

MINUTES

of the **City Planning & Environment Committee**
held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Wednesday 8 March 2023** at **6.30pm**

Present

Councillor Jo Jansyn, Chairperson
Councillor Bill Saravinovski, Deputy Chairperson (via audio-visual link)
Councillor Liz Barlow
Councillor Christina Curry (Mayor)
Councillor Jennifer Muscat
Councillor Greta Werner
Councillor Heidi Lee Douglas

Also present

Meredith Wallace, General Manager
Peter Barber, Director City Futures
Richard Sheridan, Director City Performance
Colin Clissold, Director City Presentation
Fausto Sut, Manager Governance & Risk
Cathryn Bush, Coordinator Governance
Josh Ford, Coordinator, Planning Policy
Lisa Ho, Senior Urban Planner
Jourdan di Leo, Manager Property
Craig Dalli, Development Manager
Eli Cowley, Coordinator Strategic Property
Nik Simonovic, Property Project Officer
Tamara Lukic, Governance Officer
Suhradam Patel, IT Service Management Officer

The Chairperson opened the meeting in the Committee Room, Botany Town Hall at 6:36pm.

1 Acknowledgement of Country

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

2 Apologies and Attendance via Audio Visual link

Apologies

There were no apologies received.

Attendance Via Audio Visual Link**Committee Recommendation** (Councillor Curry / Councillor Muscat)

That Councillor Saravinovski attendance at tonight's meeting via audio-visual link be granted.

3 Disclosures of Interest**Councillor Jansyn****CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Jansyn declared a Less than Significant Non-Pecuniary Interest in Item CPE23.008 on the basis that she only has an interest in land which is her principal place of residence which is not impacted by the proposed changes, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Saravinovski**CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Saravinovski declared a Pecuniary Interest in Item CPE23.008 on the basis that he has relatives who own property in Rockdale Town Centre, and stated he would leave the meeting for consideration and voting on the matter.

Councillor Barlow**CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Barlow declared a Less than Significant Non-Pecuniary Interest in Item CPE23.008 on the basis that she only has an interest in land which is her principal place of residence which is not impacted by the proposed changes, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Curry**CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Curry declared a Pecuniary Interest in Item CPE23.008 on the basis that she owns a secondary residence, and stated she would leave the meeting for consideration and voting on the matter.

Councillor Muscat**CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Muscat declared a Less than Significant Non-Pecuniary Interest in Item CPE23.008 on the basis that she only has an interest in land which is her principal place of residence which is not impacted by the proposed changes, and stated she would remain in the meeting for consideration and voting on the matter.

Councillor Werner**CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Werner declared a Less than Significant Non-Pecuniary Interest in Item CPE23.008 on the basis that she and her family have an interest in land which are their principal places of residence which are not impacted by the proposed changes, but stated she would remain in the meeting for consideration and voting on the matter.

Councillor Lee Douglas**CPE23.008 - Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022**

Councillor Lee Douglas declared a Less than Significant Non-Pecuniary Interest in Item CPE23.008 on the basis that she only has an interest in land which is her principal place of residence which is not impacted by the proposed changes, and stated she would remain in the meeting for consideration and voting on the matter.

4 Minutes of Previous Meetings**4.1 Minutes of the City Planning & Environment Committee Meeting – 8 February 2023****Committee Recommendation** (Councillor Muscat / Councillor Barlow)

That the Minutes of the City Planning & Environment Committee meeting held on 8 February 2023 be noted.

4.2 Business Arising

The Committee notes that the Minutes of the City Planning & Environment Committee meeting of 8 February 2023 were noted by the Council at its meeting of 22 February 2023.

5 Items by Exception

There were no Items by Exception.

6 Public Forum

Details associated with the presentations to the Council in relation to items on this agenda can be found in the individual items.

CPE23.008 Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022

The following person spoke at the meeting:

- Mr Jeffrey Tullock, the chair of Bexley Chambre of Commerce, speaking against the recommendation.

Note: Item CPE23.008 was dealt with next.

7 Reports

CPE23.004 Post-Exhibition Report: Draft Bayside Council Planning Agreement Policy

Note: Councillor Curry returned to the meeting room at 7:08pm

Note: Councillor Saravinovski was absent for the voting on this item.

Committee Recommendation (Councillor Lee Douglas / Councillor Barlow)

- 1 That Council adopts the Draft Bayside Council Planning Agreement Policy, as exhibited.
- 2 That Council gives public notice of its decision to adopt the Draft Bayside Council Planning Agreement Policy on Council's website.
- 3 That the General Manager be authorised to make further minor modifications, if required, to any administrative (numerical, typographical, interpretation and formatting) errors identified in the finalisation of the Draft Bayside Council Planning Agreement Policy.
- 4 That the Draft Bayside Council Planning Agreement Policy immediately comes into effect once adopted by Council.

CPE23.005 Information Report - Finalisation of Bayside LEP 2021 Translation (Employment Zones Reform)

Note: Councillor Saravinovski was absent for the voting on this item.

Committee Recommendation (Councillor Curry / Councillor Barlow)

That Council receives and notes this report on the NSW Government's Employment Zones Reform and translation of *Bayside Local Environmental Plan 2021*.

CPE23.006 Draft Planning Proposal - Heritage Conservation Areas

Note: Councillor Saravinovski was absent for the voting on this item.

Committee Recommendation (Councillor Lee Douglas / Councillor Werner)

- 1 That the draft Planning Proposal be updated to include the changes proposed by the independent Heritage Consultant, as outlined in this report.
- 2 That, pursuant to s3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the updated draft Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.
- 3 That, pursuant to Clause 14 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the proposed draft Development Control Plan amendments be endorsed for public exhibition for a period of no less than 28 days, and be exhibited concurrently with the draft Planning Proposal, should a Gateway determination for the draft Planning Proposal be issued.
- 4 That, should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period of the draft Planning Proposal and draft DCP amendments, to provide details of any submissions received throughout that process.

CPE23.007 Bayside Local Housing Strategy Implementation & Delivery Plan

Note: Councillor Saravinovski was absent for the voting on this item.

Committee Recommendation (Councillor Lee Douglas / Councillor Muscat)

That Council endorses the draft Bayside Local Housing Strategy Implementation and Delivery Plan for submission to DPE.

CPE23.008 Post-Exhibition Report: Re-Exhibition of Draft Bayside Development Control Plan 2022

The following person spoke at the meeting:

- Mr Jeffrey Tullock, on behalf of the Bexley Chamber of Commerce, speaking against the recommendation.

Note: Councillor Curry had previously disclosed a Pecuniary Interest, and left the meeting for consideration of, and voting on, this item at 6:50pm.

Note: Councillor Saravinovski had previously disclosed a Pecuniary Interest, and left the meeting (via audio-visual link) for consideration of, and voting on, this item at 6:50pm and did not return to the meeting.

Committee Recommendation (Councillor Muscat / Councillor Lee Douglas)

- 1 That Council notes the submissions (**Attachment 6**) received during the re-exhibition of the draft Bayside Development Control Plan 2022.
- 2 That, pursuant to section 3.43 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and in accordance with section 14 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), Council adopts the Bayside Development Control Plan 2022 as exhibited (**Attachment 1**), subject to the amendments specified in **Attachment 7**.
- 3 That, in accordance with section 16 of the EP&A Regulation, Council repeals the following Development Control Plans:
 - (i) Botany Bay Development Control Plan 2013; and
 - (ii) Rockdale Development Control Plan 2011.
- 4 That Council adopts the associated Technical Specifications (2022) (**Attachments 2, 3, 4 and 5**) and repeals existing Technical Specifications (2011), relating to:
 - (i) Traffic, Parking and Access
 - (ii) Stormwater Management
 - (iii) Waste Management
 - (iv) Landscape.
- 5 That, in accordance with section 14(2) of the EP&A Regulation, Council gives public notice of its decision to adopt the Bayside DCP 2022 and repeal the Botany Bay Development Control Plan 2013 and the Rockdale Development Control Plan 2011, on Council's website, within 28 days of its decision.
- 6 That, in accordance with section 20(1) of the EP&A Regulation, Council provides

a copy of the Bayside Development Control Plan 2022 to the Planning Secretary (NSW Department of Planning and Environment) within 28 days of its decision.

- 7 That the General Manager be authorised to make further minor modifications, if required, to any administrative (numerical, typographical, interpretation and formatting) errors identified in the finalisation of the Bayside Development Control Plan 2022.
- 8 That all persons who made a submission in relation to the Bayside Development Control Plan 2022 be advised of Council's resolution.
- 9 That the adopted Bayside Development Control Plan 2022 come into effect on **10 April 2023** and that the Botany Bay Development Control Plan 2013 and the Rockdale Development Control Plan 2011 be repealed on that date.

Note: Item CPE23.004 was dealt with next.

8 Confidential Reports / Matters

There were no confidential reports or confidential matters.

9 Conclusion of the Meeting

The Chairperson closed the meeting at 7:36pm.

The next meeting will be held in the Committee Room, Botany Town Hall, at 6:30pm on 12 April 2023.