Public Exhibition – Parts 5 and 6 Project Timeline updated per Gateway Determination

Introduction

This Planning Proposal (PP) explains the intended effect and justification for the proposed amendment to the *Bayside Local Environmental Plan 2021*. It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline* (September 2022).

Per recommendations from the *Bayside Heritage Study*, the *Bayside Local Strategic Planning Statement* (LSPS), and the *Bayside Local Housing Strategy* (LHS), this PP proposes the creation of four Heritage Conservation Areas (HCAs), including:

- Gibbs and Farr Streets, Banksia;
- Lansdowne and Hamilton Streets, Bardwell Valley;
- Brighton Parade, Brighton Le Sands; and
- Ocean View Estate, Bexley.

HCAs are streetscapes, suburbs, areas, and precincts that are recognised by a community for their distinctive historic character. They often evidence a particular historic period of development and an architectural style and generally have a high proportion of original buildings. HCAs are protected because they create a cohesive sense of place and character that is valued by the community. Their significance is often a function of the subdivision and street pattern, and buildings that share a common period of development, historical associations, materials, form, and scale.

HCAs are afforded similar statutory protections are individual heritage items. However, this PP also recommends the adoption of additional objectives and controls for inclusion in the *Bayside Development Control Plan 2022* to ensure further protections in the event of future development. See **Part 2 – Explanation of Provisions** for more detail.

Background

Heritage conservation areas were originally recommended in the 1991 *Rockdale Heritage Study* but did not eventuate at that time.

In 2015, the former Rockdale Council placed a discussion paper regarding HCAs on public exhibition. Feedback from the community at this time was generally positive, with the community interested in seeing HCAs introduced.

In 2018, Bayside Council engaged GML Heritage to undertake the *Bayside Heritage Study*. Part of this work involved the review and assessment of potential new HCAs.

In late 2019, the *Bayside Heritage Study – Review of Heritage Conservation Areas* report (the 2019 GML report) was provided, with the proposal for six new HCAs, including those being proposed in this PP, in addition to one in Aloha and Forster Streets, Mascot; and another in Moorefield Estate, Kogarah. These findings were presented at a General Manager's briefing on 2 October 2019, and an agreement was made to seek community feedback on the proposal.

On 9 October 2019, exhibition of the HCAs proceeded and approximately 580 letters were sent to all landowners within the six proposed areas. Each landowner received a notification letter, answers to Frequently Asked Questions and a map of the proposed HCA. A total of 220 submissions were received and 66 telephone enquiries were answered.

The outcome of this consultation was reported to Council on 11 November 2020 (see **Appendix 1**). Council resolved to proceed with four HCAs in Banksia, Bardwell Valley, Brighton Le Sands and Ocean View Estate, Bexley, following the amendment of boundaries to exclude uncharacteristic properties. Council further resolved not to proceed with the proposed HCAs in Mascot and Moorefield Estate, Kogarah. Council resolved to implement the HCAs through an amendment to Schedule 5 of the *Bayside Local Environmental Plan 2021*, requiring the preparation of this PP (see **Appendix 2**).

An earlier version of this PP was prepared and reported to the Bayside Local Planning Panel (BLPP) in March 2022 (see **Appendix 3**). The BLPP noted that the original proposal to Council with advice from GML recommended the creation of six HCAs, however, was resolved by Council to only proceed with four, following the amendment of boundaries. The BLPP noted that Council did not have the benefit of further heritage advice to justify removal of two HCAs or to amend the boundaries of the remaining four HCAs. As such, the BLPP recommended that Council request robust and detailed heritage advice and justification for the exclusion of properties from the proposed HCAs before coming to a final decision.

Subsequently, Bayside Council engaged Niche Environment and Heritage Pty Ltd (Niche) to conduct both (i) a desktop review of the 2019 GML report, this Planning Proposal, and associated documentation; and (ii) site inspections of all six proposed HCAs recommended within the 2019 GML report. The findings of this work by Niche was used to inform Bayside Council of inconsistencies and fundamental issues with the justification provided for updates to proposed HCA boundaries and the exclusion of two of the six recommended HCAs, and to provide further heritage advice in their report, the *Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas* (DPP Review) (Niche, 2023) (**Appendix 4**).

The DPP Review has been used to advise the PP report (**Appendix 5**) presented to and endorsed by the Bayside City Planning & Environment Committee on 8 March 2023 (**Appendix 6**); the minutes of which were then carried by Council on 22 March 2023 (**Appendix 7**), to be submitted to DPE for Gateway Determination.

Site location and context

This PP applies to various properties in Bardwell Valley, Banksia, Brighton Le Sands and Ocean View Estate, Bexley. The *Bayside Heritage Study – Review of Potential Heritage Conservation Areas* (2019) report (see **Appendix 8**) outlines the significance of the subject sites and the methodology used to inform site selection, including:

- A review of previous heritage studies and existing heritage listings applicable throughout Bayside;
- The collation of background historical information and documentation, including early maps and subdivision plans;
- Fieldwork involving inspections of built form, landscape, public domain, and streetscapes within the boundaries of the HCAs;
- The identification and assessment of the heritage significance of the areas;
- The provision of a brief character statement for each potential new HCA;
- Preliminary analysis of each building's contribution to the significance for each potential new HCA; and
- The recommendation of adjustments to boundaries where considered necessary to ensure cohesiveness in HCAs.

Furthermore, the heritage significance assessment in the report draws upon the principles contained in the *Burra Charter* and adhere to the methodology provided within the *Assessing Heritage Significance* report from the then NSW Heritage Office and Department of Urban Affairs and Planning (2001).

Properties subject to the PP are outlined in **Figure 1** below.

Planning Proposal: Heritage Conservation Areas - Banksia, Bardwell Valley, Brighton Le Sands and Ocean View Estate, Bexley

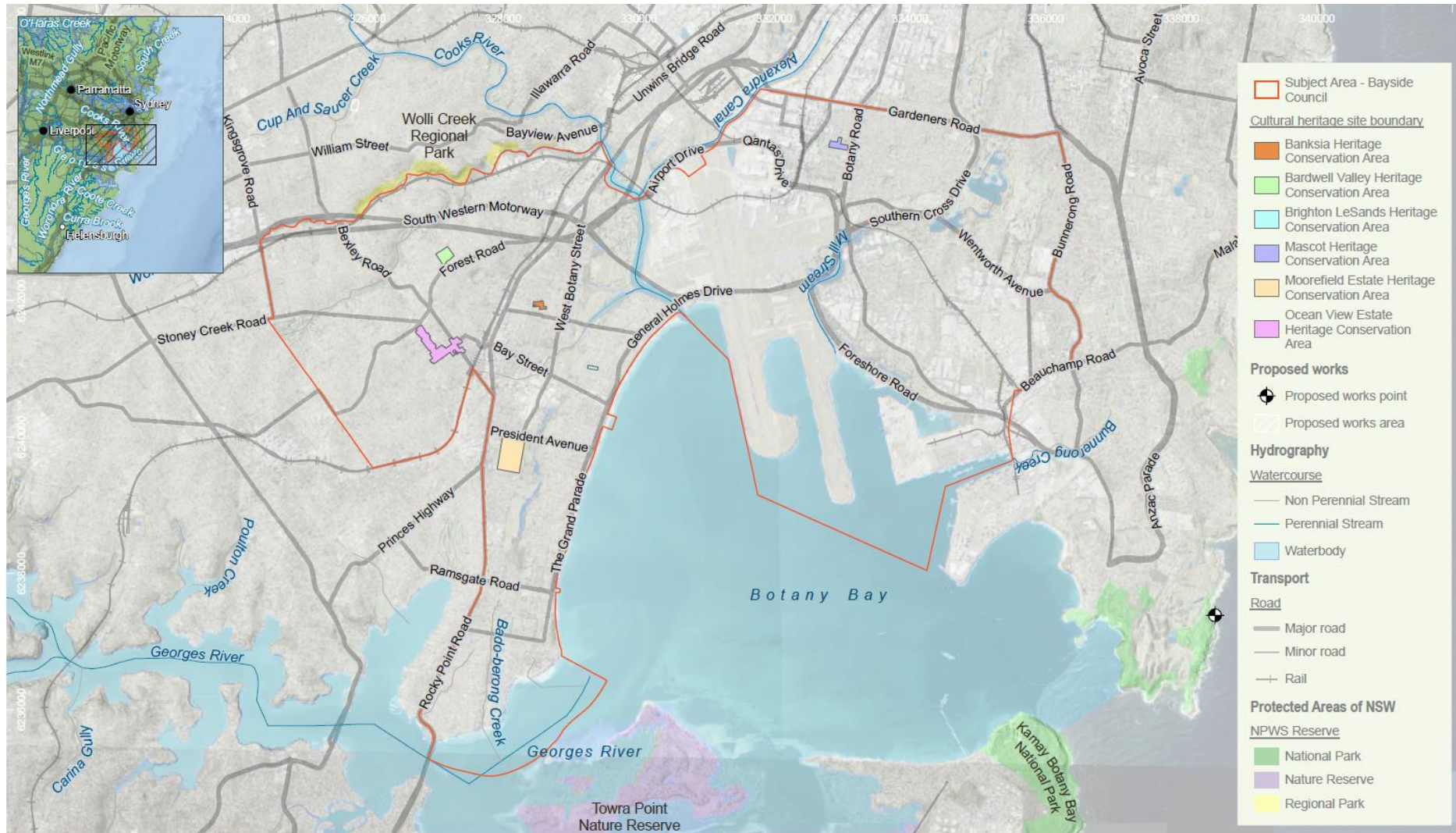


Figure 1: A contextual map outlining the location of the HCAs proposed in the 2019 GML Report.
 Source: *Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas* (Niche 2023)

Banksia Heritage Conservation Area

Properties proposed for inclusion in the Banksia HCA are outlined in **Table 1** below:

Table 1: Properties proposed for inclusion in the Banksia HCA.

Lot	DP	Address
Gibbes Street		
23	667137	4 Gibbes Street
1	921326	5 Gibbes Street
1	928176	6 Gibbes Street
1	102013	7 Gibbes Street
2	102504	8 Gibbes Street
122	573172	9 Gibbes Street
1	102504	10 Gibbes Street
1	900433	11 Gibbes Street
1	930803	12 Gibbes Street
B	420412	13 Gibbes Street
25	1095485	14 Gibbes Street
A	420412	15 Gibbes Street
1	984067	16 Gibbes Street
1	119807	17 Gibbes Street
2	984067	18 Gibbes Street
1	1099341	19 Gibbes Street
27	659501	20 Gibbes Street
1	1099352	21 Gibbes Street
1	104842	22 Gibbes Street
A	443778	23 Gibbes Street
1	1083640	24 Gibbes Street
B	443778	25 Gibbes Street
28	655365	26 Gibbes Street
Farr Street		
15	664955	1 Farr Street
15	653318	
1	929969	3 Farr Street

Lot	DP	Address
1	928009	5 Farr Street
1	928656	7 Farr Street
1	928801	9 Farr Street
1	134316	11 Farr Street
12	650056	13 Farr Street
1	980415	15 Farr Street
2	981142	17 Farr Street
1	998087	18 Farr Street
1	981141	19 Farr Street
1	780533	20 Farr Street
10	1050212	21 Farr Street
1	780473	22 Farr Street
1	517787	23 Farr Street
1	795230	24 Farr Street
9	653270	25 Farr Street
1	948188	26 Farr Street
1	927781	27 Farr Street
2	949609	28 Farr Street
1	571700	29 Farr Street
1	126773	31 Farr Street
1	103956	33 Farr Street
1	32427	35 Farr Street
1	983812	37 Farr Street
2	983812	39 Farr Street

Background

The land in the study area was first purchased in the mid-nineteenth century by the Mercantile Building and Investment Company. The land was subdivided and 12 terraces consisting of separate single-fronted cottages on both sides of Gibbes and Farr streets were built c.1885. These houses were known as 'Jackson's Row'.

Description

The study area retains its original subdivision pattern, consisting of wide streets laid out in a grid pattern (**Figure 2**). The streets are characterised by their intact and cohesive rows of Victorian workers cottages (**Image 1-3**) and street plantings consisting of native trees and Banksias (**Image 4**).

The cottages retain their consistent single storey scale, hipped roofs, front verandahs and modest features. Some have undergone modifications over time, including the replacement of roofs, alterations to front façades, the replacement of front gardens and/or fences and extensions to the rear.

Heritage Items

Properties within the Banksia HCA that are classified as Heritage Items under Schedule 5 of the *Bayside Local Environmental Plan 2021* are outlined in **Table 2** below.

Table 2: Heritage items located within the Banksia HCA

Address	Item Name	Property Description	Item No.
11 Gibbes Street, Banksia	Part of single-storey terraced cottages known as Jackson's Row	Lot 1, DP 900433	I67
18 Gibbes Street, Banksia	Part of single-storey terraced cottages known as Jackson's Row	Lot 2, DP 984067	I68

Statement of Significance

The Banksia HCA is significant at a local level as it contains the substantially intact rows of single storey nineteenth-century workers' housing known as 'Jackson's Row'.

It is historically significant for its association with the Mercantile Building Land & Investment Co., a building society and speculative developer that had some influence in the development of the Rockdale area. The HCA is representative of the late-Victorian row house phase in the residential development in the area.

The HCA has aesthetic significance as it contains two intact streetscapes displaying a uniformity of housing types, interspersed with some neutral and newer developments (**Image 5**). Views north and south down Farr and Gibbes Streets encapsulate the repetitive forms of single-storey free standing row houses with consistent gable roof forms and setbacks to the street.

The HCA has rarity value as intact rows of single-storey 19th-century workers' housing are a housing typology uncommon in the Bayside LGA.

The DDP Review (Niche, 2023) further states:

"The 2019 recommendation to list this area is based on the significance provided by the relatively intact Jackson's Row Victorian workers terrace cottages, which provide a valuable representative example of nineteenth-century development in Bayside LGA. The streetscape in Farr and Gibbes streets has aesthetic value and preservation of the scale, form and style of these structures would be a positive management outcome. The majority of the properties located within the proposed HCA boundary are of contributory value. The recommendation to list this area as an HCA is supported by the evidence as assessed in 2019." (p. 32)

Draft Character Statement

Characteristic elements to be preserved include:

- The surviving heritage items and contributory buildings, particularly the Jackson's Row cottages.
- The consistency of low front fences at the front boundary of private properties.
- Consistent narrow setbacks, the dominant single-storey scale and lack of private car spaces.
- Original chimneys and roof forms.
- The dominant material palette of rendered brick terraces, decorative rendered elements, ornate façade windows, and painted brick front fences.

Uncharacteristic development includes housing from the late twentieth and early twenty-first century, over-scaled and unsympathetic additions, front facing dormers, infilled verandas, the removal and replacement of original features including windows and doors, and uncharacteristic fencing.

Further information can be found in the Heritage Inventory Sheet for the Banksia HCA in **Appendix 9**.

The Heritage Inventory Sheets were created by GML Heritage in 2019 and have been updated in 2023 following the DPP Review (Niche, 2023), as well as the 2023 Council resolution.



Figure 2: An aerial image of the properties subject to the proposed Banksia HCA, outlined in red, Heritage items highlighted in amber. *Source: Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas (Niche 2023).*



Image 1: An example of a Jackson's Row cottage. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 2: An example of Jackson's Row cottages. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 3: The intact Jackson's Row streetscape. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 4: The Farr Street streetscape. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 5: Examples of neutral development within the study area. *Source: Google Maps 2020.*

Bardwell Valley Heritage Conservation Area

Properties proposed for inclusion within the Bardwell Valley HCA are outlined in **Table 3** below:

Table 3: Properties for inclusion within the Bardwell Valley HCA

Lot	DP	Address
Lansdowne Street		
4	9171	1 Lansdowne Street
30	9171	2 Lansdowne Street
5	9171	3 Lansdowne Street
29	9171	4 Lansdowne Street
6	9171	5 Lansdowne Street
28	9171	6 Lansdowne Street
7	9171	7 Lansdowne Street
27	9171	8 Lansdowne Street
8	9171	9 Lansdowne Street
26	9171	10 Lansdowne Street
9	9171	11 Lansdowne Street
25	9171	12 Lansdowne Street
10	9171	13 Lansdowne Street
24	9171	14 Lansdowne Street
11	9171	15 Lansdowne Street
23	9171	16 Lansdowne Street
12	9171	17 Lansdowne Street
22	9171	18 Lansdowne Street
13	9171	19 Lansdowne Street
21	9171	20 Lansdowne Street
14	9171	21 Lansdowne Street
20	9171	22 Lansdowne Street
15	9171	23 Lansdowne Street
19	9171	24 Lansdowne Street
16	9171	25 Lansdowne Street
18	9171	26 Lansdowne Street
17	9171	28 Lansdowne Street

Lot	DP	Address
Hamilton Street		
37	9171	1 Hamilton Street
65	9171	2 Hamilton Street
38	9171	3 Hamilton Street
64	9171	4 Hamilton Street
39	9171	5 Hamilton Street
63	9171	6 Hamilton Street
40	9171	7 Hamilton Street
62	9171	8 Hamilton Street
41	9171	9 Hamilton Street
61	9171	10 Hamilton Street
42	9171	11 Hamilton Street
	SP 53840	12 Hamilton Street
1	SP 53840	1/12 Hamilton Street
2	SP 53840	2/12 Hamilton Street
43	9171	13 Hamilton Street
59	9171	14 Hamilton Street
44	9171	15 Hamilton Street
58	9171	16 Hamilton Street
45	9171	17 Hamilton Street
57	9171	18 Hamilton Street
46	9171	19 Hamilton Street
56	9171	20 Hamilton Street
47	9171	21 Hamilton Street
55	9171	22 Hamilton Street
48	9171	23 Hamilton Street
54	9171	24 Hamilton Street
49	9171	25 Hamilton Street
53	9171	26 Hamilton Street
50	9171	27 Hamilton Street
52	9171	28 Hamilton Street
51	9171	30 Hamilton Street

Background

The subject site is located in the former Lansdowne Estate, which was first created in Hamilton Street and Lansdowne Street in 1918. The first houses and estates were built in 1921 in Lansdowne Street and 1923 in Hamilton Street. By 1925, all houses had been constructed.

Description

Lansdowne Street and Hamilton Street are parallel streets linking Lorraine Avenue in the north with Wollongong Road in the south (**Figure 3**). The subject houses are generally intact examples of Federation bungalows of similar size, form and detail. Most of the original housing has double gables facing the street with deep front entry porches and verandas, terracotta pitched roofs and face brick walls (**Image 6**). The houses are set within established formal gardens, and generally have low picket or brick fences (**Image 7**).

The streets are wide with grassed verges and some street trees (**Image 8**). Carparking is generally at the side of the original houses in open hardstands and carports. Some more recent development has intruded into the consistency of the scale and character of some parts of the study area (**Image 9-10**).

Heritage Items

Properties within the Bardwell Valley HCA that are classified as Heritage Items under Schedule 5 of the *Bayside Local Environmental Plan 2021* are outlined in **Table 4** below.

Table 4: Heritage items located within the Bardwell Valley HCA

Address	Item Name	Property Description	Item No.
2 Hamilton Street, Bardwell Valley	Californian bungalow cottage (part of a street precinct)	Lot 65, DP 9171	I81
3 Hamilton Street, Bardwell Valley	Californian bungalow cottage (part of a street precinct)	Lot 38, DP 9171	I82
13 Lansdowne Street, Bardwell Valley	Californian bungalow	Lot 10, DP 9171	I86
17 Lansdowne Street, Bardwell Valley	Brick Californian bungalow cottage	Lot 12, DP 9171	I87

Statement of Significance

The HCA is of cultural heritage significance at a local level as an intact example of an early twentieth-century subdivision in the Bayside area. The area is associated with builder William Lansdowne, who was involved in the design and construction of several houses in the subdivision. The HCA forms part of the 1920 subdivision of the Lansdowne Estate.

The area has aesthetic value for its high proportion of original bungalow and cottage style houses, many of which were constructed in a short period between 1920 and 1925 and retain their interwar architectural character. The consistent use of face brick, timber detailing and consistent roof and fence lines present a cohesive streetscape and have representative value as a demonstration of rapid suburban development in the early-twentieth century.

The DDP Review (Niche, 2023) further states:

“The 2019 recommendation to list this area is based on the remaining integrity of the largely homogenous architectural style which is representative of an early twentieth-century subdivision. The majority of the area is considered of contributory value, and for these reasons the recommendation to list this area as an HCA is supported by the evidence as assessed in 2019.” (p. 24)

Draft Character Statement

The character of the HCA is primarily made up of high-quality and relatively intact bungalow and cottage style houses mostly completed between 1920 and 1925. Characteristic elements to be preserved include:

- The high proportion of surviving contributory buildings, particularly Federation and Inter-War bungalows and listed heritage items.
- The grid layout and wide streets.
- The consistency of low fences and the front boundary of private properties.
- Original chimneys and the consistency of forward-facing double-gabled roof forms stepping down the slope to the north.
- The prevalent single-storey scale.
- The dominant material palette of face brick, timber batten detailing and timber joinery elements, roughcast rendered elements, sandstone base courses, timber framed windows, leadlight casement windows, window hoods and timber shingle cladding, and
- Established gardens and consistent setbacks.

Uncharacteristic development includes housing from the late twentieth and early twenty first century, residential flat buildings, over-scaled additions, rendering of face brickwork and the addition of garages and carports forward of the front building line.

Further information can be found in the Heritage Inventory Sheet for the Bardwell Valley HCA in **Appendix 10**.

The Heritage Inventory Sheets were created by GML Heritage in 2019 and have been updated in 2023 following the DPP Review (Niche, 2023), as well as the 2023 Council resolution.



Figure 3: An aerial image of the properties subject to the proposed Banksia HCA, outlined in red. Heritage items highlighted in amber. Source: *Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas* (Niche 2023).



Image 6: An example of a contributory dwelling. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 7: Contributory dwellings in the study area. The consistent roof lines of several dwellings can be seen here. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 8: The Hamilton Street streetscape, looking north towards Jubilee Park. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 9: An example of a neutral dwelling on Hamilton Street. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 10: An example of an uncharacteristic dwelling. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*

Brighton Le Sands Heritage Conservation Area

Properties proposed for inclusion within the Brighton Le Sands HCA are outlined in **Table 5** below:

Table 5: Properties proposed for inclusion in the Brighton Le Sands HCA

Lot	DP	Address
Brighton Parade		
2	204678	1 Brighton Parade
4	78024	3 Brighton Parade
3	78024	5 Brighton Parade
2	78024	7 Brighton Parade
1	78024	9 Brighton Parade
16	15057	11 Brighton Parade
15	15057	13 Brighton Parade
14	15057	15 Brighton Parade
13	15057	17 Brighton Parade
12	15057	19 Brighton Parade
11	15057	21 Brighton Parade
10	15057	23 Brighton Parade
9	15057	25 Brighton Parade
8	15057	27 Brighton Parade
7	15057	29 Brighton Parade
6A	15057	31 Brighton Parade
5	15057	33 Brighton Parade
6	15057	35 Brighton Parade

Background

Brighton Parade is located in the suburb of Brighton Le Sands and runs west to east, linking Francis Avenue with Sellwood Street (**Figure 4**). The area was subdivided as part of the Fairlight Estate in 1886. The houses in Brighton Parade were mainly constructed from 1925 to 1928 and were built speculatively before being sold.

Description

The properties on the north side of Brighton Parade are predominantly single-storey Inter War bungalows constructed in the late 1920's. Houses are of predominantly brick construction and timber detailing with pitched tile roofs, set within modest front gardens (**Image 11-12**). The northern side of Brighton Parade retains original brick kerbs along its length (**Image 13**). The southern side of Brighton Parade is occupied by the driveways and rear access of houses fronting Bruce Street.

Brighton Parade is generally an intact and cohesive streetscape of houses of similar style, scale and character, with some recent development disrupting the cohesion in parts. A comparison of current

and historical aerials and a search of Council’s DA register indicates that most dwellings along Brighton Parade have been extended to the rear, with some having a second floor added.

Heritage Items

Properties within the Brighton Le Sands HCA that are classified as Heritage Items under Schedule 5 of the *Bayside Local Environmental Plan 2021* are outlined in **Table 6** below.

Table 6: Heritage Items located within the Brighton Le Sands HCA

Address	Item Name	Property Description	Item No.
11, 23 and 33 Brighton Parade	Brighton-Le-Sands Houses (Brighton Parade precinct)	Lots 5, 10 and 16, DP 15057	I217
3, 5 and 9 Brighton Parade		Lots 1, 3 and 4, DP 78024	

Statement of Significance

The HCA is of cultural heritage significance at a local level as evidence of the development of commuter suburbs in the 1920s in Rockdale and the wider Bayside area.

The group of houses in Brighton Parade are aesthetically significant as an intact streetscape of Inter-War Bungalow-style houses and cottages in a suburban setting with mature street plantings and rare streetscape detailing such as brick kerbing. The high proportion of original building stock together with the consistent material palette, scale, asymmetrical form, and roof and fence lines demonstrate a cohesive interwar architectural character that is representative of a distinct period of suburban development in Bayside.

The DDP Review (Niche, 2023) further states:

“The 2019 recommendation to list this area is based on the nature of the intactness of the streetscape and the representative value of the inter-war architectural style in evidence. The ‘cohesive character’ referenced in the draft statement of significance is witnessed in the brick kerbs, the scale and consistent form of the structures, and the intactness of the area which has been largely shielded from unsympathetic development. The recommendation to list this area as an HCA is supported by the evidence as assessed in 2019. The additional recommendation to reconsider the group listing for Nos. 3, 5, 9, 11, 22 and 33 is warranted given the development of No. 5 and 7 and provided the area is listed as an HCA.” (p. 29)

Draft Character Statement

Characteristic elements to be preserved include:

- The high proportion of surviving contributory buildings, particularly Federation and Inter War bungalows and listed heritage items.
- Historical streetscape elements from the early period of development in the area, such as brick kerbing.
- The consistency of low front fences at the front boundary of private properties.
- Original chimneys, roof forms and tiles roof cladding.
- The prevalent single-storey scale, and
- The dominant material palette of face brick, timber detailing and timber joinery elements, roughcast rendered elements, brick front verandahs, timber framed windows, and timber picket and masonry front fences.

Further information can be found in the Heritage Inventory Sheet for the Brighton Le Sands HCA in **Appendix 11**.

The Heritage Inventory Sheets were created by GML Heritage in 2019 and have been updated in 2023 following the DPP Review (Niche, 2023), as well as the 2023 Council resolution.



Figure 4: An aerial image of the properties subject to the proposed Brighton Le Sands HCA, outlined in red. Heritage items highlighted in amber. Source: *Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas* (Niche 2023)..



Image 11: An example of a contributory dwelling. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas* (2019)



Image 12: An example of a contributory dwelling. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 13: Brick kerbing- an example of a historic streetscape element. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*

Ocean View Estate Heritage Conservation Area

Properties proposed for inclusion within the Ocean View Estate HCA are outlined in **Table 7** below:

Table 7: Properties proposed for inclusion in the Ocean View Estate HCA.

Lot	Sec	DP	Address
Beaconsfield Street, Bexley			
1		951532	1 Beaconsfield Street
C		400028	1A Beaconsfield Street
1		SP 20689	2 Beaconsfield Street
		SP 20689	2B Beaconsfield Street
5B		329521	1/2B Beaconsfield Street
2		SP 20689	2/2B Beaconsfield Street
3		SP 20689	3/2B Beaconsfield Street
4		SP 20689	4/2B Beaconsfield Street
D		402564	2C Beaconsfield Street
1		185865	3 Beaconsfield Street
A		322673	4 Beaconsfield Street
22	14	1680	5 Beaconsfield Street
Y		402107	
21	14	1680	6 Beaconsfield Street
B		100322	7 Beaconsfield Street
20	14	1680	8 Beaconsfield Street
2		210234	9 Beaconsfield Street
		SP 9127	10 Beaconsfield Street
1		SP 9127	11 Beaconsfield Street
1		921514	1/11 Beaconsfield Street
2		SP 9127	2/11 Beaconsfield Street
3		SP 9127	3/11 Beaconsfield Street
4		SP 9127	4/11 Beaconsfield Street
5		SP 9127	5/11 Beaconsfield Street
2		213778	11A Beaconsfield Street
2		515615	12 Beaconsfield Street
1		120911	14 Beaconsfield Street
2		500925	15 Beaconsfield Street

Lot	Sec	DP	Address
50		1680	16 Beaconsfield Street
17		650248	16A Beaconsfield Street
B		360589	17 Beaconsfield Street
1		930556	18 Beaconsfield Street
3		219456	19 Beaconsfield Street
16		662928	21 Beaconsfield Street
15	14	1680	23 Beaconsfield Street
2		518493	25 Beaconsfield Street
D		372545	27 Beaconsfield Street
2		215986	29 Beaconsfield Street
1		215986	31 Beaconsfield Street
Caledonian Street, Bexley			
C		312212	28 Caledonian Street
2		1143587	28A Caledonian Street
C		414121	30 Caledonian Street
1		929566	32 Caledonian Street
1		933175	34 Caledonian Street
1		979486	36 Caledonian Street
Dunmore Street North, Bexley			
		SP 64206	1 Dunmore St Nth
1		SP 64206	1/1 Dunmore St Nth
2		SP 64206	2/1 Dunmore St Nth
3		SP 64206	3/1 Dunmore St Nth
4		SP 64206	4/1 Dunmore St Nth
18	2	1680	1A Dunmore St Nth
19	2	1036	1B Dunmore St Nth
20	2	1036	1C Dunmore St Nth
1		949870	2 Dunmore St Nth
		SP 8992	3-7 Dunmore St Nth
1		SP 8992	1/3-7 Dunmore St Nth
2		SP 8992	2/3-7 Dunmore St Nth
3		SP 8992	3/3-7 Dunmore St Nth

Lot	Sec	DP	Address
4		SP 8992	4/3-7 Dunmore St Nth
5		SP 8992	5/3-7 Dunmore St Nth
6		SP 8992	6/3-7 Dunmore St Nth
7		SP 8992	7/3-7 Dunmore St Nth
8		SP 8992	8/3-7 Dunmore St Nth
9		SP 8992	9/3-7 Dunmore St Nth
10		SP 8992	10/3-7 Dunmore St Nth
11		SP 8992	11/3-7 Dunmore St Nth
12		SP 8992	12/3-7 Dunmore St Nth
13		SP 8992	13/3-7 Dunmore St Nth
14		SP 8992	14/3-7 Dunmore St Nth
2		949870	4 Dunmore St Nth
A		441697	6 Dunmore St Nth
B		441697	8 Dunmore St Nth
C		103536	9 Dunmore St Nth
		SP 55	10 Dunmore St Nth
1		SP 55	1/10 Dunmore St Nth
15		SP 55	
22		SP 55	
2		SP 55	2/10 Dunmore St Nth
3		SP 55	3/10 Dunmore St Nth
4		SP 55	4/10 Dunmore St Nth
17		SP 55	
5		SP 55	5/10 Dunmore St Nth
18		SP 55	
6		SP 55	6/10 Dunmore St Nth
20		SP 55	
7		SP 55	7/10 Dunmore St Nth
14		SP 55	
8		SP 55	8/10 Dunmore St Nth
16		SP 55	
9		SP 55	9/10 Dunmore St Nth

Lot	Sec	DP	Address
21		SP 55	
10		SP 55	10/10 Dunmore St Nth
19		SP 55	
11		SP 55	11/10 Dunmore St Nth
12		SP 55	12/10 Dunmore St Nth
13		SP 55	
B		103536	11 Dunmore St Nth
3		412732	12 Dunmore St Nth
2		104316	13 Dunmore St Nth
2		412732	14 Dunmore St Nth
1		812332	15 Dunmore St Nth
1		412732	16 Dunmore St Nth
B		313039	17 Dunmore St Nth
100		1050077	18 Dunmore St Nth
C		313039	19 Dunmore St Nth
B		322348	20 Dunmore St Nth
3		226502	20A Dunmore St Nth
A		320466	21 Dunmore St Nth
1		447843	21A Dunmore St Nth
4	6	1680	22 Dunmore St Nth
2		447843	23 Dunmore St Nth
3		447843	23A Dunmore St Nth
700		1221085	24 Dunmore St Nth
701		1221085	24A Dunmore St Nth
4		447843	25 Dunmore St Nth
1		573311	25A Dunmore St Nth
700		1216133	26 Dunmore St Nth
A		900366	27 Dunmore St Nth
701		1216133	28 Dunmore St Nth
B		900366	29 Dunmore St Nth
A		411745	30 Dunmore St Nth
A		324948	31 Dunmore St Nth

Lot	Sec	DP	Address
10		530123	32 Dunmore St Nth
B		324948	33 Dunmore St Nth
A		327436	34 Dunmore St Nth
C		324948	35 Dunmore St Nth
B		327436	36 Dunmore St Nth
B		312212	37 Dunmore St Nth
4		659447	38 Dunmore St Nth
E		414121	38A Dunmore St Nth
1		1143587	39 Dunmore St Nth
D		414121	40 Dunmore St Nth
Dunmore Street South, Bexley			
X		416406	43 Dunmore St Sth
C		372545	44 Dunmore St Sth
Forest Road, Bexley			
2		961634	460 Forest Road
Gladstone Street, Bexley			
B		447891	24 Gladstone Street
A		447891	24A Gladstone Street
Harrow Road, Bexley			
2		921197	61 Harrow Road
1		668848	63 Harrow Road
1		921622	65 Harrow Road
B		385220	69 Harrow Road
1		921863	77 Harrow Road
1		219456	79 Harrow Road
2		219456	81 Harrow Road
10		661922	83 Harrow Road
1		585490	83A Harrow Road
2		585490	85 Harrow Road
1		902392	87 Harrow Road
2		902392	98 Harrow Road
1		930051	100 Harrow Road

Lot	Sec	DP	Address
30		654640	102 Harrow Road
29		4027	104 Harrow Road
28		4027	106 Harrow Road
27		4027	108 Harrow Road
26		4027	110 Harrow Road
25		4027	112 Harrow Road
24		4027	114 Harrow Road
23		4027	116 Harrow Road
22		4027	118 Harrow Road
21		4027	120 Harrow Road
Monomeeth Street, Bexley			
A		103536	22A Monomeeth Street
Park Avenue, Bexley			
1		960924	1 Park Avenue
1		559497	3 Park Avenue
2		559497	5 Park Avenue
A		440684	7 Park Avenue
B		440684	9 Park Avenue
2		972867	11 Park Avenue
501		631452	13 Park Avenue
502		631452	15 Park Avenue
B		326305	17 Park Avenue
A		326305	19 Park Avenue
Seaforth Street, Bexley			
1		387626	2 Seaforth Street
700		1090337	2A Seaforth Street
701		1090337	2B Seaforth Street
1		168540	4 Seaforth Street
2		168540	6 Seaforth Street
3		168540	8 Seaforth Street
1		217473	10 Seaforth Street
2		217473	12 Seaforth Street

Lot	Sec	DP	Address
1		220112	14 Seaforth Street
2		220112	16 Seaforth Street
3		215986	16A Seaforth Street
Watkin Street, Bexley			
E		402564	38 Watkin Street
B		322673	40 Watkin Street
5A		329521	42 Watkin Street
A		100322	44 Watkin Street
1		210234	46 Watkin Street
1		213778	48 Watkin Street
1		515615	50 Watkin Street
1		500925	52 Watkin Street
A		360589	54 Watkin Street
102		833667	59 Watkin Street
1		726833	61 Watkin Street
42		531156	63 Watkin Street
51		227516	65 Watkin Street
52		227516	67 Watkin Street
53		227516	69 Watkin Street
54		227516	71 Watkin Street
55		227516	73 Watkin Street
3		327915	75 Watkin Street
700		1084612	77 Watkin Street
2		1056535	79 Watkin Street
B		330534	81 Watkin Street
A		330534	83 Watkin Street
1		972235	85 Watkin Street
Watkin Street, Rockdale			
8		5800	22 Watkin Street
1		216540	24 Watkin Street
2		216540	26 Watkin Street
6		5800	28 Watkin Street

Lot	Sec	DP	Address
5		5800	30 Watkin Street
4		5800	32 Watkin Street
3		5800	34 Watkin Street
A		385220	36 Watkin Street
A		400028	36A Watkin Street
6		1151863	47 Watkin Street
5		1151863	49 Watkin Street
4		1151863	51 Watkin Street
3		1151863	53 Watkin Street
2		1151863	55 Watkin Street
1		1151863	57 Watkin Street

Background

The Ocean View Estate subject area was purchased by a group of land speculators in 1879, when the route of the new railway through the St George district was established. Located on the ridge overlooking the new rail line and boasting views to the ocean, it was planned to appeal to wealthy and discerning buyers and was laid out with Garden Suburb concepts in mind.

The area was developed in stages, beginning in the late-nineteenth century. It contains surviving examples of Victorian villas built in the 1890's through to later Federation and Interwar period styles. The streets were planted with trees to commemorate the reign of Queen Victoria.

Description

The study area is centred around Seaforth Park and includes Dunmore Street North, Caledonian Street (East), Watkin Street, Park Avenue and parts of Seaforth Street and Beaconsfield Street. The streets are laid out in a grid pattern around the park (**Figure 5**).

Seaforth Park is a large, grassed park and retains original plantings of Moreton Bay Figs, Monterey Pines and Canary Island Palms (**Image 14**). Housing around the park is generally from the Federation period and is oriented to take advantage of views over the parkland and the ocean.

The housing consists of a number of architectural styles, including fine examples of high-quality late Victorian, Federation Arts and Crafts, Federation Bungalow and Inter-War Bungalow style houses and cottages set within formal gardens with low brick fencing (**Image 15-18**). The area features wide streets with grass verges and mature street trees, some of which are heritage listed (**Image 19-20**).

Dunmore Street North features the finest quality of housing and is largely intact. Some areas have uncharacteristic development, which has eroded the integrity of the HCA, particularly around Seaforth and Watkin Streets (**Image 21**).

Heritage Items

Properties within the Ocean View Estate HCA that are classified as Heritage Items under Schedule 5 of the *Bayside Local Environmental Plan 2021* are outlined in **Table 8** below.

Table 8: Heritage Items located within the Ocean View Estate HCA

Address	Item Name	Property Description	Item No.
Dunmore Street North, Bexley	Street plantings	N/A	I113
1A, 1B and 1C Dunmore Street North, Bexley	Christ Church Anglican Church and hall	Lots 19 and 20, Section 2, DP 1036 Part Lot 18, Section 2, DP 1680	I114
12 Dunmore Street North, Bexley	Federation house	Lot 3, DP 412732	I115
14 Dunmore Street North, Bexley	Federation house	Lot 10, DP 9171	I116
16 Dunmore Street North, Bexley	Federation house	Lot 12, DP 9171	I117
18 Dunmore Street North, Bexley	Ercildoune	Lot 100, DP 1050077	I118
20 Dunmore Street North, Bexley	Fairmont	Lot B, DP 322348	I119
29 Dunmore Street North, Bexley	House	Lot B, DP 900366	I120
33 Dunmore Street North, Bexley	Inter-war house	Lot B, DP 324948	I121
38 Dunmore Street North, Bexley	Federation house	Lot 4, DP 659447	I122
40 Dunmore Street North, Bexley	Federation house	Lot D, DP 414121	I123
2 Beaconsfield Street, Bexley	Bayview Lodge	Lot C, DP 400028	I94
6 Beaconsfield Street, Bexley	House	Lot 5B, DP 329521	I95
16A Beaconsfield Street, Bexley	Seaforth Park	Lot 50, DP 1680	I96
Caledonian Street, Bexley	Street plantings	N/A	I103
77 Harrow Road, Bexley	Italia	Lot 1, DP 219456	I141
83 Harrow Road, Bexley	Esperanza	Lot 1, DP 585490	I142
87 Harrow Road, Bexley	Federation house	Lot 2, DP 902392	I143
1 Park Avenue, Bexley	House	Lot 1, DP 960924	I146

Statement of Significance

The Ocean View Estate HCA has cultural heritage significance at a local level as an intact portion of one of the most ambitious and commercially successful estate developments in the Bayside LGA. The area shows evidence of the development and expansion of early twentieth-century housing estates in the area, often led by speculative development.

The area has aesthetic significance for its particularly fine example of Federation Arts and Crafts and Federation Bungalow style dwellings set within formal gardens. Elements such as the early Christ Church at the northern entry to the HCA, wide streets with mature plantings and original dwellings orientated towards a central park contribute to the area's sense of place and create a distinct Garden Suburb character.

Individual properties within the HCA (both individually heritage listed and classified as contributory) have aesthetic and representative significance, exhibiting excellent detailing, craftsmanship and generally high levels of intactness and integrity. Excellent examples of Federation Arts and Crafts and Federation Bungalow typologies are found throughout the HCA, with some earlier Victorian-era housing throughout.

The HCA has representative value through its collection of intact Federation-era dwellings, as well as the clear demonstration of early town planning principles evident in its Garden Suburb character and layout.

Seaforth Park was planned as the grand square in the 1883 subdivision and is the oldest designated park in the former Rockdale LGA.

The street plantings in Dunmore Street demonstrate the municipal approach to urban beautification in the Ocean View Estate subdivision. The tree planting commemorated the reign of Queen Victoria (although the present trees are not the original trees).

The DDP Review (Niche, 2023) further states:

“The 2019 recommendation to list this area are based on the attested significance of the area as an example of a historically relevant type of development, the several heritage listings across the area, and the presence of representative examples of several significant architectural styles witnessed in a large percentage of the properties in the area. While there are several locations within the area proposed by GML which are not considered contributory, they still add to the overall significance of the area. The recommendation to list this area as an HCA is supported by the evidence as assessed in 2019.” (p. 23)

Draft Character Statement

The character of the Ocean View Estate HCA is made up of a number of architectural styles, including fine examples of high-quality late Victorian, Federation Arts and Crafts, Federation Bungalow and Inter-War Bungalow style houses and cottages. This character should be preserved and retained through the retention of contributory buildings, public open space, the existing subdivision pattern and typical Garden Suburb layout, and large street trees. Characteristic elements to be preserved include:

- The range of surviving architectural styles and historic buildings, particularly the existing heritage items, landmark buildings and contributory buildings.
- The grid layout of wide streets centred around Seaforth Park.
- The consistency of low front fences and gates at the front boundary of private properties.
- Original chimneys and roof forms.
- The consistent single-storey scale.
- Prominent ornate decorative elements, particularly on surviving examples of late Victorian buildings and Federation houses.
- The dominant material palette of face brick, timber batten detailing and timber joinery elements, sandstone base courses, timber framed windows and window hoods, and
- Established formal gardens and mature street trees.

Uncharacteristic development includes housing from the late-twentieth and early twenty-first century, residential flat developments, over-scaled additions, rendering of face brickwork and the addition of garages and carports forward of the front building line.

Further information can be found in the Heritage Inventory Sheet for the Ocean View Estate HCA in **Appendix 12**.

The Heritage Inventory Sheets were created by GML Heritage in 2019 and have been updated in 2023 following the DPP Review (Niche, 2023), as well as the 2023 Council resolution.

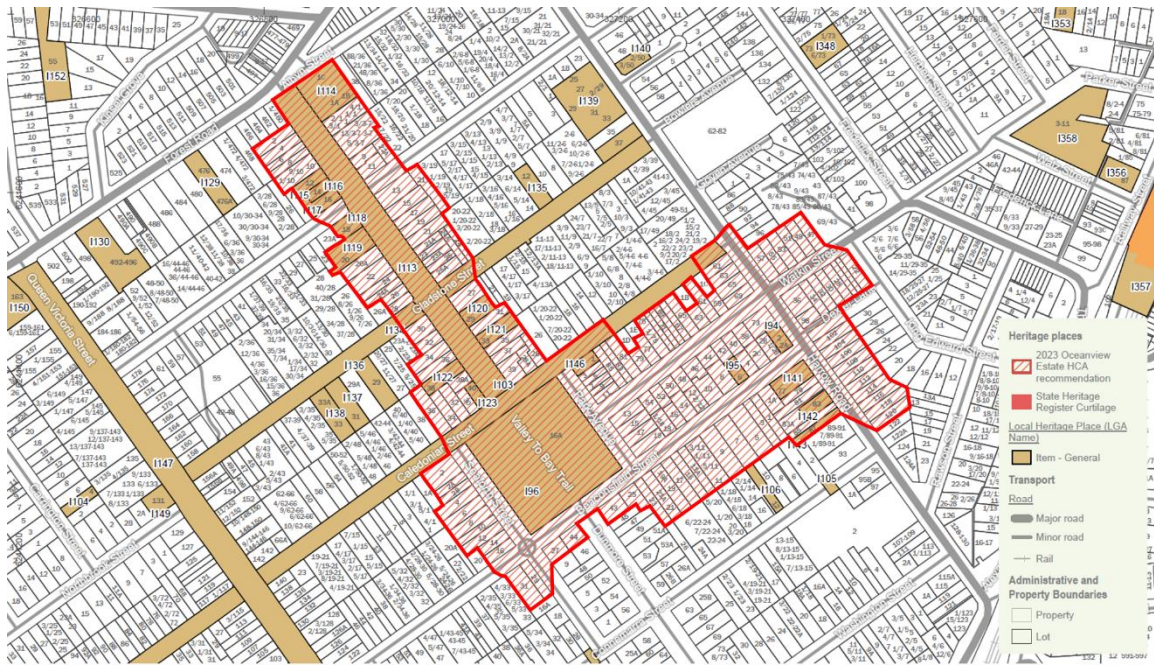


Figure 5: An aerial image of the properties subject to the proposed Ocean View Estate HCA, outlined in red. Source: Bayside Council.

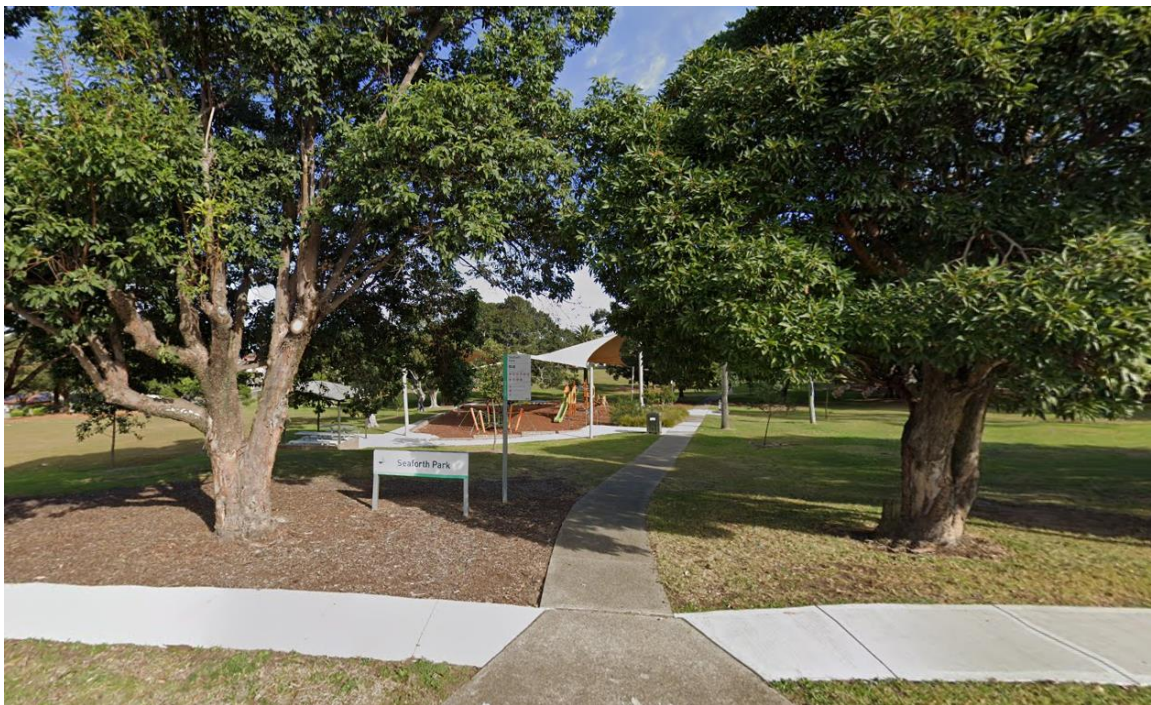


Image 14: Seaforth Park, looking south-east from Dunmore Street North. Source: Google Maps (2022).



Image 15: An example of a contributory dwelling at 36 Watkin Street, Bexley. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 16: An example of a contributory dwelling at Park Avenue, Bexley. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 17: An existing heritage item at 2 Beaconsfield Street, Bexley. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 18: An example of a contributory dwelling at 13 Dunmore Street North, Bexley. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 19: Mature street trees in Beaconsfield Street. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 20: Mature street trees along Dunmore Street North. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Image 21: Examples of uncharacteristic development in Dunmore Street North. *Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*

Part 1 – Objectives or Intended Outcomes

The objective of this PP is to amend *Part 2 Heritage Conservation Areas of Schedule 5 Environmental Heritage* with the *Bayside Local Environmental Plan 2021*, to create Heritage Conservation Areas (HCAs) in the suburbs of Banksia, Bardwell Valley, Bexley and Brighton Le Sands.

Table 9: Addresses to which the HCA classification will be applied

Bardwell Valley Heritage Conservation Area	Lansdowne Street: 1-25 and 2-28
	Hamilton Street: 1-27 and 2-30
Banksia Heritage Conservation Area	Gibbes Street: 4-26 and 5-25
	Farr Street: 1-39 and 18-28
Brighton Le Sands Heritage Conservation Area	Brighton Parade: 1-35
Ocean View Estate Heritage Conservation Area	Beaconsfield Street: 1-31 and 2-18
	Caledonian Street: 1A and 28-36
	Dunmore Street North: 1-39 and 2-40
	Dunmore Street South: 43 and 44
	Forest Road: 460
	Gladstone Street: 24 and 24A
	Harrow Road: 61-69, 77-87 and 98-120
	Monomeeth Street: 22A
	Park Avenue: 1-19
	Seaforth Street: 2-16A and 9
	Watkin Street, Bexley: 38-54 and 59-85
Watkin Street, Rockdale: 22-36 and 47-57	

Part 2 – Explanation of Provisions

The PP will amend *Part 2 Heritage conservation areas* within Schedule 5 of the *Bayside Local Environmental Plan 2021* by inserting four new HCAs in the suburbs of Banksia, Bardwell Valley, Brighton Le Sands and Bexley.

A summary of the proposed amendments to *Schedule 5 of the Bayside Local Environmental Plan 2021* is included below, as well as thumbnail mapping indicating the intended updates to relevant maps.

Table 10: Explanation of Provisions to the Bayside LEP 2021. New provisions are written in blue

Name of heritage conservation area	Identification on heritage map	Significance
<p>Ocean View Estate Heritage Conservation Area</p>	<p>Shown by a red outline with red hatching and labelled "C6"</p> <p><i>Current mapping</i></p> 	<p>Local</p> <p><i>Proposed mapping</i></p> 
<p>Brighton Le Sands Heritage Conservation Area</p>	<p>Shown by a red outline with red hatching and labelled "C5"</p> <p><i>Current mapping</i></p> 	<p>Local</p> <p><i>Proposed mapping</i></p> 
<p>Bardwell Valley Heritage Conservation Area</p>	<p>Shown by a red outline with red hatching and labelled "C4"</p> <p><i>Current mapping</i></p> 	<p>Local</p> <p><i>Proposed mapping</i></p> 
<p>Banksia Heritage Conservation Area</p>	<p>Shown by a red outline with red hatching and labelled "C3"</p> <p><i>Current mapping</i></p> 	<p>Local</p> <p><i>Proposed mapping</i></p> 
<p>Botany Township Heritage Conservation Area</p>	<p>Shown by a red outline with red hatching and labelled "C2"</p>	<p>Local</p>
<p>Daceyville Garden Suburb Heritage Conservation Area</p>	<p>Shown by a red outline with red hatching and labelled "C1"</p>	<p>Local</p>

Part 3 – Justification of Strategic and Site-Specific Merit

A Need for the Planning Proposal

Q1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This PP is the result of the *Bayside Heritage Study – Review of Potential Heritage Conservation Areas* (GML, 2019), part of a comprehensive Bayside Heritage Study that aimed to consolidate the existing heritage items of the former City of Botany Bay and Rockdale City LGAs.

Further, the PP has been informed by the *Bayside Local Strategic Planning Statement* (LSPS), the *Bayside Local Housing Strategy* (LHS) and the *Bayside Heritage Strategy*. It also aims to implement the relevant priorities of Council's *Community Strategic Plan: Bayside 2030*.

A detailed assessment of how the PP responds to the broader strategic planning framework, including the Bayside LSPS, is included in this report.

Q2 Is the planning proposal the best means of achieving the objects or intended outcomes, or is there a better way?

Alternative methods of heritage protection could include Council policy or DCP controls exclusively. However, as these approaches are non-statutory, there would be no requirement for future development to retain the existing built form, environment, and character.

The PP will ensure the Bayside LEP makes provisions for heritage protection and will extend these protections to the application of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* where relevant.

B Relationship to strategic planning framework

Q3 Will the planning proposal give effect to the objectives and actions of the applicable region or district plan (including any draft plans or strategies)?

Environmental Planning and Assessment Act 1979 (EP&A Act)

The Department of Planning and Environment's (DPE) publication '*Local Environmental Plan Making Guideline*' (the Guideline) - issued under s3.33 (3) of the EP&A Act - provides guidance and information on the process for preparing Planning Proposals. The assessment of the submitted PP by Council staff has been undertaken in accordance with the latest version of this guide (dated December 2022).

Page 72 of the Guideline states:

Strategic merit means a proposal has alignment with the NSW strategic planning framework.

Sections A and B in **Table 3** [of the Guideline] must be included in the planning proposal. The planning proposal must demonstrate how the proposed amended or principal LEP will give effect to the strategic planning framework to then ensure that the proposal has strategic merit.

The achievement of strategic merit is not a yes/no response. The planning proposal should include reasonable justification explaining how and why strategic merit is achieved and needs to address all relevant principles, objectives, and actions in the relevant strategic plans.

Key Sections of the EP&A Act – Strategic Merit of Planning Proposals

3.8 Implementation of Strategic Plans

- (1) *In preparing a draft district strategic plan, the relevant strategic planning authority is to give effect to any regional strategic plan applying to the region in respect of which the district is part.*
- (2) *In preparing a planning proposal under section 3.33, the planning proposal authority is to give effect—*
- (a) *to any district strategic plan applying to the local government area to which the planning proposal relates (including any adjoining local government area), or...*

The Eastern City District Plan (ECDP) applies to Bayside, and therefore any Planning Proposal must outline how it demonstrates strategic merit against the objectives of the ECDP and Greater Sydney Region Plan (GSRP). The PP is consistent with the objectives and actions of the GSRP and the ECDP.

Greater Sydney Region Plan

Table 11 below provides an assessment of this Planning Proposal against the GSRP:

Table 11: Consistency with the *Greater Sydney Region Plan*

Directions	Objectives	Consistency
Infrastructure and collaboration		
1. A city supported by infrastructure	Objective 1: Infrastructure supports the three cities	Not relevant to this Planning Proposal.
	Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	Not relevant to this Planning Proposal.
	Objective 3: Infrastructure adapts to meet future needs	Not relevant to this Planning Proposal.
	Objective 4: Infrastructure use is optimised	Not relevant to this Planning Proposal.
2. A collaborative city	Objective 5: Benefits of growth realised by collaboration of governments, community and business	Not relevant to this Planning Proposal.
Liveability		
3. A city for people	Objective 6: Services and infrastructure meet communities' changing needs	Not relevant to this Planning Proposal.
	Objective 7: Communities are healthy, resilient and socially connected	Not relevant to this Planning Proposal.
	Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods.	Not relevant to this Planning Proposal.
	Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	Not relevant to this Planning Proposal.

4. Housing the city	Objective 10: Greater housing supply	Not relevant to this Planning Proposal.
	Objective 11: Housing is more diverse and affordable	<p>This objective outlines measures to address housing affordability, including more diverse housing types and an increased supply of affordable rental housing close to infrastructure and services.</p> <p>This PP proposes controls that place restrictions on the renewal of older housing stock. However, the subject sites have not been identified for renewal or increases in density and are not in catchment areas of existing and future infrastructure corridors. Furthermore, certain types of affordable housing are permitted in HCAs, in accordance with the <i>State Environmental Planning Policy (Housing) 2021</i>.</p>
5. A city of great places	Objective 12: Great places that bring people together	Not relevant to this Planning Proposal.
	Objective 13: Environmental heritage is conserved and enhanced	<p>This PP will ensure any future Development Application (DA) must consider clause 5.10 of the Bayside LEP to ensure potential heritage impacts are mitigated.</p> <p>Additionally, the site-specific DCP supports the PP through the provision of objectives and controls that aim to manage potential cumulative impacts on the heritage value and character of the HCAs.</p>
Productivity		
6. A well connected city	Objective 14: A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities	Not relevant to this Planning Proposal.
	Objective 15: The Eastern, GOPP and Western Economic Corridors are better connected and more competitive	Not relevant to this Planning Proposal.
	Objective 16: Freight and logistics network is competitive and efficient	Not relevant to this Planning Proposal.

	Objective 17: Regional transport is integrated with land use	Not relevant to this Planning Proposal.
7. Jobs and skills for the city	Objective 18: Harbour CBD is stronger and more competitive	Not relevant to this Planning Proposal.
	Objective 19: Greater Parramatta is stronger and better connected	Not relevant to this Planning Proposal.
	Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	Not relevant to this Planning Proposal.
	Objective 21: Internationally competitive health, education, research and innovation precincts	Not relevant to this Planning Proposal.
	Objective 22: Investment and business activity in centres	Not relevant to this Planning Proposal.
	Objective 23: Industrial and urban services land is planned, protected and managed	Not relevant to this Planning Proposal.
	Objective 24: Economic sectors are targeted for success	Not relevant to this Planning Proposal.
Sustainability		
8. A city in landscape	Objective 25: The coast and waterways are protected and healthier	Not relevant to this Planning Proposal.
	Objective 26: A cool and green parkland city in the South Creek corridor	Not relevant to this Planning Proposal.
	Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Not relevant to this Planning Proposal.
	Objective 28: Scenic and cultural landscapes are protected	Not relevant to this Planning Proposal.
	Objective 29: Environmental, social and economic values in rural areas are maintained and enhanced	Not relevant to this Planning Proposal.
	Objective 30: Urban tree canopy cover is increased	Not relevant to this Planning Proposal.
	Objective 31: Public open space is accessible, protected and enhanced	Not relevant to this Planning Proposal.

	Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	Not relevant to this Planning Proposal.
9. An efficient city	Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	Not relevant to this Planning Proposal.
	Objective 34: Energy and water flows are captured, used and re-used	Not relevant to this Planning Proposal.
	Objective 35: More waste is re-used and recycled to support the development of a circular economy	Not relevant to this Planning Proposal.
10. A resilient city	Objective 36: People and places adapt to climate change and future shocks and stresses	Not relevant to this Planning Proposal.
	Objective 37: Exposure to natural and urban hazards is reduced	Not relevant to this Planning Proposal.
	Objective 38: Heatwaves and extreme heat are managed	Not relevant to this Planning Proposal.

Eastern City District Plan

The PP's consistency with the priorities in the ECDP are discussed in further detail in **Table 12** below:

Table 12: Consistency with the *Eastern City District Plan*

Infrastructure and Collaboration		
E1	Planning for a city supported by infrastructure	Not relevant to this Planning Proposal.
E2	Working through collaboration	Not relevant to this Planning Proposal.
Liveability		
E3	Providing services and social infrastructure to meet people's changing needs	Not relevant to this Planning Proposal.
E4	Fostering healthy, creative, culturally rich and socially connected communities	Not relevant to this Planning Proposal.
E5	Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>This objective outlines measures to address housing affordability, including more diverse housing types and an increased supply of affordable rental housing close to infrastructure and services.</p> <p>This PP proposes HCAs over existing, older housing stock. The subject sites have not been</p>

		<p>identified for renewal or increases in density and are not in the catchment areas of existing and future infrastructure corridors.</p> <p>The Bayside Local Housing Strategy has not identified the subject sites for renewal or increases in density.</p>
E6	<p>Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>This objective outlines measures to conserve and enhance environmental heritage through early engagement and education with the community, adaptive re-use and the management of potential cumulative impacts on heritage values and character.</p> <p>This PP will ensure any future Development Application (DA) will include a Heritage Impact Statement with consideration of clause 5.10 of the Bayside LEP to ensure potential heritage impacts are mitigated.</p> <p>Additionally, the site-specific DCP supports the PP through the provision of objectives and controls that aim to manage potential cumulative impacts on the heritage value and character of the HCAs.</p>
Productivity		
E7	<p>Growing a stronger and more competitive Harbour CBD</p>	<p>Not relevant to this Planning Proposal.</p>
E8	<p>Growing and investing in health and education precincts and the Innovation Corridor</p>	<p>Not relevant to this Planning Proposal.</p>
E9	<p>Growing international trade gateways</p>	<p>Not relevant to this Planning Proposal.</p>
E10	<p>Delivering integrated land use and transport planning and a 30-minute city</p>	<p>Not relevant to this Planning Proposal.</p>
E11	<p>Growing investment, business opportunities and jobs in strategic centres</p>	<p>Not relevant to this Planning Proposal.</p>
E12	<p>Retaining and managing industrial and urban services land</p>	<p>Not relevant to this Planning Proposal.</p>
E13	<p>Supporting growth of targeted industry sectors</p>	<p>Not relevant to this Planning Proposal.</p>
Sustainability		
E14	<p>Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways</p>	<p>Not relevant to this Planning Proposal.</p>
E15	<p>Protecting and enhancing bushland and biodiversity</p>	<p>Not relevant to this Planning Proposal.</p>
E16	<p>Protecting and enhancing scenic and cultural landscapes</p>	<p>Not relevant to this Planning Proposal.</p>

E17	Increasing urban tree canopy cover and delivering Green Grid connections	Not relevant to this Planning Proposal.
E18	Delivering high quality open space	Not relevant to this Planning Proposal.
E19	Reducing carbon emissions and managing energy, water and waste efficiently	Not relevant to this Planning Proposal.
E20	Adapting to the impacts of urban and natural hazards and climate change	Not relevant to this Planning Proposal.
Implementation		
E21	Preparing Local Strategic Planning statements informed by local strategic planning	Not relevant to this Planning Proposal.
E22	Monitoring and reporting on the delivery of the Plan	Not relevant to this Planning Proposal.

Q4 Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Bayside Local Strategic Planning Statement

Council has adopted the Bayside LSPS in accordance with the guidance provided by the DPE. Council has aligned the Bayside LSPS Priorities to the GSRP, the Planning Priorities in the ECDP as well as Councils Community Strategic Plan.

Council’s LSPS was endorsed by the Greater Sydney Commission in March 2020. This confirmed that the LSPS was consistent with the GSRP and ECDP. As per 3.9(1) below, the LSPS is to be reviewed at least every 7 years. The current iteration of the LSPS is 3 years into that 7 year period.

Key Sections of the EP&A Act – Strategic Merit of Planning Proposals

3.9 Local Strategic Planning Statements of Councils

- (1) *The council of an area must prepare and make a local strategic planning statement and review the statement at least every 7 years.*
- (2) *The statement must include or identify the following—*
 - (a) *the basis for strategic planning in the area, having regard to economic, social and environmental matters,*
 - (b) *the planning priorities for the area that are consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the Local Government Act 1993,*
 - (c) *the actions required for achieving those planning priorities,*
 - (d) *the basis on which the council is to monitor and report on the implementation of those actions...*
- (3A) *The council for an area that is in the Greater Sydney Region must not make a local strategic planning statement unless the Greater Sydney Commission has advised*

the council in writing that the Commission supports the statement as being consistent with the applicable regional and district strategic plans...

Table 13 below provides an assessment of this Planning Proposal against the Bayside LSPS:

Table 13: Consistency with the *Bayside Local Strategic Planning Statement*

Planning Priority		Consistency
B1	Align land use planning and transport infrastructure planning to support the growth of Bayside	Not relevant to this Planning Proposal.
B2	Align land use planning with the delivery and management of assets by Bayside Council to support our community	Not relevant to this Planning Proposal.
B3	Working through collaboration	Not relevant to this Planning Proposal.
B4	Provide social infrastructure to meet the needs of the Bayside Community	Not relevant to this Planning Proposal.
B5	Foster healthy, creative, culturally rich and socially connected communities	Not relevant to this Planning Proposal.
B6	Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors	Not relevant to this Planning Proposal.
B7	Provide choice in housing to meet the needs of the community	Not relevant to this Planning Proposal.
B8	Provide housing that is affordable	Not relevant to this Planning Proposal.
B9	Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm	<p>This PP will allow the management and enhancement of distinctive character within the Bayside LGA.</p> <p>The inclusion of the proposed HCAs within the Bayside LEP will ensure that the distinct character and sense of place is maintained.</p>
B10	Value, protect and conserve Aboriginal heritage	Not relevant to this Planning Proposal.
B11	Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas	<p>This PP will give effect to this Planning Priority through the provision of clear and appropriate controls in the Bayside LEP, which will promote the protection of Bayside's cultural heritage in these locations.</p> <p>The proposed HCAs will be defined in Schedule 5 of the Bayside LEP, and specific objectives and controls for development in the HCAs will be included in the Bayside DCP.</p>
B12	Deliver an integrated land use and a 30-minute city	Not relevant to this Planning Proposal.
B13	Contribute to growing a stronger and more competitive Harbour CBD	Not relevant to this Planning Proposal.

Planning Priority		Consistency
B14	Protect and grow the international trade gateways	Not relevant to this Planning Proposal.
B15	Growing investment, business opportunities and jobs in Bayside's strategic centres and centres	Not relevant to this Planning Proposal.
B16	Contribute to growing the health and education Kogarah, Randwick and Camperdown	Not relevant to this Planning Proposal.
B17	Retain and manage industrial and urban services lands	Not relevant to this Planning Proposal.
B18	Support the growth of targeted industry sectors	Not relevant to this Planning Proposal.
B19	Protect and improve the health of Bayside's waterways and the biodiversity	Not relevant to this Planning Proposal.
B20	Increase urban tree canopy tree canopy cover and enhance green grid connections	Not relevant to this Planning Proposal.
B21	Deliver high quality open space	Not relevant to this Planning Proposal.
B22	Protect and enhance scenic and cultural landscapes	Not relevant to this Planning Proposal.
B23	Reduce carbon emissions through improved management of energy, water and waste	Not relevant to this Planning Proposal.
B24	Reduce community risk to urban and natural hazards and improve community's resilience to social, environmental and economic shocks and stressors	Not relevant to this Planning Proposal.

Bayside Community Strategic Plan 2018-2032

Bayside 2032: Community Strategic Plan 2018-2032 sets the strategic direction for Council's Delivery Program and Operational Plans. The themes and directions outlined in the plan inform Council's activities towards achieving the identified outcomes.

Table 14 below identifies how the Planning Proposal is consistent with the themes:

Table 14: Consistency with the Bayside 2032: Community Strategic Plan 2018-2032

Directions	How We Will Get There	Consistency
Theme One – Bayside will be a vibrant place		
Community Outcome – Bayside's places are accessible to all	Create spaces, place and interactions that are safe, accessible, and engaging (Deliver)	N/A
	Improve availability of parking for residents (Deliver, Advocate)	N/A
	Promote the provision of affordable housing for those who need it (Partner, Advocate)	N/A

Directions	How We Will Get There	Consistency
	Provide safe, accessible open space with a range of active and passive recreation opportunities to match Bayside's growing community (Deliver, Partner)	N/A
	Welcome visitors and tourists to Bayside (Partner)	This PP has been created to preserve the distinct character of Bayside's history and heritage, providing unique opportunities for visitors and tourists to the Bayside area.
Community Outcome – Bayside's places are dynamic and connected	Create green and welcoming streetscapes (Deliver)	This PP ensure the protection of the green streetscapes, particularly within the proposed Ocean View Estate, Bexley HCA.
	Ensure public buildings are well maintained as important community hubs with the opportunity for shared and multiple use of facilities (Deliver, Advocate)	N/A All properties within this PP are zoned for residential use.
	Facilitate greater connectivity through active transport (Deliver, Partner, Advocate)	N/A
	Support and deliver cultural and arts facilities, programs, events, and opportunities (Deliver, Partner, Advocate)	N/A
Community Outcome – Bayside's places are people focused	Activate local areas and town centres with facilities valued by the community (Deliver, Partner)	N/A
	Create and maintain vibrant, visually appealing, and welcoming places with their own village atmosphere and sense of identity (Deliver, Partner, Advocate)	This PP will ensure that a village atmosphere and sense of place is retained, as HCAs are unique areas with a special character that distinguishes them from the surrounding suburbs.
	Promote innovative and well-designed local developments which incorporate open space and put people first (Deliver, Partner, Advocate)	N/A
Community Outcome – Bayside's transport system works	Promote adequate, accessible, reliable public transport for ease of travel to work and leisure (Advocate)	N/A
	Promote Bayside as a 30-minute City where residents do not have to travel for more	N/A

Directions	How We Will Get There	Consistency
	than 30 minutes to work (Advocate)	
	Support an effective and efficient local road network through investment in maintenance and reduced traffic issues in Bayside (Deliver, Partner, Advocate)	N/A
Theme Two – In 2032 our people will be connected in a creative City		
Community Outcome – Bayside celebrates and respects our diverse community	Reflect and celebrate cultural diversity in Bayside’s activities (Deliver, Partner)	N/A
	Support cultural and arts events that reflect and involve community (Deliver, Partner)	N/A
	Treat community members with dignity and respect (Deliver, Partner, Advocate)	This PP has been informed by an exhibition process that requested feedback from the community to provide evidence of community significance.
	Value, respect and celebrate Bayside’s shared heritage and history (Deliver, Partner, Advocate)	This PP will ensure the heritage significance of Banksia, Brighton Le Sands, Bardwell Valley and Ocean View Estate, Bexley is valued and respected through the provision of statutory planning controls and design guidelines.
Community Outcome – Bayside utilises and benefits from technology	Harness technological changes and ensure benefits are shared across Bayside (Deliver, Advocate)	N/A
	Promote smart use of technologies to make life better (Advocate)	N/A
	Provide accessible information and services online and through social media (Deliver)	N/A
Community Outcome – The community feels valued and supported	Engage and communicate with all community members (Deliver)	This PP has been informed by communication with community members within the proposed HCAs.
	Promote access to active recreation, health care and education services to support a healthy community (Deliver, Partner, Advocate)	N/A
	Provide services and facilities which ensure all community members feel a sense of belonging, including children, families, young people, and seniors (Deliver, Advocate)	N/A

Directions	How We Will Get There	Consistency
	Value and acknowledge our pets, and welcome them across Bayside (Deliver, Advocate)	N/A
	Work with our partners to ensure flexible care/support arrangements for seniors, children, people with disabilities and vulnerable members of our community are available across Bayside (Partner, Advocate)	N/A
Community Outcome – The community is united and proud to live in Bayside	Develop and support community connections and networks which enhance resilience (Partner, Advocate)	N/A
	Develop and support emerging community leadership (Partner)	N/A
	Ensure Council’s decisions reflect community objectives and desires (Deliver)	This PP has been informed by previous studies and community feedback to ensure the preservation of community objectives and desires.
	Engage effectively with community and provide information in a timely manner (Deliver)	This PP is the outcome of community feedback reported to Council following the exhibition of a previous draft.
	Foster a sense of community pride in and satisfaction with Bayside (Deliver, Partner, Advocate)	This PP has been privy to community feedback, allowing for an understanding of community values.
	Support community to play their part and imagine the future together (Partner, Advocate)	N/A
Theme Three – In 2032 Bayside will be green, resilient, and sustainable		
Community Outcome – Bayside is resilient to economic, social, and environmental impacts	Build community capacity and resilience to prepare for, cope with, adapt to and recover from economic, social, and environmental impacts (Deliver, Partner, Advocate)	N/A
	Engage with community to provide an appropriate response to threats and adverse events (Deliver, Partner)	N/A
	Promote education about climate change so that the community understands the potential impacts (Deliver, Partner, Advocate)	N/A

Directions	How We Will Get There	Consistency
	Support and promote local climate and resilience leadership and initiatives (Partner, Advocate)	N/A
Community Outcome – Bayside’s use of renewable energy is increasing	Promote and facilitate emerging transport technologies for greener transportation and to meet the community’s changing needs (Partner, Advocate)	N/A
	Promote the use of renewable energy through community education (Deliver, Partner, Advocate)	N/A
	Prioritise renewable energy use by Council where possible to reduce greenhouse gas emissions, and report publicly on benefits (Deliver, Advocate)	N/A
Community Outcome – Bayside’s waterways and green corridors are regenerated and preserved	Capture and reuse rainwater at Council facilities where feasible (Deliver)	N/A
	Enhance and extend green grid corridors (Deliver, Partner, Advocate)	N/A
	Increase Bayside’s tree canopy (Deliver)	N/A
	Involve community in the preservation of natural areas (Deliver, Partner)	N/A
	Respect, manage and protect the natural environment and biodiversity (Deliver, Partner)	This PP aims to preserve the environment and biodiversity of Seaforth Park, located within the proposed Ocean View Estate, Bexley HCA, and its surrounding built environment.
Community Outcome – Bayside’s waste is well managed	Address illegal dumping proactively (Deliver, Partner, Advocate)	N/A
	Educate the community on sustainable waste management and recycling practices (Deliver, Partner)	N/A
	Promote a circular economy by encouraging and/or implementing avoidance, reuse, rehomeing, repair, recycling, recovery solutions	N/A

Directions	How We Will Get There	Consistency
	before landfilling (Deliver, Partner, Advocate)	
Theme Four – In 2032 Bayside will be a prosperous community		
Community Outcome – Bayside generates diverse local employment and business opportunities	Encourage and support improved employment outcomes for First Nations peoples (Deliver, Partner, Advocate)	N/A
	Monitor socio-economic outcomes and work with partners to identify actions Council can support (Partner)	N/A
	Support innovative and new and emerging businesses to locate in Bayside (Partner, Advocate)	N/A
	Support local apprenticeships and cadetships, as a major employer (Deliver, Advocate)	N/A
Community Outcome – Bayside recognises and leverages opportunities for economic development	Support major employers to partner with local small business (Advocate)	N/A
	Take advantage of Bayside’s position as an international hub for transport and logistics related business (Advocate)	N/A
	Preserve industrial lands and employment lands and partner with major employers to support local jobs (Deliver, Partner)	N/A
	Encourage participation from creative industries and entrepreneurial businesses (Advocate)	N/A
	Ensure local Plans and regulations have kept pace with the sharing economy (Deliver)	N/A
Community Outcome – Council is financially sustainable and well governed	Ensure Council decision making is transparent, and data driven (Deliver)	This PP has been informed by an online exhibition process in October 2019 for the proposed HCAs, which included a ‘Have Your Say’ portal alongside the receipt of submissions. The feedback was synthesised in a report for the 11 November 2020 Council meeting, which is available online for public access.
	Foster a customer centric culture (Deliver)	N/A

Directions	How We Will Get There	Consistency
	Invest in a skilled and dynamic workforce to meet future challenges, meet accountability and compliance requirements, and deliver Council's quadruple bottom line: social, environmental, economic, and civic leadership (Deliver)	N/A
	Manage Council assets to meet community expectations within available resources (Deliver)	N/A
	Manage Council finances for the long-term benefit of the community and to prioritise infrastructure funding commitments (Deliver)	N/A
	Plan for growth and development so the benefits of prosperity are shared (Deliver)	N/A

Bayside Local Housing Strategy

The Bayside Local Housing Strategy (LHS) sets the strategic framework and vision for housing in the Bayside LGA up to 2036.

The LHS has been prepared in accordance with the NSW Government *Local Housing Strategy Guidelines and Template* (2018) and the requirements of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and its *Eastern City District Plan* (2018).

Council adopted the LHS in March 2021. Following Council's decision, DPE approved the LHS on 30 June 2021.

The LHS provides the evidence base to inform suitable locations across the local government area for uplift in housing supply, and considers the following factors:

- The demand for dwellings in the entire Bayside LGA;
- The type of dwellings needed over the next 20 years in the entire Bayside LGA;
- Opportunities and housing constraints to housing growth in the entire Bayside LGA;
- The need for affordable housing, now and in the future
- Future investigation areas for housing growth across the entire Bayside LGA.

Investigation Areas

The LHS identifies Brighton Le Sands and Banksia as future investigation areas. Bardwell Valley and Bexley have not been identified for future investigation.

Brighton Le Sands

The LHS has identified Brighton Le Sands as a future investigation area due to the ongoing development of the Brighton Le Sands Masterplan. However, the subject site does not fall within the boundary of this work.

Banksia

The LHS has identified Banksia as a future investigation area due to the development opportunities north and east of Gardiner Park. However, the subject site is not in proximity to this area.

Furthermore, smaller lot sizes, existing strata development and aircraft noise limit the suitability of the area for intensification.

Q5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is consistent with the Greater Sydney Region Plan and Eastern Harbour City Plan, as reflected in tables 11 and 12, respectively.

Further to this, while no Heritage plan exists for the state, the Heritage Council of NSW recommends heritage asset action plans to guide the maintenance of a heritage item or a specific aspect of conservation or management. The Planning Proposal seeks to create new development controls to be placed within the relevant adopted DCP, acting as a conservation management plan.

Q6 Is the Planning Proposal consistent with applicable [State Environmental Planning Policies (SEPPs)]?

Consistency with the State Environmental Planning Policies is provided in **Table 15** below.

Table 15: Consistency with applicable State Environmental Planning Policies (SEPPs)

No.	Title	Consistency with Planning Proposal	Complies Y/N
	(Biodiversity and Conservation) 2021	<p>Consistent</p> <p>The proposed updates to the heritage schedule and associated mapping support Part 2.3 <i>Council permits for clearing of vegetation in non-rural areas</i> of the SEPP.</p> <p>This is accomplished by providing additional development controls for the protection of street trees within the proposed HCAs, particularly those in Bardwell Valley and Ocean View Estate, Bexley.</p>	Y
	(Building Sustainability Index: BASIX) 2004	<p>Consistent</p> <p>Buildings within a HCA will be subject to BASIX requirements; however, potential conflicts with BASIX commitments due to heritage conservation concerns are eligible for an alternative assessment, to ensure compliance is achievable.</p>	Y
	(Exempt and Complying Development Codes) 2008 (Codes SEPP)	<p>Consistent</p> <p>Exempt and Complying development proposed within a HCA will be subject to the provisions of clause 1.19 of the Codes SEPP.</p> <p>Complying development codes with restrictions to HCAs include the following, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool:</p> <ul style="list-style-type: none"> • <i>Housing Code</i> • <i>Inland Code</i> • <i>Low Rise Housing Diversity Code</i> • <i>Rural Housing Code</i> • <i>Greenfield Housing Code</i> 	Y

		Additionally, the <i>Commercial and Industrial (New Buildings and Additions) Code</i> is restricted from HCAs without exceptions to any proposed development.	
	(Housing) 2021	<p>Consistent</p> <p>The Housing SEPP incentivises the supply of affordable and diverse housing. The SEPP has consolidated five existing policies relating to affordable rental housing, housing for seniors and people with a disability, caravan parks and manufactured home estates.</p> <p>Generally, development under the Housing SEPP must meet the requirements of clause 1.18 and 1.19 of the Codes SEPP. The following minor exceptions apply:</p> <p><u>Group Homes</u> Under clause 64(1)(c), Group Homes proposed within a HCA are not complying development. Therefore, consent is required.</p> <p><u>Residential Development – Land and Housing Corporation</u> Under clause 42(2)(a)(ii), demolition of buildings and associated structures for the purpose of this development must not be carried out without consent.</p> <p><u>Housing for seniors and people with a disability</u> Under <i>Division 6 – Design Principles</i>, clause 99(c) notes that this proposed development must complement HCAs and heritage items in the area.</p>	Y
	(Industry and Employment) 2021	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> The proposed HCAs do not include land zoned for Industry and Employment purposes. 	N/A
65	Design Quality of Residential Apartment Development	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> The proposed HCAs do not permit Residential Apartment Development. 	N/A
	(Planning Systems) 2021	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> The proposed HCAs do not permit State Significant Development; The proposed HCAs do not contain land owned by an Aboriginal Land Council. 	N/A
	(Precincts – Central River City) 2021	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> The proposed HCAs do not contain land within the Central River City Precinct. 	N/A
	(Precincts – Eastern Harbour City) 2021 EHC SEPP	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> Chapter 6 of the EHC SEPP includes land within the Bayside LGA; however, does not affect land within any HCAs proposed within this Planning Proposal. 	N/A
	(Precincts – Regional) 2021	<p>Not relevant to this Planning Proposal.</p>	N/A

		<ul style="list-style-type: none"> The proposed HCAs do not contain land within the Regional Precinct. 	
	(Precincts – Western Parkland City) 2021	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> The proposed HCAs do not contain land within the Western Parkland City Precinct. 	N/A
	(Primary Production) 2021	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> The proposed HCAs do not permit Primary Production. 	N/A
	(Resilience and Hazards) 2021	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> The proposed HCAs do not contain land within a Coastal Zone under Section 5 of the <i>Coastal Management Act 2016</i>. The proposed HCAs do not permit hazardous or offensive development. The proposed HCAs do not include land hitherto identified to require remediation of land. 	N/A
	(Resources and Energy) 2021	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> The proposed HCAs do not permit extractive industries. 	N/A
	(Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	<p>Consistent</p> <p>Buildings within a HCA will be subject to BASIX requirements as specified within the Sustainable Buildings SEPP; however, potential conflicts with BASIX commitments due to heritage conservation concerns are eligible for an alternative assessment, to ensure compliance is achievable.</p>	Y
	(Transport and Infrastructure) 2021 (T&I SEPP)	<p>Not relevant to this Planning Proposal.</p> <ul style="list-style-type: none"> Chapter 5 of the T&I SEPP includes land within the Bayside LGA; however, does not affect land within any HCAs proposed within this Planning Proposal. 	N/A

Q7 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Section 9.1 Local Planning Directions issued by the Minister (Section 9.1 directions) set out what a (now) Planning Proposal Authority (PPA) must do if a s.9.1 direction applies to a Planning Proposal and provides details on how inconsistencies with the terms of a direction may be justified.

An assessment of the PP against the applicable s.9.1 directions is provided in **Table 16** below.

Table 16: Consistency with Ministerial/Local Planning Directions issued on or after 1 July 2009 (updated 16 December 2022)

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
Focus area 1: Planning Systems			
<p>1.1 Implementation of Regional Plans</p> <p>Objective: To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	X		
<p>1.2 Development of Aboriginal Land Council Land</p> <p>Objective: To provide for the consideration of development delivery plans prepared under chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> when planning proposals are prepared by a planning proposal authority.</p> <p>Comment: None of the proposed HCAs occur within land on any Land Application Map of Chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</p>			X
<p>1.3 Approval and Referral Requirements</p> <p>Objective: To ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	X		
<p>1.4 Site Specific Provisions</p> <p>Objective: To discourage unnecessarily restrictive site specific planning controls.</p> <p>Comment: Each of the proposed HCAs will have site specific controls implemented within the Bayside DCP (Appendix 13).</p>	X		
Focus area 1: Planning Systems – Place Based			
<p>1.5 Parramatta Road Corridor Urban Transformation Strategy</p> <p>Objective:</p> <ul style="list-style-type: none"> a) Facilitate development within the Parramatta Road Corridor that is consistent with the <i>Parramatta Road Corridor Urban Transformation Strategy</i> (November 2016), the <i>Parramatta Road Corridor Implementation Tool Kit</i>, and the <i>Parramatta Road Corridor Urban Transformation Implementation Update 2021</i>, b) Provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and c) Guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure. 			X
<p>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</p> <p>Objective: To ensure development within the North West Priority Growth Area is consistent with the <i>North West Priority Growth Area Land Use and Infrastructure Strategy</i>.</p>			X
<p>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p> <p>Objective: To ensure development within the Greater Parramatta Priority Growth Area is consistent with the <i>Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i> dated July 2017.</p>			X

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p> <p>Objective: To ensure development within the Wilton Priority Growth Area is consistent with the <i>Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis</i>.</p>			X
<p>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</p> <p>Objective: To ensure development within the precinct between Glenfield and Macarthur is consistent with the plans for these precincts.</p>			X
<p>1.10 Implementation of the Western Sydney Aerotropolis Plan</p> <p>Objective: To ensure development within the Western Sydney Aerotropolis is consistent with the <i>Western Sydney Aerotropolis Plan</i> dated September 2020</p>			X
<p>1.11 Implementation of Bayside West Precincts 2036 Plan</p> <p>Objective: To ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the <i>Bayside West Precincts 2036 Plan</i>.</p> <p>Comment: None of the proposed HCAs occur within the Bayside West Precincts.</p>			X
<p>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</p> <p>Objective: To ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</p> <p>Comment: None of the proposed HCAs occur within the Cooks Cove Precinct.</p>			X
<p>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</p> <p>Objective: To ensure development within the St Leonards and Crows Nest Precinct is consistent with the <i>St Leonards and Crows 2036 Plan</i>.</p>			X
<p>1.14 Implementation of Greater Macarthur 2040</p> <p>Objective: To ensure that development within the Greater Macarthur Growth Area is consistent with:</p> <ul style="list-style-type: none"> a) <i>Greater Macarthur 2040</i> dated November 2018, b) The <i>Greater Macarthur Growth Area Structure Plan 2022</i>, and c) The <i>Guide to the Greater Macarthur Growth Area</i>. 			X
<p>1.14 Implementation of the Pyrmont Peninsula Place Strategy</p> <p>Objective:</p> <ul style="list-style-type: none"> a) Facilitate development within the <i>Pyrmont Peninsula Place Strategy</i> (Place Strategy) and the <i>Economic Development Strategy</i>, b) Align the planning framework with the <i>Eastern City District Plan</i> Planning Priority E7 Growing a Strong and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the <i>Eastern City District Plan</i> and <i>Greater Sydney Region Plan</i>, and c) Guide growth and change balanced with character, heritage and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy. 			X

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>1.15 North West Rail Link Corridor Strategy</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and b) Ensure development within the NWRL corridor is consistent with the proposals set out in the <i>NWRL Corridor Strategy</i> and precinct Structure Plans. 			X
<p>1.16 Implementation of the Bays West Place Strategy</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Facilitate development within the Bays West precinct that is consistent with the <i>Bays West Place Strategy</i> (Place Strategy) and the <i>Urban Design Framework</i> (which includes the Sustainability Framework and Connecting with Country Framework), b) Actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and c) Guide growth and change balanced with character, Indigenous and European heritage, working harbour and infrastructure considerations across the Bays West precinct under the Place Strategy. 			X
<p>1.17 Implementation of the Macquarie Park Innovation Precinct</p> <p>Objectives: To ensure development within the Macquarie Park Innovation Precinct is consistent with the <i>Macquarie Park Innovation Precinct Place Strategy</i> and <i>Macquarie Park Innovation Precinct Strategic Master Plan</i>.</p>			X
<p>1.18 Implementation of the Westmead Place Strategy</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Facilitate development within the Westmead and Parramatta North precincts that is consistent with the <i>Westmead Place Strategy</i>, and b) Actively support the consistent delivery of objectives in the <i>Central City District Plan</i> and <i>Greater Sydney Region Plan</i>. 			X
<p>1.19 Implementation of the Camellia-Rosehill Place Strategy</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Facilitate development within the Camellia-Rosehill precinct that is consistent with the <i>Camellia-Rosehill Place Strategy</i>, b) Guide growth and change in the Camellia-Rosehill precinct in a coordinated manner, that delivers appropriate infrastructure and retains the precinct's role as an employment hub, and c) Actively support the consistent delivery of objectives in the <i>Central City District Plan</i> and <i>Greater Sydney Region Plan</i>. 			X
<p>1.20 Implementation of South West Growth Area Structure Plan</p> <p>Objectives: To ensure that development within the South West Growth Area (also referred to as the South West Growth Centre) is consistent with Structure Plan and Guide dated December 2022.</p>			X

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>1.21 Implementation of the Cherrybrook Station Place Strategy</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Facilitate development within the Cherrybrook Station Precinct that is consistent with the <i>Cherrybrook Station Precinct Place Strategy</i>, and b) Actively support the consistent delivery of objectives in the <i>North District Plan</i> and <i>Greater Sydney Region Plan</i>. 			X
Focus Area 2: Design and Place			
No directions applicable			
Focus Area 3: Biodiversity and Conservation			
<p>3.1 Conservation Zones</p> <p>Objective: To protect and conserve environmentally sensitive areas.</p>			X
<p>3.2 Heritage Conservation</p> <p>Objective: To conserve items, areas, objects, and places of environmental heritage significance and Indigenous heritage significance.</p> <p>Comment: This PP seeks to create new Heritage Conservation Areas in order to protect Bayside's heritage.</p>	X		
<p>3.3 Sydney Drinking Water Catchments</p> <p>Objective: To provide for healthy catchments and protect water quality in the Sydney drinking water catchment.</p>			X
<p>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</p> <p>Objective: To ensure that a balanced and consistent approach is taken when applying conservation zones to land on the NSW Far North Coast.</p>			X
<p>3.5 Recreation Vehicle Areas</p> <p>Objective: To protect sensitive land with significant conservation values from adverse impacts from recreation vehicles.</p>			X
<p>3.6 Strategic Conservation Planning</p> <p>Objective: To protect, conserve or enhance areas with high biodiversity value.</p>			X

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>3.7 Public Bushland</p> <p>Objective: To protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by:</p> <ul style="list-style-type: none"> a) Preserving: <ul style="list-style-type: none"> a. Biodiversity and habitat corridors, b. Links between public bushland and other nearby bushland, c. Bushland as a natural stabiliser of the soil surface, d. Existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, e. The recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and b) Mitigating disturbance caused by development, c) Giving priority to retaining public bushland. <p>Comment: The Ocean View Estate, Bexley includes heritage item Seaforth Park, which is open public space with predominantly native trees of <i>Ficus</i>, <i>Lophostemon</i> and <i>Eucalyptus</i> species. Seaforth Park thus meets the definition of Public Bushland per Clause 5.23 of the BLEP 2021.</p>	X		
<p>3.8 Willandra Lakes Regions</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Protect, conserve and manage the Willandra Lakes Region World Heritage Property (World Heritage Property) in accordance with a strategic plan of management prepared for World Heritage Property, and b) Establish a consultation process for making decisions on conservation and development within the World Heritage Property. 			X
<p>3.9 Sydney Harbour Foreshores and Waterways Area</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Protect and enhance the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores, b) Minimised risk to development from rising sea levels or changing flood patterns as a result of climate change, c) Ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, d) Protect or enhance terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to, or shading of, aquatic vegetation, e) Promote the equitable use of the Foreshores and Waterways Area, f) Protect the cultural heritage significance of Sydney Harbour, its islands and foreshores, g) Ensure a prosperous working harbour and effective transport corridor, and h) Encourage culturally rich a vibrant place for people. 			X

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>3.10 Water Catchment Protection</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution, b) Protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity, c) Protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users, and d) Protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity. <p>Comment: This PP does not affect water catchments.</p>			X
Focus Area 4: Resilience and Hazards			
<p>4.1 Flooding</p> <p>Objective:</p> <ul style="list-style-type: none"> a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and b) Ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. <p>Comment: <u>Brighton Le Sands HCA</u></p> <ul style="list-style-type: none"> • 3, 5, 7, 9, 11 and 33 Brighton Parade are mapped under the Probably Maximum Flood (PMF) extent. • 35 Brighton Parade is mapped under both the Probably Maximum Flood (PMF) and the Annual Exceedance Probability (AEP) flood extent. <p><u>Ocean View Estate HCA</u></p> <ul style="list-style-type: none"> • 9 Seaforth Street, 27 and 29 Beaconsfield Street are mapped under the PMF extent. • 16A Beaconsfield Street and 44 Dunmore Street South are mapped under both the PMF and the AEP flood extent. 	X		
<p>4.2 Coastal Management</p> <p>Objective: To protect and manage coastal areas of NSW.</p>			X
<p>4.3 Planning for Bushfire Protection</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and b) Encourage sound management of bush fire prone areas. 			X

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>4.4 Remediation of Contaminated Land</p> <p>Objective: To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by PPAs.</p>			X
<p>4.5 Acid Sulfate Soils</p> <p>Objective: To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Comment: Clause 6.2.2 of the Bayside LEP 2021 requires an Acid Sulfate Soils Management Plan at the Development Application (DA) stage, before carrying out any development on the land. The inconsistency with this direction is therefore considered minor significance and justifiable.</p> <p><u>Banksia, Bardwell Valley and Ocean View Estate, Bexley:</u></p> <p>All properties in these proposed HCAs are mapped as Class 5 Acid Sulfate Soils. Clause 6.2.2 of the Bayside LEP 2021 states that development consent is required for:</p> <p style="padding-left: 40px;"><i>“Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Austrian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent 1, 2, 3 or 4 land.”</i></p> <p><u>Brighton Le Sands:</u></p> <p>All properties in the proposed Brighton Parade HCA are mapped as Class 4 Acid Sulfate Soils. Clause 6.2.2 of the Bayside LEP 2021 states that development consent is required for:</p> <p style="padding-left: 40px;"><i>“Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.”</i></p>		X	
<p>4.6 Mine Subsidence and Unstable Land</p> <p>Objective: To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>Comment: The Bayside LGA does not contain land within a proclaimed Mine Subsidence District, or land that has been identified as unstable.</p>			X
Focus Area 5: Transport and Infrastructure			
<p>5.1 Integrating Land Use and Transport</p> <p>Objectives: To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) Improving access to housing, jobs and services by walking, cycling and public transport, and b) Increasing the choice of available transport and reducing dependence on cars, and c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d) Supporting the efficient and viable operation of public transport services, and e) Providing for the efficient movement of freight. 			X

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>5.2 Reserving Land for Public Purposes</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Facilitate the provision of public services and facilities by reserving land for public purposes, and b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. <p>Comment: No land in the proposed HCAs are mapped for acquisition for public purposes in the Bayside LEP 2021.</p>			X
<p>5.3 Development Near Regulated Airports and Defence Airfields</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Ensure the effective and safe operation of regulated airports and defence airfields; b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and c) Ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. <p>Comment: The PP relates to land in low density residential settings and does not include changes to maximum building heights that will exceed the 51 metre Obstacle Limitation Surface (OLS) height limit.</p>	X		
<p>5.4 Shooting Ranges</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, b) Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, c) Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. 			X
Focus Area 6: Housing			
<p>6.1 Residential Zones</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Encourage a variety and choice of housing types to provide for existing and future housing needs, b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) Minimise the impact of residential development on the environment and resource lands. <p>Comment: While 'investigation areas' are identified within Banksia and Brighton Le Sands under the Bayside Local Housing Strategy, the proposed HCAs for these suburbs are not situated within these future investigation areas.</p>	X		

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>6.2 Caravan Parks and Manufactured Home Estates</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Provide for a variety of housing types, and b) Provide opportunities for caravan parks and manufactured home estates. 			X
Focus Area 7: Industry and Employment			
<p>7.1 Business and Industrial Zones</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Encourage employment growth in suitable locations, b) Protect employment land in business and industrial zones, and c) Support the viability of identified centres. <p>Comment: All proposed HCAs within the PP are within Low Density Residential zones, not affecting Business and Industrial Zones</p>			X
<p>7.2 Reduction in non-hosted short-term rental accommodation period</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Mitigate significant impacts of short-term rental accommodation where non-hosted short-term accommodation period are to be reduced, and b) Ensure the impacts of short-term rental accommodation and views of the community are considered. 			X
<p>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Protect the Pacific Highway’s function, that is to operate as the North Coast’s primary inter- and intra-regional road traffic route, b) Prevent inappropriate development fronting the highway, c) Protect public expenditure invested in the Pacific Highway, d) Protect and improve highway safety and highway efficiency, e) Provide for the food, vehicle service and rest needs of travellers on the highway, and f) Reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns. 			X
Focus Area 8: Resources and Energy			
<p>8.1 Mining, Petroleum Production and Extractive Industries</p> <p>Objective: To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>			X
Focus Area 9: Resources and Energy			
<p>9.1 Rural Zones</p> <p>Objective: To protect the agricultural production value of rural land.</p>			X

Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i>	Yes	No	N/A
<p>9.2 Rural Lands</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Protect the agricultural production value of rural land, b) Facilitate the orderly and economic use and development of rural lands for rural and related purposes, c) Assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, d) Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, e) Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, f) Support the delivery of the actions outlined in the NSW Right to Farm Policy. 			X
<p>9.3 Oyster Aquaculture</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and b) Protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. 			X
<p>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Ensure that the best agricultural land will be available for current and future generations to grow food and fibre, b) Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and c) Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas. 			X

C Environmental, social and economic impact

Q8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the PP affects the existing built environment and does not propose development which would impact flora or fauna.

Q9 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No, the PP affects the existing built environment and does not propose new development which would impact the environment.

Q10 How has the Planning Proposal adequately addressed any social and economic effects?

This PP will affect places of non-Aboriginal cultural significance as the areas within the proposed HCAs will be subject to development controls to which they have hitherto been unaffected. Information regarding HCAs will be added into *section 3.4.6 Heritage Conservation Areas* and the relevant objectives and controls added to *Chapter 7 Specific Places of the Bayside Development Control Plan 2022 (DCP)*.

Buildings within a proposed HCA that are not listed as an individual heritage item have been classified as 'contributory', 'neutral' or 'uncharacteristic' according to the distinct characteristic elements within that locality, to ensure new work is sympathetic to the heritage significance and the character of the conservation area.

- **Contributory buildings** generally originate from the significant era of development of the HCA and display the key characteristics of the area through their architectural style and typology, scale, form, features and materials.
- **Neutral buildings** usually originate from the original era of development but have been much altered, although the alterations can usually be reversed. Contemporary buildings that respond to the significant scale and character of the HCA can also be neutral.
- **Uncharacteristic buildings** are usually buildings from a later era that are inconsistent with the scale and form of characteristic development.

The objectives and controls listed in **Table 17** below provide detailed guidelines around the types of development permitted according to these classifications.

Table 17: Objectives and Controls to be included within Chapter 7 Specific Places within the Bayside DCP 2022

Objective		Control	
Brighton Le Sands Heritage Conservation Area			
O1.	Retain and conserve the special qualities of the Brighton Le Sands HCA and ensure that development within the HCA is commensurate with the heritage significance of the area.	C1.	Contributory and neutral dwellings are to be retained and conserved.
		C2.	Existing verandas and porches shall not be infilled.
		C3.	Roof forms are to be hipped and gabled.
		C4.	The single storey character of the area is to be retained.
		C5.	Significant public domain elements including street plantings and brick kerbing shall be retained and conserved.
		C6.	Additional driveway crossovers are not permitted where historical brick kerbing would be disturbed.
		C7.	Additions and new buildings shall incorporate materials and finishes consistent with adjacent and nearby contributory dwellings, e.g., smooth face brickwork, roof tiles, timber windows and doors, roughcast rendered detailing.
Bardwell Valley Heritage Conservation Area			
O1.	Retain and conserve the special qualities of the Lansdowne and Hamilton Streets HCA and ensure that development within the HCA is commensurate with the heritage significance of the area.	C1.	Contributory and neutral dwellings are to be retained and conserved.
		C2.	Existing verandas and porches shall not be infilled.
		C3.	Roof forms are to be hipped and gabled.
		C4.	The single storey character of the area is to be retained.
		C5.	Significant public domain elements including street plantings shall be retained and conserved.

Objective		Control	
		C6.	Single storey hipped roof additions are preferred. Additions above roof lines shall be set back from the street elevation to minimise change as seen from the street.
		C7.	Additions and new buildings shall incorporate materials and finishes consistent with adjacent and nearby contributory dwellings, e.g., smooth face brickwork, terracotta roof tiles, timber windows and doors, sandstone base courses.
Banksia Heritage Conservation Area			
O1.	Retain and conserve the special qualities of the Banksia HCA and ensure that development within the HCA is commensurate with the heritage significance of the area.	C1.	Contributory and neutral dwellings are to be retained and conserved.
		C2.	Existing porches shall not be infilled.
		C3.	Original roof forms are to be retained. Dormer windows, skylights and other infrastructure are not permitted on the street-facing roof plane.
		C4.	The single storey character of the area is to be retained
		C5.	Single storey additions are preferred. Additions to terraced cottages shall be located at the rear or incorporated into the roof space.
		C6.	Additions and new buildings shall incorporate materials and finishes consistent with adjacent and nearby contributory dwellings.
		C7.	Additional vehicle crossovers
Ocean View Estate Heritage Conservation Area			
O1.	Retain and conserve the special qualities of the Oceanview Estate HCA and ensure that development within the HCA is commensurate with the heritage significance of the area.	C1.	Contributory and neutral dwellings are to be retained and conserved.
		C2.	Existing verandahs and porches shall not be infilled.
		C3.	Roof forms are to be hipped and gabled.
		C4.	The single storey character of the area is to be retained.
		C5.	Significant public domain elements including public open space and street plantings shall be retained and conserved. Seaforth Park is to be retained as public open space.
		C6.	Single storey hipped roof additions are preferred. Additions above roof lines shall be set back from the street elevation to minimise change as seen from the street.
		C7.	Additions and new buildings shall incorporate materials and finishes consistent with adjacent and nearby contributory dwellings. For example, smooth face brickwork, terracotta or slate roof tiles, timber windows and doors, sandstone base courses.
		C8.	Buildings on street corners shall address both street frontages through façade articulation, wraparound porches, corner gates and consistent fences. Fences up to 2 metres in height on the secondary street frontage of corner lots may be considered for privacy, if set well back from the corner.

These controls, in addition to statements of significance and character statements for each of the proposed HCAs, are in full included in **Appendix 13**.

The maps outlining property classifications within the Bayside DCP are provided below **(Figure 6-9)**.



Figure 6: Classification of properties within the Bardwell Valley HCA. Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)

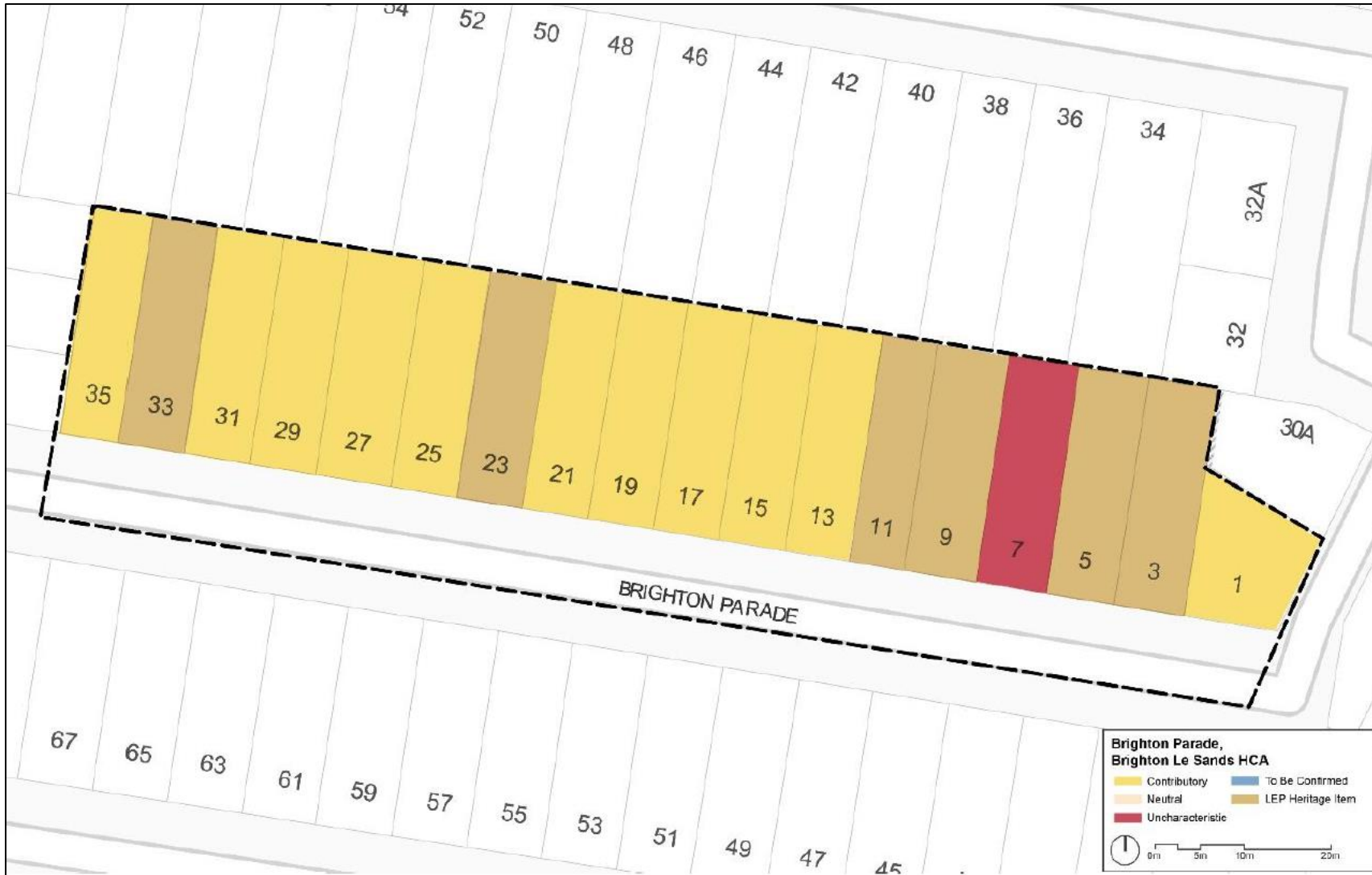


Figure 7: Classification of properties within the Brighton Le Sands HCA. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*



Figure 8: Classification of properties within the Ocean View Estate HCA. Source: Bayside Heritage Study - Review of Heritage Conservation Areas (2019)

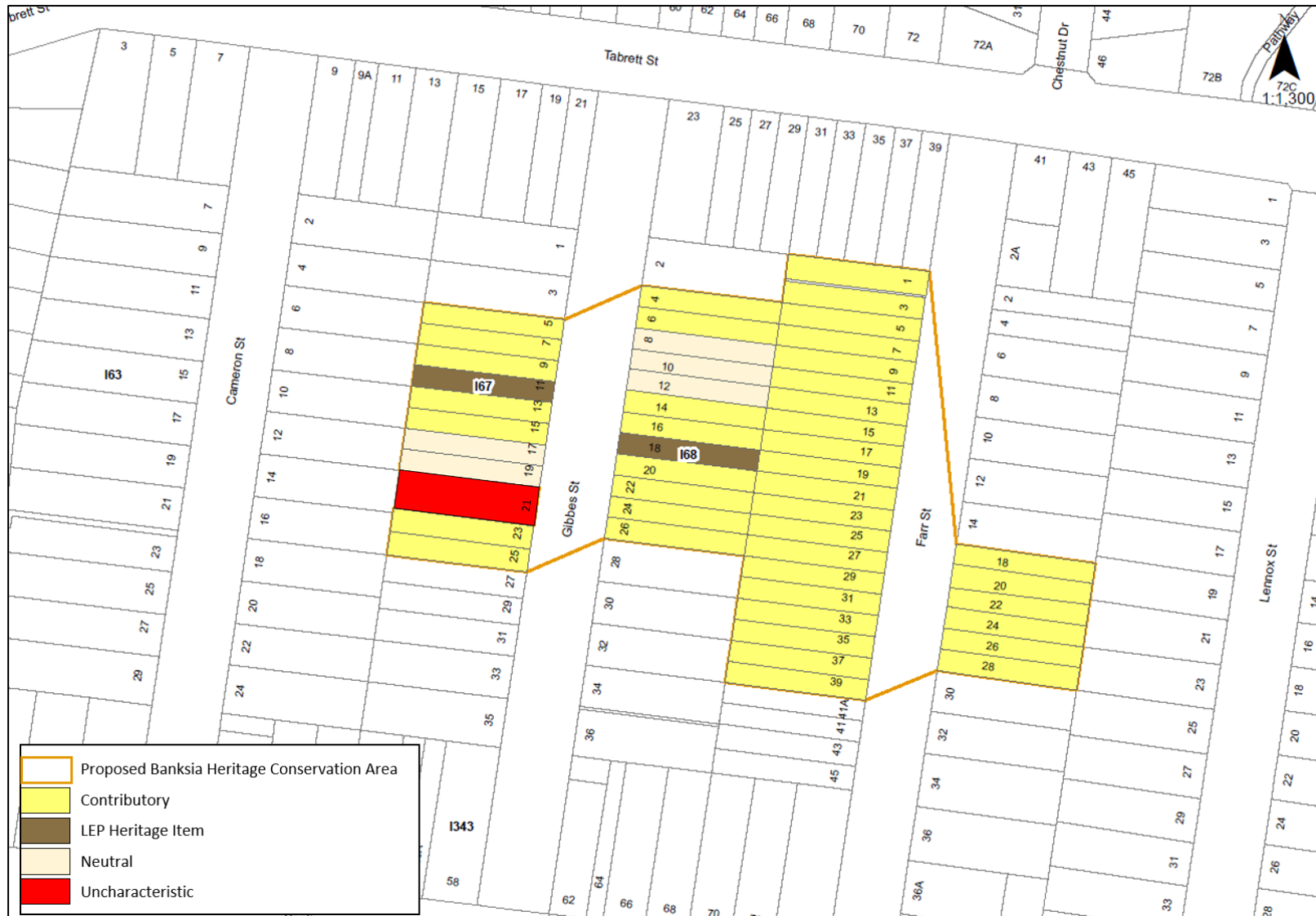


Figure 9: Classification of properties within the Banksia HCA. Source: *Bayside Heritage Study - Review of Heritage Conservation Areas (2019)*

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Exempt and Complying development proposed within a HCA will be subject to the provisions of clause 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Complying development codes with restrictions to HCAs include the following, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool:

- *Housing Code*
- *Inland Code*
- *Low Rise Housing Diversity Code*
- *Rural Housing Code*
- *Agritourism and Farm Stay Accommodation Code*
- *Greenfield Housing Code*

Additionally, the *Commercial and Industrial (New Buildings and Additions) Code* is restricted from HCAs without exceptions to any proposed development.

D Infrastructure (Local, State and Commonwealth)

Q11 Is there adequate public infrastructure for the Planning Proposal?

The PP affects the existing built environment and will not require additional infrastructure.

E State and Commonwealth interests

Q12 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth public authorities will be consulted in accordance with a Gateway Determination and will be given at least 28 days to comment on this PP.

It is recommended that the following government agencies be consulted as part of public agency consultation:

- Department of Planning and Environment – Environment and Heritage
- Department of Premier and Cabinet – Heritage NSW

Part 4 – Maps

The *Bayside Local Environmental Plan 2021* Heritage Map sheets will be amended as per **Table 18** below.

Table 18: Proposed amendments to the Bayside LEP Heritage Maps

Map Sheet No.	Amendment	Explanation
0500__COM_HER_005_010_20210301	• Amendment No 1	Banksia Heritage Conservation Area C3
0500__COM_HER_001_010_20210301 0500__COM_HER_002_010_20210301	• Amendment No 1	Bardwell Valley Heritage Conservation Area C4
0500__COM_HER_005_010_20210301	• Amendment No 1	Brighton Le Sands Heritage Conservation Area C5

0500_COM_HER_002_010_20210301 0500_COM_HER_005_010_20210301	• Amendment No 1	Ocean View Estate Heritage Conservation Area C6
--	------------------	---

Figure 10 below is a context map showing proposed location of the four HCAs on the *Bayside LEP 2021* heritage map. Larger sized maps are provided in **Appendix 4**. **Figure 11-18** show the current *Bayside LEP 2021* heritage mapping and the proposed amendments to create the HCAs.

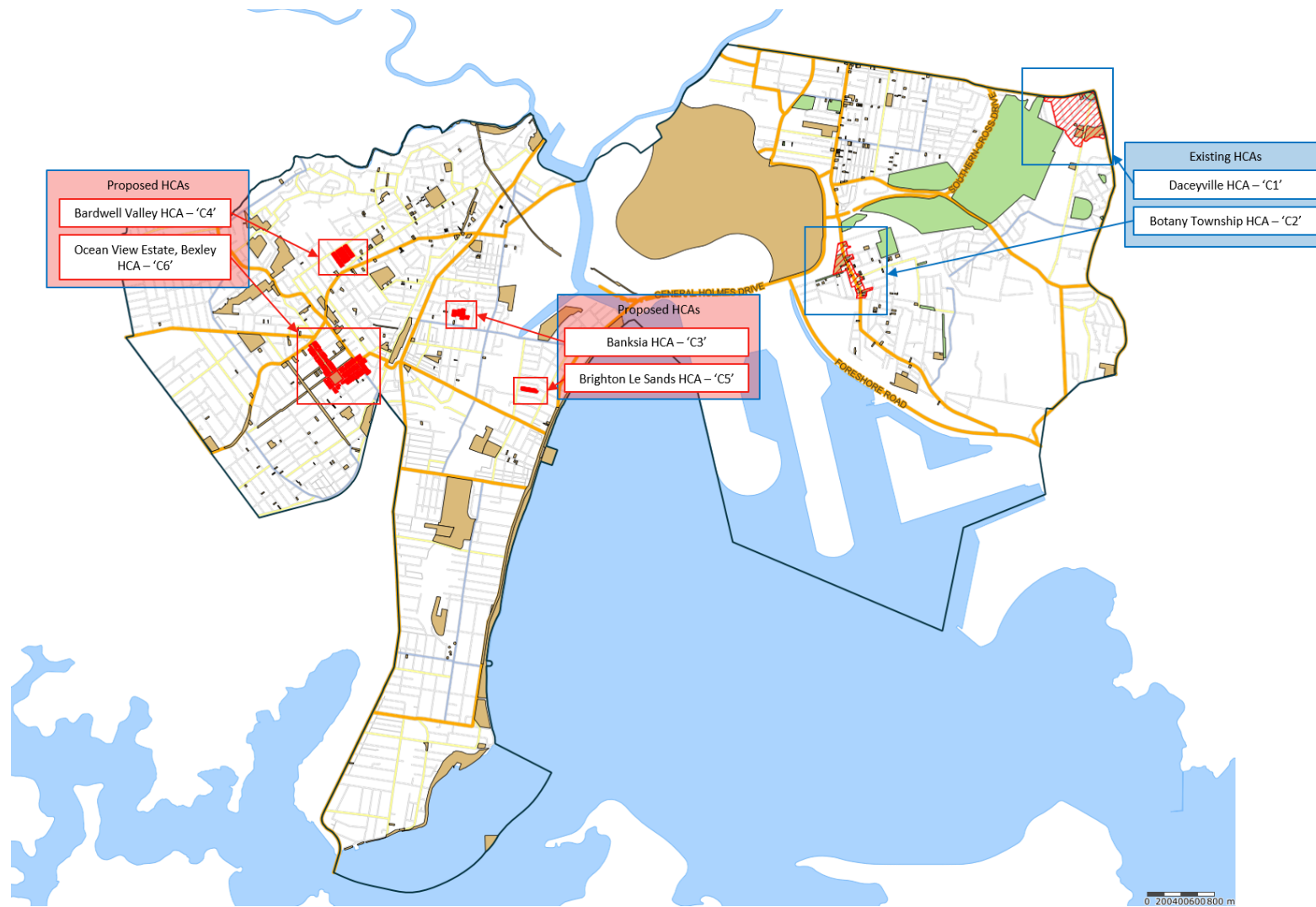


Figure 10: Proposed amendment to the Bayside LEP Heritage Map. Proposed HCAs highlighted and outlined in red. Existing HCAs highlighted and outlined in blue.

Table 19: Proposed Amendments to Heritage Maps, Banksia HCA

Bayside LEP 2021 – Existing Heritage mapping	Bayside LEP 2021 – Proposed Heritage mapping: Banksia HCA
<p>Figure 11: Existing BLEP 2021 Heritage mapping, focused on the Banksia HCA area.</p>	<p>Figure 12: Proposed BLEP 2021 Heritage mapping. The Banksia HCA is in red hatching. Source: <i>Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas</i> (Niche 2023).</p>

Table 20: Proposed Amendments to Heritage Maps, Bardwell Valley HCA

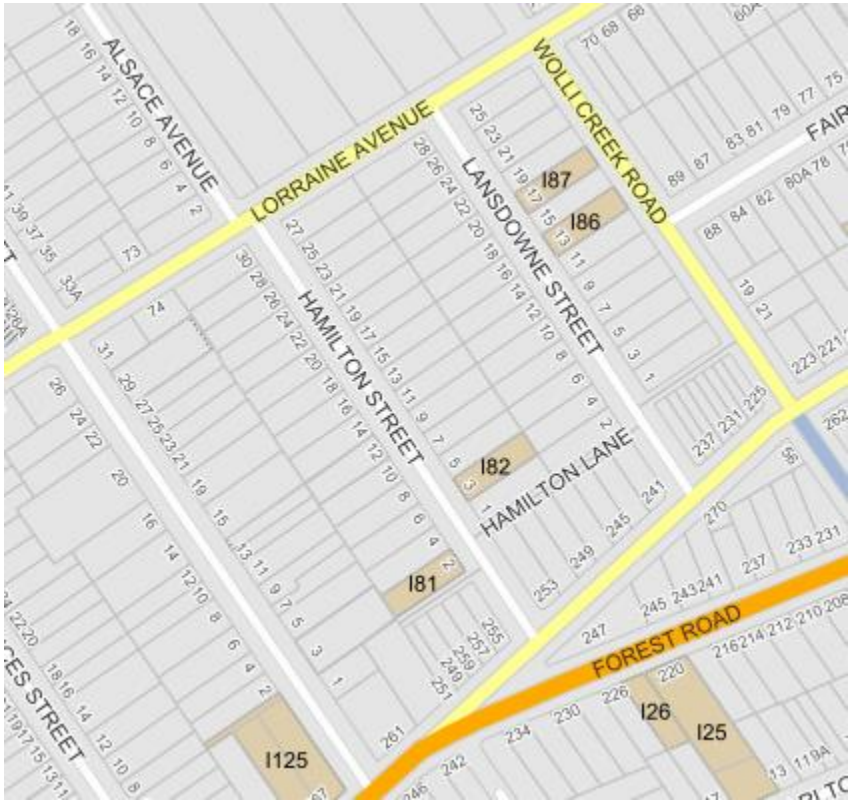

Bayside LEP 2021 – Existing Heritage mapping	Bayside LEP 2021 – Proposed Heritage mapping: Bardwell Valley HCA
	
<p>Figure 13: Existing BLEP 2021 Heritage mapping, focused on the proposed Bardwell Valley HCA area.</p>	<p>Figure 14: Proposed BLEP 2021 Heritage mapping HCA. The Bardwell Valley HCA is in red hatching. Source: <i>Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas</i> (Niche 2023).</p>

Table 21: Proposed Amendments to Heritage Maps, Brighton Le Sands HCA

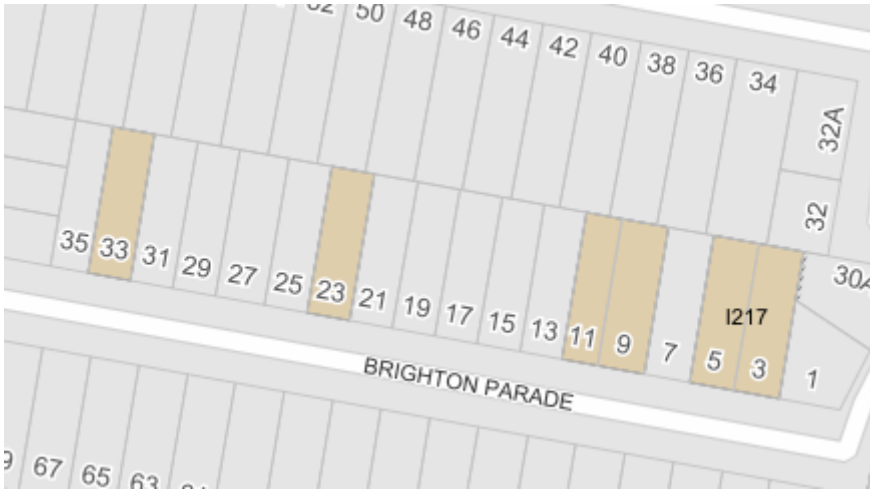
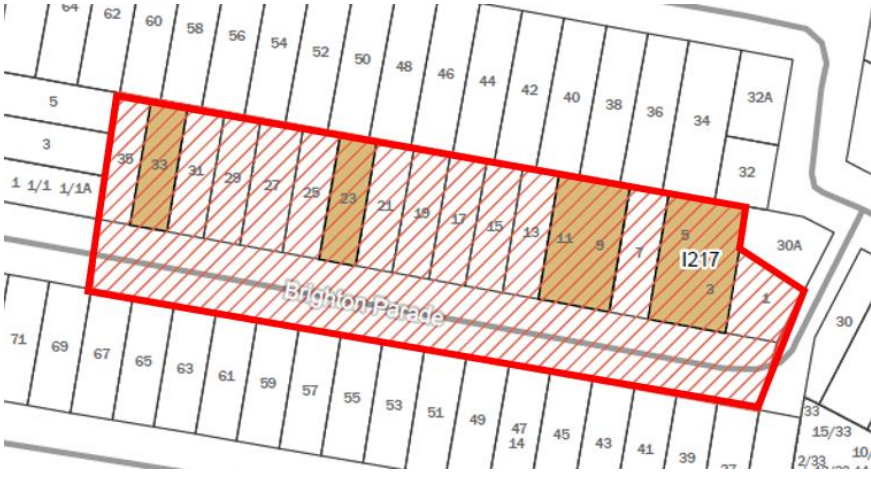
Bayside LEP 2021 – Existing Heritage mapping	Bayside LEP 2021 – Proposed Heritage mapping: Brighton Le Sands HCA
 <p>Figure 15: Existing Bayside LEP 2021 Heritage mapping, focused on the proposed Brighton Le Sands HCA area.</p>	 <p>Figure 16: Proposed Bayside LEP 2021 Heritage mapping. The Brighton Le Sands HCA is in red hatching. Source: <i>Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas</i> (Niche 2023).</p>

Table 22: Proposed Amendments to Heritage Maps, Ocean View Estate, Bexley HCA

Bayside LEP 2021 – Existing Heritage mapping	Bayside LEP 2021 – Proposed Heritage mapping: Ocean View Estate HCA
<p>Figure 17: Existing BLEP 2021 Heritage mapping, focused on the proposed Ocean View Estate HCA area.</p>	<p>Figure 18: Proposed BLEP 2021 Heritage mapping. The Ocean View Estate HCA is in red hatching. Source: <i>Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas</i> (Niche 2023).</p>

Part 5 - Community Consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The Planning Proposal will be publicly exhibited for the required period, being a minimum of 20 working days, as per the Gateway Determination, issued 28 July 2023.

Part 6 – Project Timeline

Table 23 below provides a proposed, approximate timeframe for the project.

Table 23: Approximate Project Timeline

Task	Timing
Date of Gateway determination	28 July 2023
Timeframe for government agency consultation (required by Gateway determination)	21 August to 29 September 2023
Commencement and completion dates for public exhibition period	4 September to 29 September 2023
Timeframe for consideration of submissions	October to November 2023
Timeframe for the consideration of a Planning Proposal post-exhibition	December 2023 to February 2024
Date of LEP finalisation	6 March 2024

**Appendix 1 – Agenda - Council Meeting (11/11/2020) - Proposed
Heritage Conservation Areas - Feedback on Community
Consultation.**

**Appendix 2 – Meeting Minutes - Council Meeting (11/11/2020) -
Proposed Heritage Conservation Areas - Feedback on
Community Consultation.**

Appendix 3 – Bayside Local Planning Panel (BLPP) – Other Applications Meeting 22/3/2022 – Minutes

Appendix 4 – Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas (Niche 2023)

**Appendix 5 – City Planning & Environment Committee Item
CPE23.008 Report (8 March 2023)**

Appendix 6 – City Planning & Environment Committee Minutes (8 March 2023)

Appendix 7 – Council Minutes (22 March 2023)

Appendix 8 – *Bayside Heritage Study, Review of Potential Heritage Conservation Areas* by GML Heritage (September 2019)

Appendix 9 –Banksia Heritage Conservation Area Inventory Sheet

Appendix 10 –Bardwell Valley Heritage Conservation Area Inventory Sheet

Appendix 11 –Brighton Le Sands Heritage Conservation Area Inventory Sheet

Appendix 12 –Ocean View Estate Heritage Conservation Area Inventory Sheet

Appendix 13 – Proposed amendment to *Bayside Development Control Plan 2022*