

Planning Proposal

Bayside Local Environmental Plan 2021:

**Planning Proposal to Amend
Schedule 1 of the Bayside Local
Environmental Plan 2021 to enable an
Additional Permitted Use (Restaurant or
Café) in RE1 Public Recreation zone**

14 October 2024

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1	15 April 2024 – Pre-Gateway Determination
2	14 October 2024 – Minor Wording Amendments Post-Gateway Determination

Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Bayside Local Environmental Plan 2021*. It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and *Local Environmental Plan Making Guideline* (NSW Department of Planning & Environment, August 2023).

This Planning Proposal for 179-183 Russell Avenue, Dolls Point NSW 2219 is to amend the Bayside Local Environmental Plan 2021 (BLEP 2021) to facilitate a local renewal of the existing restaurant / cafe on the site, and redevelop it as a contemporary restaurant or café. Following the amendment of the BLEP 2021, Council will lodge a Development Application for the redevelopment of the 'Le Beach Hut'. This will include the demolition of the existing building and construction of a new restaurant or café, separate kiosk public toilets, and associated landscaping. This will be subject to separate processes outside of the Planning Proposal. Notwithstanding, the proposed redevelopment forms a 'proof of concept' of the potential redevelopment should the amendments to the BLEP 2021 be finalised.

The proposed changes to the planning controls are to amend Schedule 1 of the Bayside Local Environmental Plan 2021 to enable an Additional Permitted Use (Restaurant or Café) in RE1 Public Recreation zone at 179-183 Russell Avenue, Dolls Point.

Background

The existing restaurant / café has been present on site for a significant period of time, with the existing building present since the 1950s.

Council is currently planning the demolition of the existing building and the construction of a new contemporary restaurant or café. The demolition of the existing building will result in the loss of the 'existing use rights' the current restaurant / café benefits from.

Currently under the existing RE1 Public Recreation Zone only the following uses are permissible: Aquaculture; Boat launching ramps; Centre-based childcare facilities; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water supply systems.

Without the inclusion of a restaurant or café to the permissible land uses, no replacement of the existing development will be possible as any future restaurant or café land use will be prohibited. Below is a summary of the current planning controls that apply to the site.

Table 1 – Overview of current planning controls

Provision	Control
Zoning	RE1 Public Recreation
Building Height	N/A
Maximum Floor Space Ratio	N/A
Minimum Lot Size	N/A
Heritage	N/A
Land Reservation Acquisition	N/A
Foreshore Building Line	N/A

Acid Sulfate Soils

Class 3

Site Description

The site is known as 179-183 Russell Avenue, Dolls Point NSW 2219 and located within Peter Depena Reserve on lots 66-73/DP 2237. The Reserve is a popular park for local families and the wider community and has a number of amenities including BBQs, public toilets and playground. The site lies within Bayside Council Local Government Area and has an approximate combined site area of approximately 6,000m². It is bordered by Russell Avenue and Carruthers Drive to the north, Waradiel Creek to the west, and Dolls Point Beach along the southeast. The surrounding area is predominantly residential and consists of a combination of low-rise apartments (three to four storeys), and one to two storey detached residential dwellings.

The subject of the planning proposal is the redevelopment of 'Le Beach Hut', which is a single storey building constructed in the 1950s and approximately 825m². The building comprises of a restaurant and separate kiosk, which is owned by Bayside Council. Due to the building's ageing condition, Council proposes to demolish the existing building and construct a new restaurant or café, separate kiosk, public toilets, and associated landscaping.

The site can be accessed via bus routes 303 connecting Sans Souci to Prince of Wales Hospital and 478 that connects Miranda to Rockdale through Ramsgate. Bus stops servicing both routes in either direction are located on Russell Ave to the north and west of the site.

In addition to public transport, the subject site is also located on popular active transport routes along Ramsgate Beach which connects Taren Point through to the Cooks River in Marrickville and beyond.

The site is also accessible via car with an existing car park located on site.



Figure 1 – Subject Site (Bayside Council)



Figure 2 – Existing building proposed to be redeveloped by Council - Le Beach Hut (Best Restaurants)



Figure 3 – Upgraded playground in Depena Reserve (Sam Crawford Architects)

Site Context:

The Peter Depena Reserve is located adjacent to Dolls Point Beach along Elephants Eye along the entrance to Georges River. The Reserve is at the southern end of Ramsgate Beach. The broader context of the site is predominantly residential with small scale supporting retail / café uses. To the north and west of the site along Russel Avenue are three storey residential flat buildings, with smaller detached residential dwellings in the broader catchment. A site context map is provided at **Figure 4**.

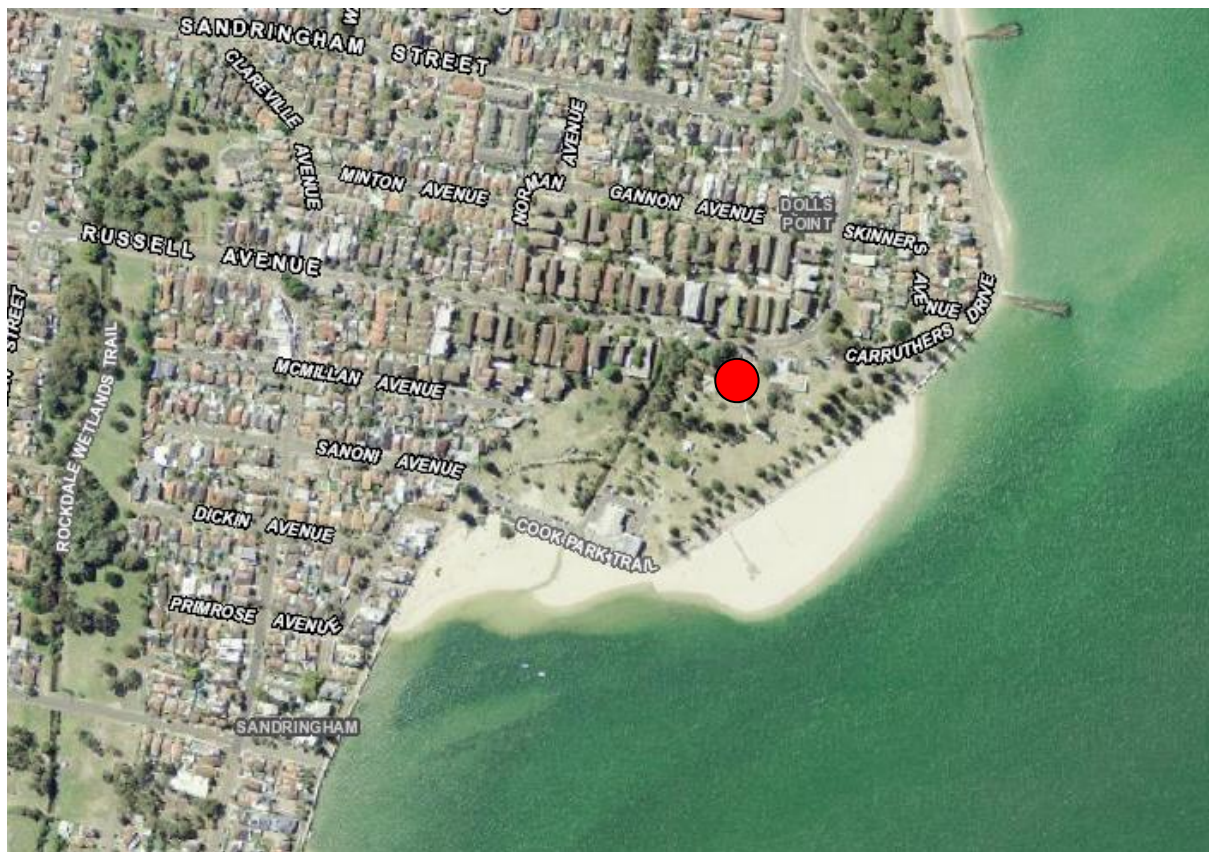


Figure 4 – Site Context (Six Maps)

Part 1 - Objectives or Intended Outcomes

Objective

To amend the BLEP 2021 to permit development for the purposes of a restaurant or café as an Additional Permitted Use under Schedule 1 at 179-183 Russell Ave, Dolls Point. Impose through the Additional Permitted Use schedule a maximum GFA of 825m² on future buildings. This will allow for the redevelopment of the 'Le Beach Hut'. Restaurant or café uses are currently prohibited on the site, with the existing café / restaurant operating under existing use rights.

Intended Outcomes

- Allow for the replacement of the existing building with a new contemporary building which will house a restaurant or café, kiosk, public toilets, and associated landscaping. The restaurant or café is to include full commercial kitchen, cold and dry store, bin room, and restaurant or café toilets.
- Future redevelopment will take advantage of the scenic views to Dolls Point Beach and the Reserve, as well as its proximity to the adjacent playground to its west.
- The future building is to be a benchmark in sustainability, be robust, and relate to the site.
- The redevelopment will enable greater activation of Depena Reserve, providing new facilities within an architecturally designed building, and enhancing the community's use of the broader reserve.
- Provide a maximum Gross Floor Area equal to the existing Le Beach Hut to ensure the proposal does not result in greater impact or unexpected outcomes beyond the existing building.

Part 2 - Explanation of Provisions

This PP has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* and addresses the guidelines set out in DPE's Local Environmental Plan Making Guidelines (August 2023).

Intended Provisions

- Amend Schedule 1 and Additional Permitted Uses Map – on the digital maps of the EPI Viewer of the BLEP 2021 to permit an Additional Permitted Use (Restaurant or Café) on land zoned RE1 zone at 179-183 Russell Ave, Dolls Point.
- Apply a maximum cap on Gross Floor Area for the proposed additional uses equal to the existing building equating 825m².

Part 3 – Justification

A Need for the Planning Proposal

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

The specific amendment proposed by this planning proposal is not identified in any strategic study or report. However, the proposed amendment supports the delivery of the broader planning priorities of the Bayside Local Strategic Planning Statement. Key Planning Priorities are considered in Section B below. Further, the amendment will remove a site subject to 'existing use rights' and regularise an existing use of the site.

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

A planning proposal is the only way to achieve the objectives and intended outcomes as no redevelopment of the restaurant or café would be possible as it is currently a prohibited use in the RE1 Public Recreation Zone. Inserting the use through Additional Permitted Uses in Schedule 1 of the BLEP2021 ensures that the use is specific to the site, and does not impact permissibility in the RE1 zone throughout the rest of the Local Government Area (LGA).

B Relationship to strategic planning framework

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

Below is an assessment of the planning proposal against the relevant regional, sub-regional state and district strategic policies.

Greater Sydney Region Plan: A Metropolis of Three Cities and Eastern City District Plan

The Planning Proposal is consistent with the objectives and actions of the Greater Sydney Region Plan: A Metropolis of Three Cities (GSRP) and the Eastern City District Plan (ECDP). Table 1 below provides an assessment of this ECDP. As detailed below, compliance with the ECDP demonstrates compliance with the GSRP.

Only objectives and priorities relevant to the planning proposal have been considered below.

Eastern City District Plan (March 2018)

The Planning Proposal's consistency with the priorities in the ECDP are discussed in further detail in **Table 1** below:

Table 1 –Consistency with the Eastern City District Plan

Infrastructure and Collaboration		
E1	Planning for a city supported by infrastructure	Consistency with this priority is achieved as the proposal seeks to include an additional permitted use within an existing RE1 Zoned area. This will increase the usability and function of the open space by permitting the redevelopment of the existing building, to allow a contemporary facility which is aligned with community expectations.
Liveability		

E3	Providing services and social infrastructure to meet people's changing needs	Consistency with this priority is achieved as the proposal seeks to include an additional permitted use within an existing RE1 Zoned area (and existing café use). This will increase the usability and function of the open space by permitting the redevelopment of the existing building, to allow a contemporary facility which is aligned with current and future community expectations.
E4	Fostering healthy, creative, culturally rich and socially connected communities	<p>Consistency with this priority is achieved as the proposal seeks to include an additional permitted use within an existing RE1 Zoned area. This will increase the usability and function of the open space by permitting the redevelopment of the existing building, to allow a contemporary facility which is aligned with current and future community expectations.</p> <p>The new restaurant or café will create a renewed space for the community to meet and connect, supporting the creation of a resilient and socially connected community. This will be achieved through increase interaction of community members in a purpose built space. It will also foster a sense of community pride in Peter Depena Reserve through delivery of a high quality built form outcome.</p>
E6	Creating and renewing great places and local centres, and respecting the District's heritage	<p>Consistency with this priority is achieved as the proposal will permit the redevelopment of the existing building with a contemporary facility which is aligned with current and future community expectations.</p> <p>It is noted that the subject site is not heritage listed, and that future development is to occur in the same location as the existing building which is not recognised as having any significant heritage value.</p> <p>In the vicinity of the site are two locally listed heritage items:</p> <ul style="list-style-type: none"> • Cook Park at General Holmes Drive, The Grand Parade (I219) – immediately to the south of the subject site; and • Primrose House at 190 Russell Avenue (I246) – immediately to the north east of the subject site. <p>Future development applications will need to demonstrate that it has appropriately responded to any environmental heritage context relevant to development assessment.</p>
Sustainability		
E14	Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	<p>Future development will need to demonstrate that it has appropriately protect coast and waterway areas.</p> <p>It is noted that future development is to occur in the same location as the existing building and as such, is unlikely to have unacceptable impacts, subject to detailed design resolution at the development application stage.</p>
E15	Protecting and enhancing bushland and biodiversity	Future development will need to demonstrate that it has appropriately protect biodiversity and any existing vegetation.

		<p>It is noted that future development is to occur in the same location as the existing building, which is disturbed land from a biodiversity perspective, and as such, is unlikely to have unacceptable impacts, subject to detailed design resolution.</p>
E16	Protecting and enhancing scenic and cultural landscapes	<p>Future development will need to demonstrate that it has appropriately responded to the scenic and cultural landscapes. The subject site is not listed or identified as having scenic and/or cultural importance.</p> <p>It is noted that future development is to occur in the same location as the existing building and as such, is unlikely to have unacceptable impacts, subject to detailed design resolution. The concept design is of a high quality architectural outcome and a low scale building.</p> <p>The Design Report, provided at Appendix 1: Architectural Design Report identifies that the reserve falls under the Cook Park Plan of Management and Masterplan. The Masterplan points to the Reserve and the surrounding areas as having environmental and heritage significance. It notes that Cook Park contains:</p> <ul style="list-style-type: none"> • Ecologically significant sand dunes and dune vegetation along the foreshore north of Brighton. • Culturally significant plantings such as pines in Pine Park, Coral Trees and Norfolk Island Pines at Dolls Point and Norfolk Island Pines along The Grand Parade. • Swathes of open grassland with scattered trees providing recreation facilities and habitat for birds. • Key heritage sites and features including cannons at Brighton and Sandringham. <p>The Masterplan identifies Cook Park as having significant regional and state importance, based on evidence of pre-European Aboriginal use. It recommends that any changes or development in the Park should not negatively impact on the natural environment of both land and water and provide opportunities for interpretation of the Park's natural and cultural heritage.</p> <p>The Masterplan also directly provides recommendations for both the Reserve and the existing building, Le Beach Hut. It recommends ensuring that clear access is maintained through or around leased premises, ensuring facilities provided are available for use to the public, and ensuring any renovations keep the premises at an appropriate standard with respect to scale, bulk, height and floor space.</p> <p>The concept design provided at Appendix 1: Architectural Design Report, details how this will be achieved.</p> <p>The future Master Plan is unlikely to unreasonably impact on vegetation notwithstanding the removal of some trees which can be readily replaced through</p>

		appropriate tree planting, but future impacts will need to be considered as part of subsequent approval processes.
E17	Increasing urban tree canopy cover and delivering Green Grid connections	<p>Future development will need to demonstrate that it has appropriately preserved (where appropriate) and increased urban tree canopy. The concept design identifies that 2 trees will need to be removed, however compensatory replacement planting can be delivered in appropriate locations throughout the reserve if required at later stages.</p> <p>It is noted that future development is to occur in the same location as the existing building and as such, is unlikely to have unacceptable impacts, subject to detailed design resolution at a development application stage. The concept design is of a high-quality architectural outcome and a low scale building, and is capable of meeting this objective at development consent stage.</p> <p>The concept design will create opportunities for additional planting where appropriate, adding to future tree canopy targets, supporting the delivery of the Green Grid.</p>
E18	Delivering high quality open space	<p>The subject site forms part of the larger Depena Reserve. Notwithstanding, consistency with this priority is achieved as the proposal will permit the redevelopment of the existing building with a contemporary facility which is aligned with current and future community expectations. Any new restaurant or café will provide facilities that enhance the surrounding open space.</p> <p>Through the provision of a new restaurant or café, the accessibility of the open space will be enhanced and protected, supporting the objective of this priority: <i>'Public open space is accessible, protected and enhanced.'</i></p>
E19	Reducing carbon emissions and managing energy, water and waste efficiently	Consistency with this priority is achieved as the proposal will permit the redevelopment of the existing building with a contemporary facility which will inevitably be of greater efficiency than the existing older building on site.
E20	Adapting to the impacts of urban and natural hazards and climate change	The proposal will support the delivery of a new built for purpose restaurant or café building capable of adapting to the impacts of urban and natural hazards and climate change.

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

Bayside Local Strategic Planning Statement (LSPS)

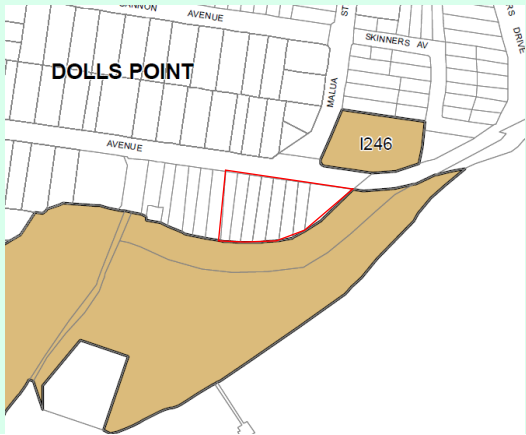
Council has adopted the Bayside LSPS in accordance with the guidance provided by the DPE. Council has aligned the Bayside LSPS Priorities to the Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP), the Planning Priorities in the Eastern City District Plan as well as Councils Community Strategic Plan.

Table 2 below provides an assessment of this draft Planning Proposal against relevant sections of the Bayside LSPS:

Table 2 – Consistency with the Bayside LSPS

Planning Priority	Consistency
B1 Align land use planning and transport infrastructure planning to support the growth of Bayside	<p>The proposal will support the delivery of a new restaurant or café in an area well serviced by transport and already visited by many members of the community who are accessing Deepena Reserve and the surrounding areas.</p>
B2 Align land use planning with the delivery and management of assets by Bayside Council to support our community	<p>Consistency with this planning priority is achieved as the proposal will permit the redevelopment of the existing building with a contemporary facility which will support and enhance the ongoing use of Depena Reserve. It is not anticipated that there will be a loss of functional open space area, as the proposal seeks to support the redevelopment of the existing area of the site and will deliver improved quality assets.</p>
B4 Provide social infrastructure to meet the needs of the Bayside Community	<p>Consistency with this planning priority is achieved as the proposal will permit the redevelopment of the existing building with a contemporary facility which will support and enhance the ongoing use of Depena Reserve. It is not anticipated that there will be a loss of functional open space area as the proposal seeks to support the redevelopment of the existing building.</p> <p>As detailed in the Design Report provided at Appendix 1, the proposed roof area of the new building is 615m², which is significantly less than the existing buildings roof area of approximately 930m² (difference of 315m²). Demonstrating that there is no loss of valuable open space which is a key form of social infrastructure.</p> <p>The proposal also ensures that a new restaurant or café:</p> <ul style="list-style-type: none"> • will be located in an area within walking distance of local communities given the surrounding catchment identified in the Site Context Map; • enhance the usability of the public open space through providing convenient access to food and amenities for users of the public open space; • enhances the creation of a liveable community by providing amenities and services in close proximity to the surrounding community; and • provides an opportunity to support the

Planning Priority	Consistency
	<p>local economy through creating a built for purpose modern facility for local business and employment.</p>
B5	<p>Foster healthy, creative, culturally rich and socially connected communities</p> <p>Consistency with this priority is achieved as the proposal seeks to include an additional permitted use within an existing RE1 Zoned area. This will increase the usability and function of the open space by permitting the redevelopment of the existing building, to allow a contemporary facility which is aligned with current and future community expectations. The new restaurant or café will create a space for the community to meet and connect, supporting the creation of a resilient and socially connected community.</p> <p>The proposal also ensures that a new restaurant or café will be located in an area within walking distance of local communities given the surrounding catchment identified in the Site Context Map.</p>
B9	<p>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> <p>Consistency with this priority is achieved as the proposal will permit the redevelopment of the existing building with a contemporary facility which is aligned with current and future community expectations. Appendix 1 details a concept plan for the site which is of a high quality architectural outcome, which will serve to enhance the public realm of the park and open space.</p> <p>This will need to be further considered as part of any subsequent development application for the site.</p>
B11	<p>Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas</p> <p>Future development applications will need to demonstrate that it has appropriately responded to any environmental heritage. It is noted that the subject site is not heritage listed, and that future development is to occur in the same location as the existing building which is not recognised as having any significant heritage value. The site is in the vicinity of two locally listed heritage items:</p> <ul style="list-style-type: none"> • Cook Park at General Holmes Drive, The Grand Parade (I219) – immediately to the south of the subject site; and • Primrose House at 190 Russell Avenue (I246) – immediately to the

Planning Priority	Consistency
	<p>north east of the subject site.</p> <p>Future development applications will need to demonstrate that the design of future buildings have appropriately responded to the heritage context of the subject site. These are identified in the Figure below. However, the proposal will not create any fundamental heritage impacts that would prevent the additional permitted use from being supported.</p> 
<p>B12 Delivering an integrated land use and a 30-minute city</p>	<p>The proposal will support the delivery of the 30-minute city by increasing the local amenities provided within a walking catchment and increasing the functionality of the local park.</p>
<p>B19 Protect and improve the health of Bayside's waterways and biodiversity</p>	<p>Future development will need to demonstrate that it has appropriately protect coast and waterway areas.</p> <p>It is noted that future development is to occur in the same location as the existing building and as such, is unlikely to have unacceptable impacts, subject to detailed design resolution.</p>
<p>B20 Increase urban tree canopy cover and enhance Green Grid connections</p>	<p>Future development will need to demonstrate that it has appropriately preserved (where appropriate) and increased urban tree canopy.</p> <p>It is noted that future development is to occur in the same location as the existing building and as such, is unlikely to have unacceptable impacts, subject to detailed design resolution.</p> <p>The concept design is of a high quality architectural outcome and a low scale building and is capable of satisfying this objective. The Master Plan also demonstrated that future development could deliver increased landscaping to support the Green Grid.</p>

Planning Priority	Consistency
	<p>It is noted that the concept scheme does identify the removal of two trees, however replacement planting to increase tree canopy cover to offset the potential loss can be achieved. This would be imposed through subsequent assessment of applications where appropriate.</p>
<p>B21 Deliver high quality open space</p>	<p>The subject site forms part of the larger Depena Reserve. Notwithstanding, consistency with this priority is achieved as the proposal will permit the redevelopment of the existing building with a contemporary facility which is better aligned with current and future community expectations.</p> <p>Any new restaurant or café will provide facilities that enhance the surrounding open space.</p>
<p>B22 Protect and enhance scenic and cultural landscapes</p>	<p>Future development will need to demonstrate that it has appropriately responded to the scenic and cultural landscapes. The subject site is not listed or identified as having scenic and cultural importance.</p> <p>It is noted that future development is to occur in the same location as the existing building and as such, is unlikely to have unacceptable impacts, subject to detailed design resolution. The concept design is of a high quality architectural outcome and a low scale building.</p> <p>The Design Report, provided at Appendix 1: Architectural Design Report identifies that the reserve falls under the Cook Park Plan of Management and Masterplan. The Masterplan points to the Reserve and the surrounding areas as having environmental and heritage significance. It notes that Cook Park contains:</p> <ul style="list-style-type: none"> • Ecologically significant sand dunes and dune vegetation along the foreshore north of Brighton. • Culturally significant plantings such as pines in Pine Park, Coral Trees and Norfolk Island Pines at Dolls Point and Norfolk Island Pines along The Grand Parade. • Swathes of open grassland with scattered trees providing recreation facilities and habitat for birds. • Key heritage sites and features including cannons at Brighton and Sandringham. <p>The Masterplan identifies Cook Park as having</p>

Planning Priority	Consistency
	<p>significant regional and state importance, based on evidence of pre-European Aboriginal use. It recommends that any changes or development in the Park should not negatively impact on the natural environment of both land and water and provide opportunities for interpretation of the Park's natural and cultural heritage.</p> <p>The Masterplan also directly provides recommendations for both the Reserve and the existing building, Le Beach Hut. It recommends ensuring that clear access is maintained through or around leased premises, ensuring facilities provided are available for use to the public, and ensuring any renovations keep the premises at an appropriate standard with respect to scale, bulk, height and floor space.</p> <p>The concept design provided at Appendix 1: Architectural Design Report, details how this will be achieved.</p>
B23	<p>Reduce carbon emissions through improved management of energy, water and waste</p> <p>Consistency with this priority is achieved as the proposal will permit the redevelopment of the existing building with a contemporary facility which will inevitably be of greater efficiency than the existing older building on site.</p>
B24	<p>Reduce community risk to urban and natural hazards and improve community's resilience to social, environmental and economic shocks and stressors</p> <p>The proposal will provide the opportunity for enhancing the communities resilience by enhancing the usability and function of the open space.</p> <p>Environmental shocks will be considered as part of subsequent detailed design of the future building and assessed as part of any future assessment process for the site.</p>

Bayside Community Strategic Plan 2018-2032

The Bayside 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.

The Bayside Community Strategic Plan 2018-2032 (which superseded the Rockdale City Community Strategic Plan) sets the strategic direction for Council's Delivery Program and Operational Plans. The themes and directions outlined in this plan inform Council's Delivery Program and the annual Operational Plans that describe Council's activities towards achieving those outcomes in the Delivery Program.

The Planning Proposal supports the community outcomes and strategies of the Community Strategic Plan by supporting Council to:

- 1.1.1 Create spaces, places and interactions that are safe, accessible, and engaging;

- 1.1.4 Provide safe, accessible open space with a range of active and passive recreation opportunities to match Bayside's growing community;
- 1.3.2 Create and maintain vibrant, visually appealing, and welcoming places with their own village atmosphere and sense of identity;
- 4.3.4 Manage Council assets to meet community expectations within available resources

Table 3 below identifies how the Planning Proposal is consistent with the themes:

Table 3 – Consistency with Bayside Community Strategic Plan 2018-2032 themes

Theme One – In 2032 Bayside will be a Vibrant Place	Strategies	Consistency
1.1 Bayside's places are accessible to all	1.1.1 Create spaces, places and interactions that are safe, accessible, and engaging (Deliver)	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will support the accessibility of the Depena Reserve and the future building. Any future building will need to be constructed to modern standards, ensuring a accessible and well designed building is delivered.
	1.1.2 Improve availability of parking for residents (Deliver, Advocate)	
	1.1.3 Promote the provision of affordable housing for those who need it (Partner, Advocate)	
	1.1.4 Provide safe, accessible open space with a range of active and passive recreation opportunities to match Bayside's growing community (Deliver, Partner)	
	1.1.5 Welcome visitors and tourists to Bayside (Partner)	
1.2 Bayside's places are dynamic and connected	1.2.1 Create green and welcoming streetscapes (Deliver)	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will enhance Depena Reserve through delivery of an architecturally designed building.
	1.2.2 Ensure public buildings are well maintained as important community hubs with the opportunity for shared and multiple use of facilities (Deliver, Advocate)	
	1.2.3 Facilitate greater connectivity through active transport (Deliver, Partner, Advocate)	
	1.2.4 Support and deliver cultural and arts facilities, programs, events, and opportunities (Deliver, Partner, Advocate)	
1.3 Bayside's places are people focussed	1.3.1 Activate local areas and town centres with facilities valued by the community (Deliver, Partner)	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will enhance Depena Reserve through delivery of an architecturally designed building. This will enhance the quality and amenity of the Reserve, supporting the creation of a vibrant, visually appealing place.
	1.3.2 Create and maintain vibrant, visually appealing, and welcoming places with their own village atmosphere	

	and sense of identity (Deliver, Partner, Advocate)	The future building is expected to be architecturally designed, resulting in a high quality outcome.
	1.3.3 Promote innovative and well-designed local developments which incorporate open space and put people first (Deliver, Partner, Advocate)	
1.4 Bayside's transport system works	1.4.1 Promote adequate, accessible, reliable public transport for ease of travel to work and leisure (Advocate)	The proposal is consistent with this theme as it seeks to ensure the delivery of a fit for purpose restaurant or café building well serviced by public transport and within a high quality walking catchment.
	1.4.2 Promote Bayside as a 30-minute City where residents do not have to travel for more than 30 minutes to work (Advocate)	
	1.4.3 Support an effective and efficient local road network through investment in maintenance and reduced traffic issues in Bayside (Deliver, Partner, Advocate)	
Theme 2 – In 2032 our people will be connected in a creative City	Strategies	Consistency
2.1 Bayside celebrates and respects our diverse community	2.1.1 Reflect and celebrate cultural diversity in Bayside's activities (Deliver, Partner)	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will be architecturally designed, which will support community uses of the park.
	2.1.2 Support cultural and arts events that reflect and involve community (Deliver, Partner)	
	2.1.3 Treat community members with dignity and respect (Deliver, Partner, Advocate)	
	2.1.4 Value, respect and celebrate Bayside's shared heritage and history (Deliver, Partner, Advocate)	
2.3 The community feels valued and supported	2.3.1 Engage and communicate with all community members (Deliver)	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will be architecturally designed, which will support community uses of the park.
	2.3.2 Promote access to active recreation, health care and education services to support a healthy community (Deliver, Partner, Advocate)	
	2.3.3 Provide services and facilities which ensure all community members feel a sense of belonging, including children, families, young people, and seniors (Deliver, Advocate)	
	2.3.4 Value and acknowledge our pets, and	

	welcome them across Bayside (Deliver, Advocate)	
	2.3.5 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)	
2.4 The community is united and proud to live in Bayside	2.4.1 Develop and support community connections and networks which enhance resilience (Partner, Advocate)	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will be architecturally designed, which will support community uses of the park.
	2.4.2 Develop and support emerging community leadership (Partner)	
	2.4.3 Ensure Council's decisions reflect community objectives and desires (Deliver)	
	2.4.4 Engage effectively with community and provide information in a timely manner (Deliver)	
	2.4.5 Foster a sense of community pride in and satisfaction with Bayside (Deliver, Partner, Advocate)	
	2.4.6 Support community to play their part and imagine the future together (Partner, Advocate)	
Theme 3 – In 2032 Bayside will be green, resilient, and sustainable	Strategies	Consistency
3.1 Bayside is resilient to economic, social, and environmental impacts	3.1.1 Build community capacity and resilience to prepare for, cope with, adapt to and recover from economic, social, and environmental impacts (Deliver, Partner, Advocate)	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will support the broader economy by providing a place for business and employment. The future building will be designed to appropriately respond to the environmental consideration of the site.
	3.1.2 Engage with community to provide an appropriate response to threats and adverse events (Deliver, Partner)	
	3.1.3 Promote education about climate change so that the community understands the potential impacts (Deliver, Partner, Advocate)	
	3.1.4 Support and promote local climate and resilience leadership and initiatives (Partner, Advocate)	

3.3 Bayside's waterways and green corridors are regenerated and preserved	<p>3.3.1 Capture and reuse rainwater at Council facilities where feasible (Deliver)</p> <p>3.3.2 Enhance and extend green grid corridors (Deliver, Partner, Advocate)</p> <p>3.3.3 Increase Bayside's tree canopy (Deliver)</p> <p>3.3.4 Involve community in the preservation of natural areas (Deliver, Partner)</p> <p>3.3.5 Respect, manage and protect the natural environment and biodiversity (Deliver, Partner)</p>	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will enhance Depena Reserve, provide opportunities for increased tree canopy, and respond appropriately to environment and biodiversity considerations.
Theme 4 – In 2032 Bayside will be a prosperous community	Strategies	Consistency
4.1 Bayside generates diverse local employment and business opportunities	<p>4.1.1 Encourage and support improved employment outcomes for First Nations peoples (Deliver, Partner, Advocate)</p> <p>4.1.2 Monitor socio-economic outcomes and work with partners to identify actions Council can support (Partner)</p> <p>4.1.3 Support innovative and new and emerging businesses to locate in Bayside (Partner, Advocate)</p> <p>4.1.4 Support local apprenticeships and cadetships, as a major employer (Deliver, Advocate)</p>	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will support the broader economy by providing a place for business and employment.
4.2 Bayside recognises and leverages opportunities for economic development	<p>4.2.1 Support major employers to partner with local small business (Advocate)</p> <p>4.2.2 Take advantage of Bayside's position as an international hub for transport and logistics related business (Advocate)</p> <p>4.2.3 Preserve industrial lands and employment lands and partner with major employers to support local jobs (Deliver, Partner)</p> <p>4.2.4 Encourage participation from creative industries and entrepreneurial businesses (Advocate)</p> <p>4.2.5 Ensure local Plans and regulations have kept pace with the sharing economy</p>	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will support the broader economy by providing a place for business and employment.

	(Deliver)	
4.3 Council is financially sustainable and well governed	4.3.1 Ensure Council decision making is transparent, and data driven (Deliver)	The proposal is consistent with this theme as it seeks to allow for the delivery of a fit for purpose restaurant or café building which will support the broader economy by providing a place for business and employment.
	4.3.2 Foster a customer centric culture (Deliver)	
	4.3.3 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)	
	4.3.4 Manage Council assets to meet community expectations within available resources (Deliver)	
	4.3.5 Manage Council finances for the long-term benefit of the community and to prioritise infrastructure funding commitments (Deliver)	
	4.3.6 Plan for growth and development so the benefits of prosperity are shared (Deliver)	

Bayside Local Housing Strategy

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

The Planning Proposal does not impact upon this draft Strategy as it does not seek to deliver or prevent the delivery of housing.

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

Premier's Priorities 2015-2019

The 'Premier's Priorities' set out 12 priorities which reflect a 'whole-of-government' approach to tackling important issues for the people of NSW, from helping vulnerable children and raising the performance of school students, to improving housing affordability and building local infrastructure. The 12 priorities are:

- Creating jobs;
- Delivering infrastructure;
- Driving public sector diversity;
- Improving education results;
- Improving government services;
- Improving service levels in hospitals;
- Keeping our environment clean;

- Making housing more affordable;
- Protecting our kids;
- Reducing domestic violence reoffending;
- Reducing youth homelessness; and
- Tackling childhood obesity.

This Planning Proposal will not impact upon, and is consistent with, the Premier's Priorities.

Future Transport Strategy 2056

The Future Transport Strategy 2056 is an update of the 2012 Long Term Transport Master Plan for NSW. It is a 40-year strategy, supported by plans for regional NSW and for Greater Sydney. It outlines a vision, strategic directions and customer outcomes, with infrastructure and services plans underpinning the delivery of these directions across the state. The vision is built on the following six outcomes:

1. Customer Focused;
2. Successful Places;
3. A Strong Economy;
4. Safety and Performance;
5. Accessible Services; and
6. Sustainability.

This Planning Proposal is consistent with Future Transport Strategy 2056.

South East Sydney Transport Strategy (SESTS)

This Planning Proposal will have minimal impact on the SESTS and accordingly is consistent with this policy.

NSW State Infrastructure Strategy 2018-2038

The NSW State Infrastructure Strategy 2018-2038 (SIS) sets out the government's priorities for the next 20 years and combined with the Future Transport Strategy 2056, the Greater Sydney Region Plan and the Regional Development Framework, brings together infrastructure investment and land-use planning for our cities and regions. The SIS looks beyond the current projects and identifies policies and strategies needed to provide the infrastructure that meets the needs of a growing population and a growing economy.

The Strategy sets out six overarching strategic directions to instil best practice approaches across NSW's infrastructure sectors:

1. Continuously improve the integration of land and infrastructure planning;
2. Plan, prioritise and deliver an infrastructure program that represents the best possible investment and use of public funds;
3. Optimise the management, performance and use of the State's assets;
4. Ensure NSW's existing and future infrastructure is resilient to natural hazards and human related threats;
5. Improve state-wide connectivity and realise the benefits of technology; and
6. Drive high quality consumer-centric services and expand innovative service delivery models in infrastructure sectors.

This Planning Proposal reflects, and is consistent with, the objectives of the NSW State Infrastructure Strategy.

Q6 Is the planning proposal consistent with applicable SEPPs?

Consistency with the relevant State Environmental Planning Policies is provided in Table 4 below:

Table 3 – Consistency with Bayside Community Strategic Plan 2018-2032 themes

State Environmental Planning Policy	Comment	Consistent: Yes/ No (if No, is inconsistency adequately justified?)
SEPP (Biodiversity and Conservation) 2021	<p>Objective of this SEPP is for the management and maintenance of existing 'prescribed vegetation' is required prior to issue of development consent.</p> <p>Consistent as the proposal will not seek removal of vegetation or otherwise impact the ongoing application of the provisions of this SEPP.</p> <p>Ongoing compliance will need to be demonstrated by any subsequent applications for the future building.</p>	Yes
SEPP (Exempt and Complying Development Codes) 2008	<p>Consistent as the proposal does not seek to challenge or amend the application of the exempt or complying development provisions of this SEPP on the site or otherwise impact the ongoing application of the provisions of this SEPP.</p> <p>Ongoing compliance will need to be demonstrated by any subsequent applications for the future building.</p>	Yes
SEPP (Industry and Employment) 2021	<p>Consistent as the proposal does not seek to challenge or amend the application of this SEPP and the governance of signage on the site or otherwise impact the ongoing application of the provisions of this SEPP.</p> <p>Ongoing compliance will need to be demonstrated by any subsequent applications for the future building.</p>	Yes
SEPP (Planning Systems) 2021	<p>Consistent as the proposal does not seek to challenge or amend the application of this SEPP on the site or otherwise impact the ongoing application of the provisions of this SEPP.</p> <p>Ongoing compliance will need to be demonstrated by any subsequent applications for the future building.</p>	Yes
SEPP (Precincts—Eastern Harbour City) 2021	<p>Consistent as the proposal does not seek to challenge or amend the application of this SEPP on the site or otherwise impact the ongoing application of the provisions of this SEPP.</p> <p>Ongoing compliance will need to be demonstrated by any subsequent applications for the future building.</p>	Yes
SEPP (Resilience and Hazards) 2021	<p>Consistent as the proposal does not seek to challenge or amend the application of this SEPP on the site or otherwise impact the ongoing application of the provisions of this SEPP.</p> <p>Compliance Division 3 of Chapter 2 to be addressed with any DA will need to be demonstrated by any subsequent applications for the future building.</p>	Yes

State Environmental Planning Policy	Comment	Consistent: Yes/ No (if No, is inconsistency adequately justified?)
SEPP (Sustainable Buildings) 2022	Consistent as the proposal does not seek to challenge or amend the application of this SEPP on the site, considerations of sustainability or otherwise impact the ongoing application of the provisions of this SEPP. Ongoing compliance will need to be demonstrated by any subsequent applications for the future building.	Yes
SEPP (Transport and Infrastructure) 2021	Consistent as the proposal does not seek to challenge or amend the application of this SEPP on the site or otherwise impact the ongoing application of the provisions of this SEPP. Ongoing compliance will need to be demonstrated by any subsequent applications for the future building.	Yes

Q7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Table 5 below reviews the consistency of the draft Planning Proposal with the relevant Local Planning Directions for LEPs under section 9.1 of the Environmental Planning and Assessment Act 1979.

Table 5 – Consistency with Ministerial/ Local Planning Directions


No.	Title	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (if No, is inconsistency adequately justified?)
Focus area 1: Planning Systems			
1.1	<i>Implementation of Regional Plans</i> The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	This planning proposal supports the Greater Sydney Region Plan, as discussed in detail under the sections relating to Eastern City District Plan and Sydney Regional Plan	Yes
1.3	<i>Approval and Referral Requirements</i> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.	Yes

1.4	<p>Site Specific Provisions</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	This planning proposal does not include any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	Yes
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Focus area 3: Biodiversity and Conservation

3.1	Conservation Zones		
3.2	<p>Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>The subject site is not identified as having any heritage significance. Sites immediately adjacent are identified as being of local significance but given the small scale of the proposal and the maximum cap of gross floor area, any such impacts can be resolved as part of future assessments for buildings on the site.</p> <p>Any future development will need to demonstrate that impacts on the heritage significance of adjoining land is appropriate.</p>	Yes
3.7	<p>Public Bushland</p> <p>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland</p>	Given the proposed location of the future building as detailed in Appendix 1, it is unlikely that the proposal will affect surrounding public bushland or existing hydrological landforms like Waradiel Creek.	Yes

Focus area 4: Resilience and Hazards

4.1	<p>Flooding</p> <p>The objectives of this direction are to:</p> <p>(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</p> <p>(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>	<p>The subject site is identified as being partially flood affected. The Figure below identifies the area of flood affectation.</p>  <p>A Flood Risk Management Report is provided at Appendix 4: Flood Risk Management Report. The Flood Risk Management Report identifies that the subject site is appropriate for a similar type and scale of development subject to further design development considerations.</p> <p>Critically, the additional (and existing) land use proposed is for a restaurant or café and does not constitute any sensitive land uses as identified in the</p>	Yes
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		Section 9.1 Directions.	
4.2	<p><i>Coastal Management</i></p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>The site is subject to the Georges River Estuary Coastal Zone Management Plan which is transitioning to a Coastal Management Plan under the Georges Riverkeeper group.</p> <p>The planning proposal does not contravene the Coastal Zone Management Plan. It seeks to formalise and existing land use which will permit the development of a contemporary restaurant or café which will be appropriately design for the site. The proposal is consistent with this direction as it does not seek to change any of the restricted maps or result in development which is of a greater intensity than what is currently on site.</p>	Yes
4.4	<p><i>Remediation of Contaminated Land</i></p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>This planning proposal is consistent as the proposal only seeks to include an additional permitted land use in Schedule 1 of the BLEP 2021 which is currently present on site.</p> <p>No rezoning of land is proposed, with the proposed land use similar to uses currently occurring on site.</p>	Yes
4.5	<p><i>Acid Sulfate Soils</i></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>This planning proposal is supported by an Acid Sulfate Soils Statement provided at Appendix 3: Acid Sulfate Soils Statement.</p> <p>The Statement identifies that there is unlikely to be any acid sulfate soils to be present at the Site to a depth of 6m. The statement identifies that no further investigation or testing is required for Acid Sulfate Soils, and an Acid Sulfate Soil Management Plan is not required for the Site.</p> <p>As such, the proposal is considered to be consistent with this direction, with no need for additional planning provisions beyond that which currently apply to the site.</p> <p>Also the concept plans do not show intention of any excavation of groundwork that will impact ASS</p>	Yes
Focus area 5: Transport and Infrastructure			
5.1	<p><i>Integrating Land Use and Transport</i></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p>	<p>The objectives of this Direction are to improve accessibility, increase transport options, reduce travel demand and dependence on cars, support public transport, and provide for efficient movement of freight.</p> <p>The proposal seeks to permit additional land uses on a site in an area well serviced by non-private vehicle based modes of transport, such as active and public transport.</p> <p>The site can be accessed via bus routes 303 connecting Sans Souci to Prince of Wales Hospital</p>	Yes

<p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>and 478 that connects Miranda to Rockdale through Ramsgate. Bus stops servicing both routes in either direction are located on Russell Ave to the north and west of the site.</p> <p>In addition to public transport, the subject site is also located on popular active transport routes along Ramsgate Beach which connects Taren Point through to the Cooks River in Marrickville and beyond</p> <p>As detailed in the sections above, the proposal addresses the various requirements of the LSPS and EDCP that relate to transport infrastructure.</p>	
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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 because of the proposal?

There are no identified critical habitat or threatened species, populations or ecological communities, or their habitats which will be impacted by the proposal.

Q9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The proposed amendments and likely environmental effects resulting from the proposed additional permitted land use are minimal. This is because the proposed land use is currently occurring on site. Notwithstanding, critical issues not addressed elsewhere within this planning proposal are addressed below.

Traffic and Transport

The proposal is supported by a Traffic Technical Memorandum which is provided at Appendix 2: Traffic Statement. The memorandum provides a high-level review of the traffic- and parking-specific matters associated with the proposed amendments. Future development would be limited to a restaurant or café, due to the nature of the proposed amendments. The memorandum notes that future traffic generation potential will be similar to, or less than, the existing Le Beach Hut café, resulting in minimal additional impacts from traffic and transport.

It should be noted that Appendix 2 specifically identifies that:

However, it is noted that the Planning Proposal will reduce the net GFA within the subject land. A detailed traffic impact assessment (TIA) report will be prepared by SLR to accompany the DA for the proposed Dolls Point Café following the approval of this Planning Proposal. Based on the reduction in

GFA and the anticipated marginal traffic generated by the Planning Proposal, it is considered appropriate to lodge the Planning Proposal without detailed traffic analysis.

Building Bulk, Visual impact and Scale

A concept scheme has been prepared and detailed in the Design Report provided at Appendix 1: Architectural Design Report. The concept seeks to create a sensitive built form that respects the significant heritage, ecological, and environmental nature of the Reserve and its surrounds. Critically, the proposal demonstrates that future development does not detract from the scenic qualities of the park.

The redevelopment of the existing building creates opportunities to enhancing the connection between the built form and the site and deliver a new contemporary building which responds to community needs.

The form, mass and materiality of the concept scheme, are designed to ensure that the building reads as a single storey building, recessive to the Reserve. The proposed landscape design ensures that the building has high connectivity to existing pedestrian networks, and the planting scheme is reflective of the Reserve's planting palette.

The concept scheme demonstrates that any future development permitted by the proposed planning amendments would be appropriate to the site, subject to a rigorous design and assessment process which would be required under the Environmental Planning and Assessment Act 1979.

Acoustic Impact

Any future development would be subject to further detailed design development and consultation with the community. However as identified in the appended Design Report, the concept scheme consider potential acoustic impact. This has been addressed through location of outdoor plant, through incorporating an open air plant platform. The platform is located over the Bin room and recessed into the roof space to minimise the equipment's visual mass when viewed from the street, as well as the residential dwellings across from Russell avenue.

Noise impacts from patrons would be managed through setting limits for the internal open air courtyard during daytime and night time hours. This will ensure that the development does not cause adverse acoustic impacts to the Reserve and adjacent dwellings.

It should be noted that the existing use is currently operating and has received minimal complaints.

Cook Park Plan of Management and Masterplan

The Design Report, provided at Appendix 1: Architectural Design Report identifies that the reserve falls under the Cook Park Plan of Management and Masterplan. The Masterplan points to the Reserve and the surrounding areas as having environmental and heritage significance. It notes that Cook Park contains:

- Ecologically significant sand dunes and dune vegetation along the foreshore north of Brighton.
- Culturally significant plantings such as pines in Pine Park, Coral Trees and Norfolk Island Pines at Dolls Point and Norfolk Island Pines along The Grand Parade.
- Swathes of open grassland with scattered trees providing recreation facilities and habitat for birds.
- Key heritage sites and features including cannons at Brighton and Sandringham.

The Masterplan identifies Cook Park as having significant regional and state importance, based on evidence of pre-European Aboriginal use. It recommends that any changes or development in the Park should not negatively impact on the natural environment of both land and water and provide opportunities for interpretation of the Park's natural and cultural heritage.

The Masterplan also directly provides recommendations for both the Reserve and the existing building, Le Beach Hut. It recommends ensuring that clear access is maintained through or around leased premises, ensuring facilities provided are available for use to the public, and ensuring any renovations keep the premises at an appropriate standard with respect to scale, bulk, height and floor space.

The concept design provided at Appendix 1: Architectural Design Report, details how this will be achieved.

Q10 Has the planning proposal adequately addressed any social and economic effects?

Due to the nature of the proposed amendments, there are limited social and economic effects of the development. Any impacts of future development will need to be appropriately considered and addressed during future development applications.

The proposed amendment will allow for the replacement of an aging building with a contemporary built for purpose architecturally designed building. This will create opportunities for the activation and enhancement of the open space. It also creates economic opportunities for future businesses operating out of a purpose-built facility.

The proposal will create approximately 5 jobs during construction and between 1-3 FTE during operation depending on the size of restaurant or café and method of operation.

The proposal will create the opportunity for a new fit for purpose restaurant or café building in Depena Reserve. The provision of a new restaurant or café will enhance the usability and function of Depena Reserve, enhancing the ability of the Reserve to become a social connector for the broader community. Accordingly, the proposal provides significant public benefit through improving the quality and function of Depena Reserve.

D Infrastructure (Local, State and Commonwealth)

Q11 Is there adequate public infrastructure for the planning proposal?

The subject site is in an area well serviced by existing infrastructure. The proposal seeks to permit an additional land use which is already occurring on the subject site to facilitate the redevelopment of the existing building.

The proposed additional land use will provide additional services for the broader community and as such, it is considered that there are sufficient public infrastructure to support the proposed amendment. It is unlikely that the proposal would generate such significant additional demand on existing public infrastructure such as public transport as a result of the modest size of the proposed restaurant or café.

E State and Commonwealth interests

Q12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Given the modest scale of the planning proposal and that it seeks to formalise an existing land use which has operated on the site since the 1950s, it is considered that no views of state or federal public authorities are required prior to preparing a gateway determination.

Part 4 – Mapping

The planning proposal will require updating of the Additional Permitted Uses Map - Sheet APU_007 as detailed in Figure 5 below with a reference made to Schedule 1 of the BLEP 2021 which will list the additional permitted use of restaurant or café.

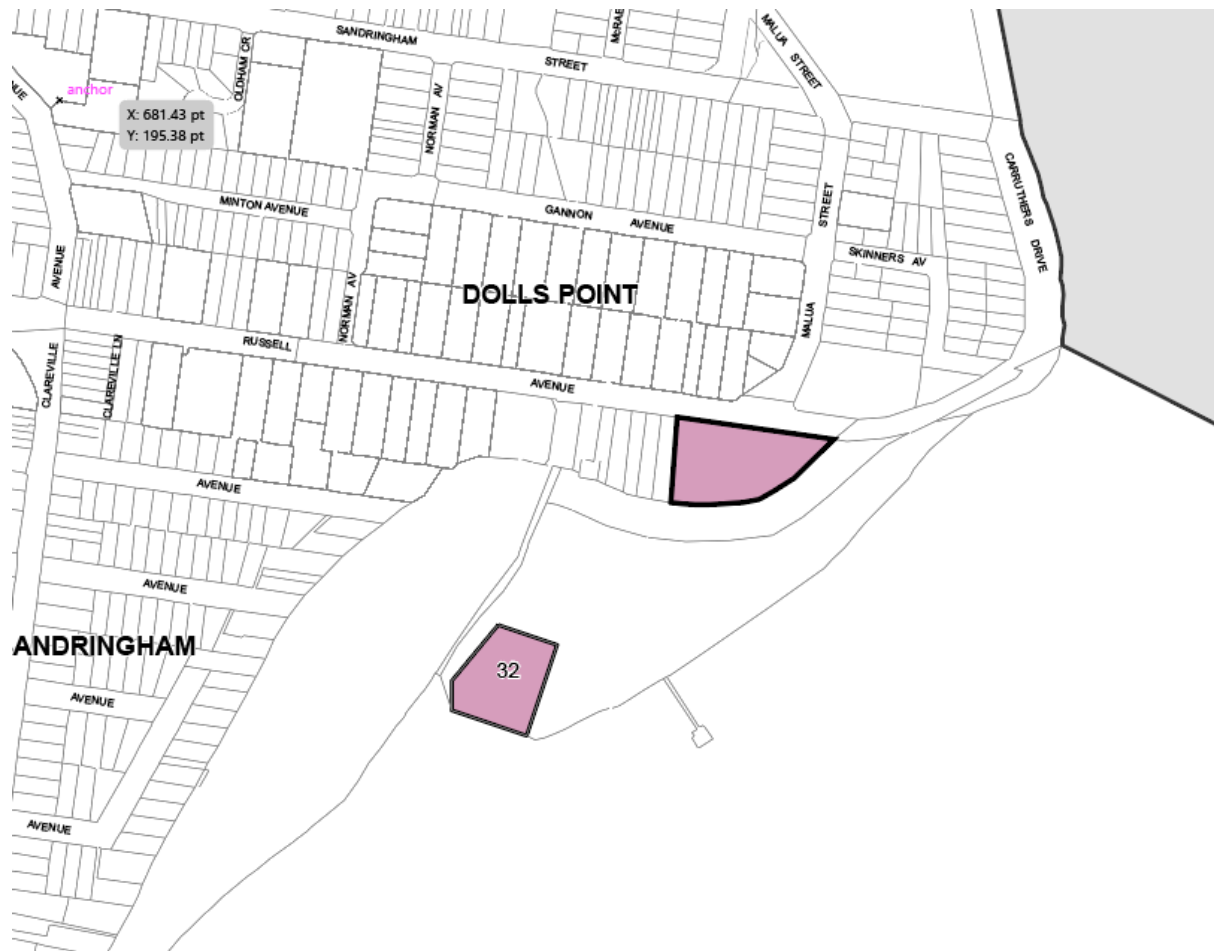


Figure 5 – Example of mapping amendment showing Additional Permitted Use to be listed in Schedule 1 (The Planning Studio)

Part 5 - Community Consultation

Community consultation will be undertaken in accordance with the requirements of the Gateway determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of this planning proposal on the Bayside Council website and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected this planning proposal will be publicly exhibited for at least 20 working days consistent with the recommendation for Standard planning proposals under Department of Planning and Environment 's Local Environmental Plan Making Guideline.

It is proposed that exhibition material be made available on the Bayside Council website.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway determination.

Part 6 – Project Timeline

The table below provides a proposed timeframe for the project.

Table X – Approximate Project Timeline

Task	Timing
Report considered at Bayside Local Planning Panel Meeting	11 June 2024
Report considered at City Planning and Environment Committee Meeting	10 July 2024
Report considered by Bayside Council Meeting (to submit draft PP to DPE for Gateway Determination)	24 July 2024
Submit to DPE for Gateway Determination	August 2024
Gateway Determination issued by DPE	September 2024
Anticipated timeframe for completion of any further justification required by Gateway Determination	October - November 2024
Public exhibition and consultation with agencies	December - January 2024
Timeframe for consideration of submissions	January – February 2025
Bayside Council City Planning and Environment Committee Meeting (to consider submissions and recommend submitting to DPE for finalisation)	March / April 2025
Bayside Council Meeting (resolution to finalise LEP Amendments)	March / April 2025
Submission to DPE to finalise LEP Amendments	April 2025
Anticipated timeframe for finalisation of LEP Amendment	June / July 2025

Appendices

Appendix 1: Architectural Design Report

Appendix 2: Traffic Statement

Appendix 3: Acid Sulfate Soils Statement and Geotechnical Investigation

Appendix 4: Flood Risk Management Report