



IRF23/1154

Gateway determination report – PP 2023-733

Creation of HCAs in Banksia, Bardwell Valley, Brighton
Le Sands and Ocean View Estate, Bexley

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Development Planning Proposal Review - February 2023 (Niche Environment and Heritage)
Bayside Heritage Study: Review of Potential Heritage Conservation Areas - September 2019 (GML Heritage)
Heritage data form - Brighton Le Sands HCA
Heritage data form - Oceanview Estate Bexley HCA
Heritage data form - Bardwell Valley HCA
Heritage data form - Banksia HCA
Bayside Council Agenda 11 November 2020
Bayside Council Minutes 11 November 2020
CP&EC Minutes 8 March 2023
CP&EC Report 8 March 2023
Bayside Council Minutes 22 March 2023
Bayside Local Planning Panel (LPP) Minutes 23 March 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bayside
PPA	Bayside Council
NAME	Creation of HCAs in Banksia, Bardwell Valley, Brighton Le Sands and Ocean View Estate, Bexley (0 Homes, 0 Jobs)
NUMBER	PP-2023-733
LEP TO BE AMENDED	Bayside Council Local Environmental Plan 2021
ADDRESS	Multiple properties in Banksia, Bardwell Valley, Brighton Le Sands and Bexley
DESCRIPTION	N/A
RECEIVED	6/04/2023
FILE NO.	IRF21/ 1154
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- create Heritage Conservation Areas (HCAs) in the suburbs of Banksia, Bardwell Valley, Bexley and Brighton Le Sands.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Bayside LEP 2021 per the changes below:

- Amend *Part 2 Heritage Conservation Areas* of Schedule 5 *Environmental Heritage* to create four new HCAs:
 - Gibbes and Farr Streets, Banksia
 - Lansdowne and Hamilton Streets, Bardwell Valley
 - Brighton Parade, Brighton Le Sands

- Ocean View Estate, Bexley.
- Amend the heritage map to identify the proposed HCAs.

The planning proposal does not seek to amend the current zoning or development standards applicable to the subject sites.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal applies to various sites within Bardwell Valley, Banksia, Brighton Le Sands and Ocean View Estate in Bexley which have been identified by Council to be included in four new HCAs. The subject sites are identified in **Table 3**.

The four proposed HCAs will be in addition to the existing two heritage conservation areas in Daceyville and the Botany Township. **Figure 1** shows the existing heritage items, HCAs and the four proposed HCAs. Each of the proposed HCAs and the immediate surrounding area are discussed in sections 1.4.1 to 1.4.4 below.

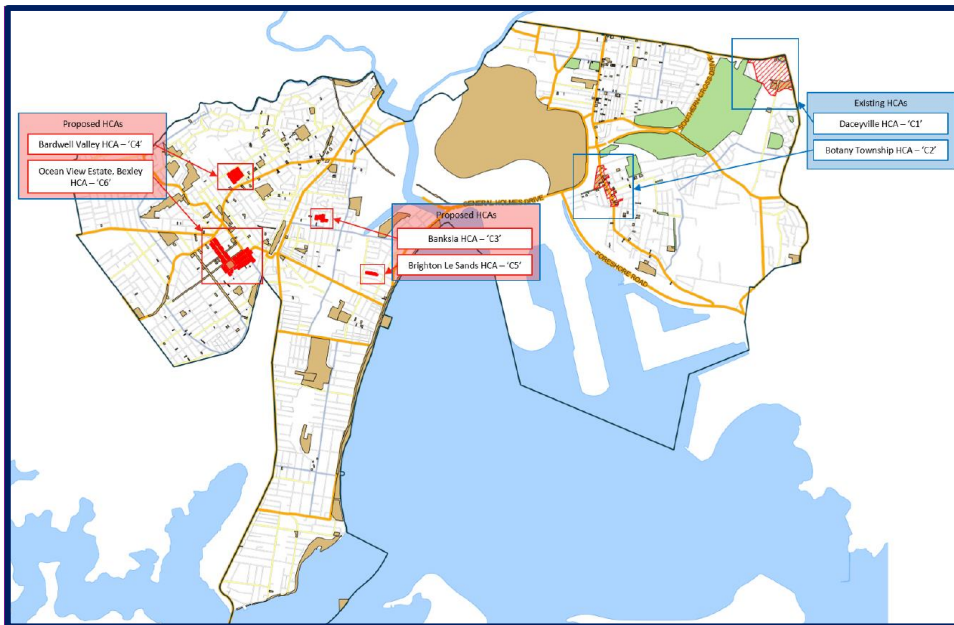


Figure 1: Proposed amendment to the Bayside LEP Heritage Map. Proposed HCAs highlighted and outlined in red. Existing HCAs highlighted and outlined in blue. (Draft Planning Proposal, March 2023)

Commented [AG1]: Nice diagram – just needs to be a bit clearer/bigger

Commented [WP2R1]:

Table 3: List of sites within the proposed HCAs

Bardwell Valley HCA	Lansdowne Street: 1-25 and 2-28
	Hamilton Street: 1-27 and 2-30
Banksia HCA	Gibbes Street: 4-26 and 5-25
	Farr Street: 1-39 and 18-28
Brighton Le Sands HCA	Brighton Parade: 1-35
Ocean View Estate HCA	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

1.4.1 Proposed Banksia HCA

The proposed Banksia HCA comprises properties in Gibbes and Farr Street, Banksia (see **Figure 2**). This area retains the original subdivision style of wide streets with a grid pattern layout and is characterised by remaining intact and uniform rows of Victorian era workers cottages. Many terraces retain original or sympathetic features such as corrugated iron roofs, palisade and low brick front fences, rendered brick and ornate façade windows.

There are two existing local heritage items within the proposed HCA:

- Item I67, 11 Gibbes Street, Banksia
- Item I68, 18 Gibbes Street, Banksia.

Both these items are part of single-storey terraced cottages known as Jackson's Row. The planning proposal does not seek to amend the existing heritage listings of these items.



Figure 2: Aerial of proposed Farr and Gibbs Street HCA (Source: Six Maps 2022)

1.4.2 Proposed Bardwell Valley HCA

The proposed Bardwell Valley HCA comprises houses along Lansdowne Street and Hamilton Street (see **Figure 3**). Houses in the proposed HCA 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. The houses are set within established formal gardens, and generally have low picket or brick fences.

Aesthetic qualities of this area include:

- consistent streetscapes
- single-storey character
- established gardens
- forward-facing double gabled roof forms
- the consistent material palette of face brick
- roughcast render
- sandstone base courses
- timber joinery
- leadlight windows.

The streets are wide with grassed verges and some street trees. Carparking is generally at the side of the original houses in open hardstands and carports. Some recent development has intruded into the consistency of the scale and character of some parts of the proposed HCA.

There are four existing local heritage items within the proposed HCA:

- Item I81, 2 Hamilton Street, Bardwell Valley (Californian bungalow cottage (part of a street precinct))
- Item I82, 3 Hamilton Street, Bardwell Valley (Californian bungalow cottage (part of a street precinct))
- Item I86, 13 Lansdowne Street, Bardwell Valley (Californian bungalow)
- Item I87, 17 Lansdowne Street, Bardwell Valley (Brick Californian bungalow cottage).

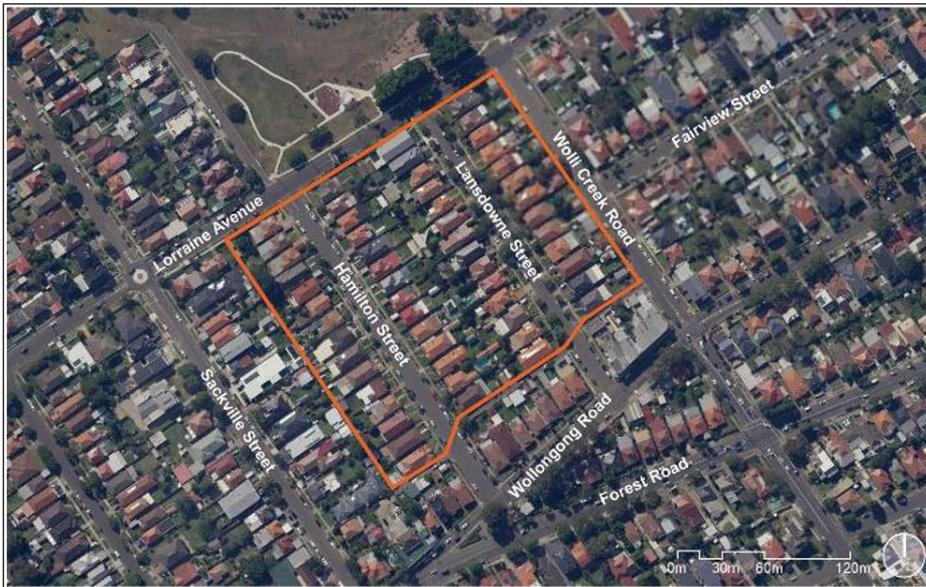


Figure 3: Aerial of proposed Lansdown and Hamilton Streets HCA (source: Six Maps with GML 2019).

1.4.3 Proposed Brighton Le Sands HCA

The proposed HCA comprises Brighton Parade in the suburb of Brighton Le Sands (see **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.

The properties on the north side of Brighton Parade are predominantly single storey Inter War bungalows constructed in the late 1920's. Predominantly brick construction and timber detailing with pitched tile roofs, set within modest front gardens. These properties retain original brick kerbs along its length and display driveways plus rear access of the houses to the south, fronting Bruce Street.

Characteristic elements within the street include:

- historical public domain elements
- the dominant material palette of face brick, timber joinery
- the consistent single-storey character
- picket/masonry fences.

There is one existing local heritage items within the proposed HCA:

- Item I217, 11, 23 and 33 Brighton Parade & 3, 5 and 9 Brighton Parade (Brighton-Le-Sands Houses (Brighton Parade precinct)).

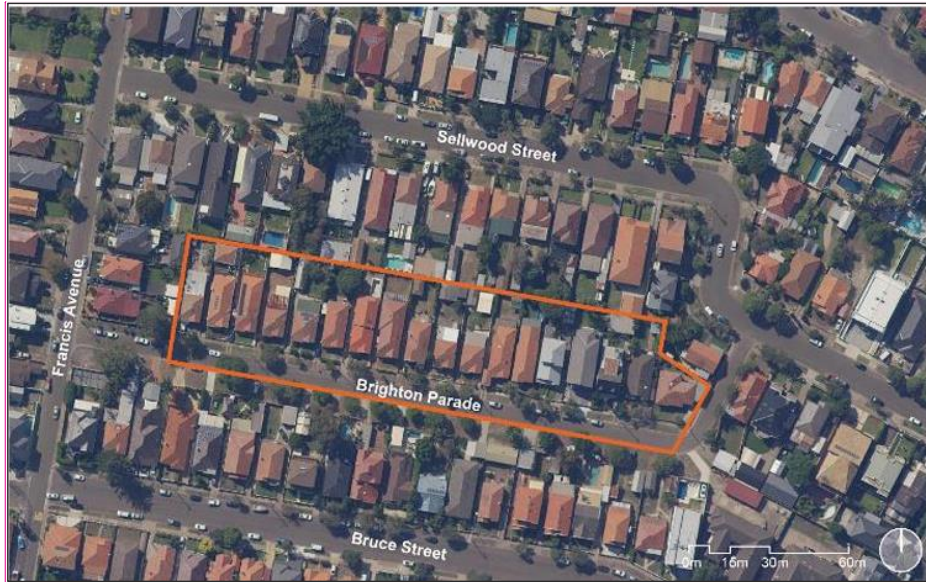


Figure 4: Aerial of proposed Brighton Parade HCA (Source: Six Maps with GML overlay, 2019).

1.4.4 Proposed Ocean View Estate, Bexley HCA

The proposed HCA comprises around Seaforth Park and includes Dunmore Street North, Caledonian Street (East), Watkin Street, Park Avenue and parts of Seaforth Street and Beaconsfield Street (see **Figure 5**).

The Ocean View Estate subject area was developed in stages, beginning in the late-nineteenth century. purchased in 1879 overlooking the new rail line and with views to the ocean this area was planned to appeal to the wealthy and laid out with the Garden Suburbs concept in mind. 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.

The proposed HCA features wide streets with grass verges and mature street trees, some of which are heritage listed. Seaforth Park is a large, grassed park and retains original plantings of Moreton Bay Figs, Monterey Pines and Canary Island Palms.

Housing around the park is generally from the Federation period and is oriented to take advantage of views over the parkland and the ocean. It contains many original architectural typologies including:

- Federation Queen Anne
- Federation Arts and Crafts
- late Victorian cottages
- Inter-War bungalows
- Formal gardens with low brick fencing.

Dunmore Street North features the finest quality of housing and is largely intact.

Commented [KM3]: Update image per previous comments

There are 19 existing local heritage items within the proposed HCA comprising of:

- Item I113, Dunmore Street North, Bexley (Street plantings)
- Item I114, 1A, 1B and 1C Dunmore Street North, Bexley (Christ Church Anglican Church and hall)
- Item I115, 12 Dunmore Street North, Bexley (Federation house)
- Item I116, 14 Dunmore Street North, Bexley (Federation house)
- Item I117, 17 Dunmore Street North, Bexley (Federation house)
- Item I118, 18 Dunmore Street North, Bexley (Ercildoune)
- Item I119, 20 Dunmore Street North, Bexley (Fairmont)
- Item I120, 29 Dunmore Street North, Bexley (House)
- Item I121, 33 Dunmore Street North, Bexley (Inter-war house)
- Item I122, 38 Dunmore Street North, Bexley (Federation house)
- Item I123, 40 Dunmore Street North, Bexley (Federation house)
- Item I94, 2 Beaconsfield Street, Bexley (Bayview Lodge)
- Item I95, 6 Beaconsfield Street, Bexley (House)
- Item I96, 16A Beaconsfield Street, Bexley (Seaforth Park)
- Item I103, Caledonian Street, Bexley (Street plantings)
- Item I142, 77 Harrow Road, Bexley (Italia)
- Item I142, 83 Harrow Road, Bexley (Esperanza)
- Item I143, 87 Harrow Road, Bexley (Federation house)
- Item I146, 1 Park Avenue, Bexley (House).

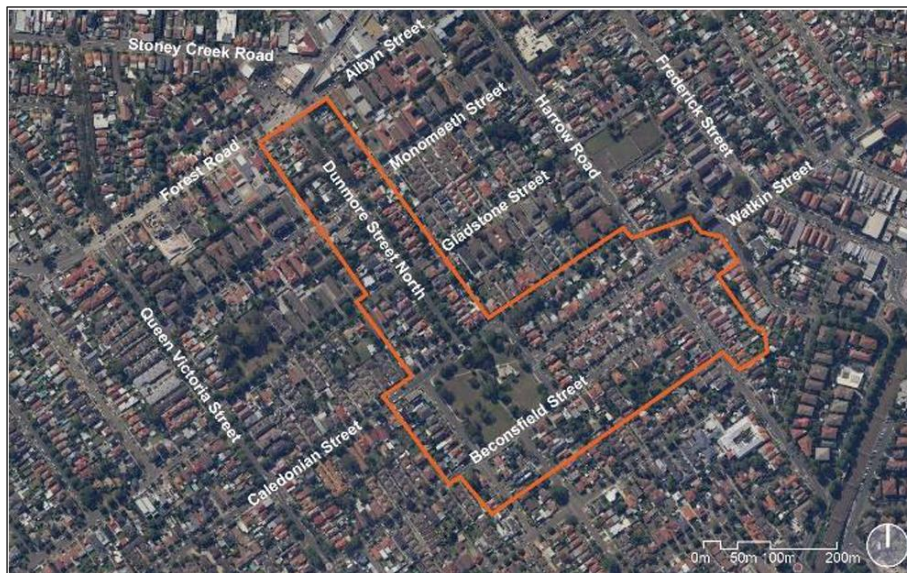


Figure 5: Aerial of proposed Oceanview Estate HCA (Source: Six Maps with GML overlay, 2019)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Bayside LEP Heritage Map, which are suitable for community consultation as shown below:



Figure 6: Proposed Banksia HCA map (Source: Bayside Council (Niche 2023))



Figure 7: Proposed Bardwell Valley HCA map (Source: Bayside Council (Niche 2023))



Figure 8: Proposed Brighton Le Sands HCA (Source: Bayside Council (Niche 2023))

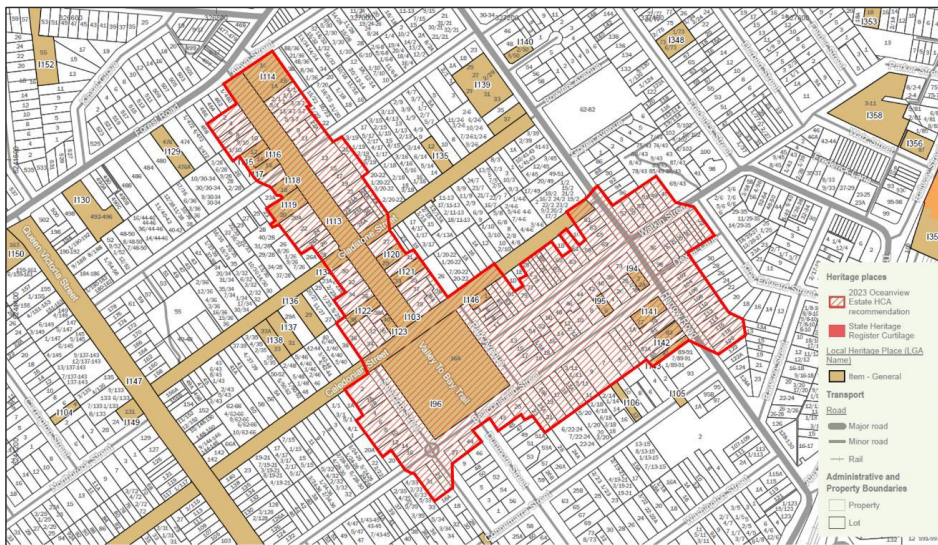


Figure 9: Proposed Ocean View Estate HCA (Source: Bayside Council, 2023)

The planning proposal does not seek to change the zoning, height of building, maximum floor space ratio, or minimum lot size maps.

1.6 Background

Table 4: Timeline of planning proposal

Date	Event
1991	Rockdale Heritage study recommends HCAs
2015	Rockdale Council exhibited a discussion paper regarding HCAs. Community feedback was generally positive, with the community interested in seeing HCAs introduced.
2018	Bayside Council engaged GML Heritage to undertake the <i>Bayside Heritage Study</i>
2019	The Bayside Heritage Study – Review of Heritage Conservation Areas report (GML 2019) proposed six new HCAs, including the four subject to this planning proposal and a further HCA in Aloha and Forster Streets, Mascot and another in Moorefield Estate, Kogarah.
2 October 2019	At a General Manager's briefing an agreement was made to seek community feedback on the proposed HCAs.
9 October 2019	Public exhibition of the proposed six HCAs proceeded. Approximately 580 letters were sent to all landowners within the proposed areas. Council received 220 submissions and 66 telephone enquiries.
11 November 2020	Council resolved to amend the Bayside LEP 2021 to create four HCAs in Banksia, Bardwell Valley, Brighton Le Sands and Ocean View Estate, Bexley, following the amendment of boundaries. Council further resolved not to proceed with the proposed HCAs in Mascot and Moorefield Estate, Kogarah.
March 2022	Bayside LPP 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.
February 2023	Consultants Niche Environment and Heritage provided further heritage advice in a report titled Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas.
8 March 2023	Bayside City Planning & Environment Committee considered a report on the proposal and Niche and recommended to Council it support the planning proposal.
22 March 2023	Council resolved to submit the planning proposal for Gateway
6 April 2023	Planning proposal submitted for Gateway assessment.

2 Need for the planning proposal

This planning proposal is the result of heritage studies commissioned by Council:

- Bayside Heritage Study – Review of Potential Heritage Conservation Areas (GML, 2019)
- Development Planning Proposal Review – Bayside Council: Proposed Heritage Conservation Areas (Niche, 2023).

Council aims to consolidate the existing heritage items of the former City of Botany Bay and Rockdale City LGAs. This aim is reflected in the Bayside Local Strategic Planning Statement (LSPS), the Bayside Local Housing Strategy (LHS), Bayside Heritage Strategy and Council's Community Strategic Plan: Bayside 2030.

The planning proposal seeks to list the subject areas as HCAs to provide ongoing protection and recognition of its heritage significance and to allow for better conservation management of the property. A planning proposal is the only means to alter Part 2 Schedule 5 of the Bayside LEP 2021 to recognise the local heritage significance of the proposed HCAs and to provide statutory protection.

Other options, such as adding site-specific objectives and controls to the Development Control Plan (DCP) or including heritage conservation conditions to a potential development consent, will not provide the same level of heritage protection and recognition.

The assessment of heritage significance undertaken by Council's consultants was in accordance with the NSW Heritage Office guideline, Assessing Heritage Significance, 2001. The assessment against the seven listing criteria in the guideline is summarised below:

Table 5: Heritage Criteria Assessment

Criteria	Heritage Assessment	
(a) Historical Significance	Yes	Banksia: Culturally significant at a local level as a representative of the early development of Banksia. The subdivision is predominantly intact and retains rare examples of intact rows of late Victorian terraces.
	Yes	Bardwell Valley: Historically significant at a local level as an intact example of an early twentieth-century subdivision in the Bayside area, subdivided by local builder William Lansdowne. The streets are representative of the nature of suburban growth at that time with the expansion of the rail line.
	Yes	Bardwell Valley: Historically significant at a local level as an intact example of an early twentieth-century subdivision in the Bayside area, subdivided by local builder William Lansdowne. The streets are representative of the nature of suburban growth at that time with the expansion of the rail line.
	Yes	Ocean View Estate, Bexley: Significant at a local level for its representation of the development of Bexley in the late nineteenth and early twentieth centuries, and for its demonstration of finely detailed architectural typologies illustrating the development of the street. Constructed on the c.1883 Ocean View Estate subdivision, the streets are

Criteria	Heritage Assessment	
		representative of the nature of suburban growth at that time with the expansion of the rail line.
(b) Historical association significance	Yes	Banksia: Associated with the Mercantile Building Land & Investment Co., a building society and speculative developer that had some influence in the development of the Rockdale area.
	No	Bardwell Valley: The area does not meet the threshold for inclusion under this criterion
	No	Brighton Le Sands: The area does not meet the threshold for inclusion under this criterion
	No	Ocean View Estate Bexley: The area does not meet the threshold for inclusion under this criterion
(c) Aesthetic / technical Significance	Yes	Banksia: Demonstrates aesthetic characteristics that are significant at a local level. It contains several rows of intact single-storey Victorian terraces, which face each other and create a coherent streetscape.
	Yes	Bardwell Valley: Contains many original contributory dwellings demonstrating good examples of interwar architecture, built to a consistently high quality with high aesthetic values. The area contains many important aesthetic characteristics (listed in section 1.5). Evidence of the historic subdivision pattern is demonstrated by the consistency in the built form.
	Yes	Brighton Le Sands: Contains several original dwellings from the interwar period. It contains many original contributory dwellings demonstrating good examples of interwar architecture. The street retains its original interwar brick guttering that would have most likely been added in the 1920s. Characteristic elements of the area are listed in section 1.5
	Yes	Ocean View Estate, Bexley: Demonstrates aesthetic characteristics that are significant at a local level. It contains many original contributory dwellings demonstrating architectural (listed in section 1.5). The streetscape and landscaping are built to a consistently high quality with high aesthetic values. That demonstrate the Garden Suburb Principles. The fine detailing of many of the contributory houses and listed heritage items is an important feature.
(d) Community Cultural Significance	No	All Proposed HCAs: It is not known if the area(s) could meet the threshold for inclusion under this criterion.
(e) Research Potential	No	All Proposed HCAs: The area(s) has not been assessed under this criterion.

Criteria	Heritage Assessment	
(f) Rarity	Yes	Banksia: Has rarity value as it contains intact rows of single-storey nineteenth-century workers' housing, a typology that is now rare within the Bayside LGA.
	No	Bardwell Valley: The area does not meet the threshold for significance under this criterion.
	No	Brighton Le Sands: The area does not meet the threshold for significance under this criterion.
	No	Ocean View Estate Bexley: The area does not meet the threshold for significance under this criterion.
(g) Representativeness	Yes	Banksia: Represents principal characteristics of late Victorian terraced housing, retaining many intact architectural characteristics. Although now rare in the Bayside LGA, these types of dwellings were common in the late nineteenth century and proliferated throughout inner Sydney.
	Yes	Bardwell Valley: The area represents principal characteristics of Federation and interwar architectural typologies, with particularly fine examples of Federation dwellings. These architectural typologies were common at this time as early estates were subdivided and populations increased in the suburbs.
	Yes	Brighton Le Sands: Representative of an early twentieth-century streetscape which remains generally intact despite later intrusive infill development. It contains several original single-storey detached dwellings demonstrating architectural characteristics of interwar period typologies, through their form, small scale, moderate setbacks, and low fences.
	Yes	Ocean View Estate, Bexley: Represents principal characteristics of late Victorian, Federation and interwar architectural typologies, with particularly fine examples of Federation dwellings, as well as characteristics typical of early twentieth-century garden suburbs. These architectural typologies and planning principles were common at this time as early estates were subdivided and populations increased in the suburbs.

The Department considers amending the Schedule 5 of the Bayside LEP 2021 is the most appropriate mechanism to meet the objective of the planning proposal and it is suitable to proceed to consultation.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 10 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 13. Environmental heritage is conserved and enhanced	<p>The Region Plan emphasises the need to conserve items of heritage significance. Objective 13 notes that environmental heritage should be protected for its social, aesthetic, economic, historic and environmental values.</p> <p>The heritage study and heritage data forms submitted by Council have provided an assessment of significance indicating that the sites have reached the threshold for listing as HCAs at a local level.</p> <p>The proposal is consistent with the objectives of the Region Plan, as it seeks to recognise the heritage significance of the proposed HCAs and facilitate their ongoing protection.</p>

3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 11 District Plan assessment

District Plan Priorities	Justification
E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The planning proposal seeks to created HCAs which apply to sites currently occupied by existing, older housing stock.</p> <p>The subject sites have not been identified for renewal or increases in density and are not in the catchment areas of existing and future infrastructure corridors. The Bayside Local Housing Strategy has not identified the subject sites for renewal or increases in density.</p> <p>The proposed Brighton Le Sands HCA is within the outer extent of an area marked for “renewal subject to further investigation” in the Bayside LHS as shown in the Figure 10. However, given that the small size of the proposed HCA in relation to the investigation area, it is not expected to significantly impact on the potential for future uplift in areas identified for providing housing supply.</p> <p>The proposal is not inconsistent with this planning priority.</p>
E6 Creating and renewing great places and local centres, and respecting the district's heritage	<p>This priority seeks to identify, conserve, interpret and celebrate the District's heritage values.</p> <p>The proposal contributes to the protection of the District's heritage through listing of four HCAs in the Bayside LGA, which have been found to have heritage significance in a studies commissioned by Council. The amendment to the Bayside LEP 2021 will provide ongoing protection and recognition of the heritage significance of these areas.</p> <p>The proposal is considered to be consistent with the District Plan</p>

Commented [AG4]: Laura – I've checked this and the only one that maybe in a 'growth area' is Brighton-Le-Sands but the HCA is limited and the LHS identifies as 'area for renewal subject to further investigation' – I think it's fine.

I think it would also be good to get Will to do a diagram overlaying the HCA's with the LHS growth areas.

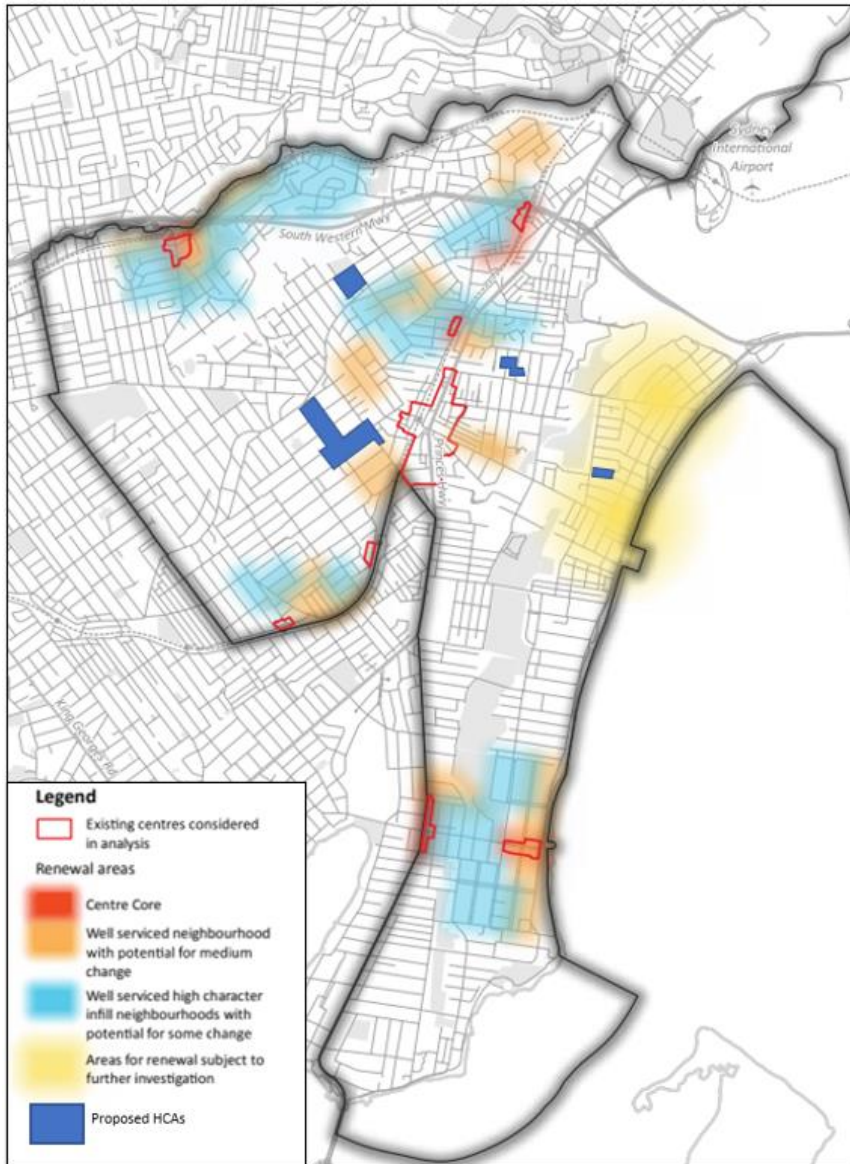


Figure 10: Proposed HCAs overlaid onto Spatial Plan for Bayside LGA (Bayside LHS 2021)

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table(s) below:

Table 12 Bayside local strategies assessment

Local Strategies	Justification
Bayside Local Strategic Planning Statement	<p><i>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</i></p> <p>The planning proposal 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</p> <p><i>B11: Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas</i></p> <p>The planning proposal provides provisions for clear controls in the Bayside LEP which promote the protection of Bayside's cultural heritage in the four proposed 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 can be included in the Bayside DCP.</p>
Bayside Community Strategic Plan 2018-2032	<p>Bayside 2032: Community Strategic Plan 2018-2032 (BCSP) 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.</p> <p>The department is satisfied the proposal is consistent with all relevant themes and community outcomes of the BCSP after assessment of the planning proposal</p>
Bayside Local Housing Strategy	<p>Small lot sizes, existing strata development and aircraft noise limit the suitability of the area for intensification. Brighton le Sands and Banksia are identified in the LHS as future investigation areas however both proposed HCAs do not fall within the investigation area.</p>

3.4 Local planning panel (LPP) recommendation

That the Bayside Local Planning Panel considered the proposal at its meeting March 2022 and recommend to Council that:

1. Pursuant to s3.33 of the Environmental Planning and Assessment Act 1979 the draft Planning Proposal for Heritage Conservation Areas in Banksia, Bardwell Valley, Brighton Le Sands and Oceanview Estate, Bexley be submitted to the Department of Planning and Environment for a Gateway determination.
2. Pursuant to Clause 18 of the Environmental Planning and Assessment Regulation 2000, the proposed draft amendments to the Rockdale Development Control Plan 2011 be endorsed

for public exhibition for a period of not less than 28 days, and be exhibited concurrently with the draft Planning Proposal, should a Gateway determination for the draft Planning Proposal be issued.

3. 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.

3.5 Council Resolution

Council considered the planning proposal at its meeting on 22 March 2023 and resolved:

1. That the draft Planning Proposal be updated to include the changes proposed by the independent Heritage Consultant, as outlined in the PP.
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.

3.6 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 13 9.1 Ministerial Direction assessment

Direction	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of Direction 1.1 is to give legal effect to the Regional Plan.</p> <p>The proposal is consistent with the Greater Sydney Region Plan as discussed in Section 3.1 of this report.</p>

Direction	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Consistent	<p>The objective of Direction 3.2 is to conserve items, areas, objectives and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal seeks to four separate areas as a local HCAs in the Bayside LEP 2021.</p> <p>The proposal is supported by a Heritage Study prepared by GML Heritage (Sep 2019) and further Report prepared by Niche (Feb 2023) in accordance with the NSW Heritage Manual 'Assessing Heritage Significance' guidelines. The Heritage Studies conclude that the item meets the Heritage NSW criteria for historical, aesthetic/technical and representativeness value and merits local heritage listing. Four draft heritage data forms accompany the proposal.</p> <p>The Gateway determination includes a condition that Heritage NSW be consulted.</p>
6.1 Residential Zones	Consistent	<p>The objective of Direction 6.1 is to encourage a variety and choice of housing and make efficient use of existing infrastructure and services.</p> <p>Direction 6.1 applies because the proposal will affect land within an existing residential zone.</p> <p>The proposal is not inconsistent with this Direction because it seeks to maintain the current residential use and zoning of the properties while protecting its cultural value by including the four areas as HCAs. The proposal does not alter the existing development standards applicable to the subject sites.</p>

3.7 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 14 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not applicable	Reasons for consistency or inconsistency
SEPP (Exempt and Complying Development Codes) 2008	This policy aims to provide streamlined assessment processes for development that complies with specific development standards.	Consistent	<p>The proposal seeks to create four HCAs</p> <p>The Codes SEPP is limited in application to HCAs.</p> <p>The application of the SEPP will be slightly reduced in the Bayside LGA because of this proposal. The SEPP was designed to have limited impact on buildings with heritage values, and thus this impact is a result of the SEPP operating as intended.</p>

4 Site-specific assessment

4.1 Environmental

The subject site is in an established urban area. It is considered highly unlikely that critical habitat areas, threatened species, populations, or ecological communities will be adversely impacted by the planning proposal.

The need for the planning proposal has arisen from the recommendations of a heritage significance assessment. The proposal would facilitate the conservation of the sites which have been found to have heritage significance.

The planning proposal does not seek to facilitate any significant change in the existing land use. Accordingly, there are unlikely to be significant environmental impacts resulting from the proposal.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 15 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal may have a positive a social effect on the local community. Listing the HCAs in the Bayside LEP 2021 will provide the community with greater certainty about the significance of the site and facilitate its on-going protection and conservation.</p> <p>The planning proposal is unlikely to result in negative social impacts.</p> <p>Additionally, the public exhibition of the planning proposal will provide additional opportunity for the wider community to determine whether the proposed heritage listing is supported and appropriate.</p>
Economic	<p>The planning proposal may have a minor economic impact on the landowner because there are additional costs involved in preparing DAs and modifying heritage listed sites. Listing the areas will also prevent certain works from being undertaken as exempt and complying development.</p> <p>The areas will remain the current zoning applicable to each property.</p> <p>The proposed listing means that the consent authority will need to consider the effect of any future development on the heritage significance of the site pursuant to Cl. 5.10 of the LEP, it does not prohibit change or development as such. The proposal is considered to have an acceptable economic impact.</p>

4.3 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal. The planning proposal will not facilitate intensified development on the site. The site has existing access to public infrastructure such as water, sewer, electricity, and telephone services.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate. Consistent with the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2022) an exhibition period of 20 working days is recommended and forms part of the conditions of the Gateway determination.

5.2 Agencies

It is recommended that the following government agencies be consulted as part of public agency consultation and given 30 working days to comment on the proposal:

- Department of Planning and Environment – Environment and Heritage
- The National Trust of Australia (NSW)

A condition is included in the Gateway determination.

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The Department recommends the LEP be completed on or before 6 March 2024 to ensure it is completed in line with its commitment to reduce processing times. A condition to this effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is local significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is supported by a heritage assessment report prepared in accordance with the NSW Heritage Office Guidelines that identifies the subject site(s) as being of local heritage significance and meriting inclusion as HCAs within the Bayside LEP 2021.
- It is consistent with the Greater Sydney Region Plan, Eastern City District Plan, Council's Local Strategic Planning Statement, and the relevant SEPPs and Section 9.1 Directions.
- It will recognise and provide ongoing protection and allow for better conservation management of the sites which have been identified to be of local heritage significance.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that there are no inconsistencies with relevant section 9.1 Directions.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
 - Heritage NSW
 - The National trust of Australia.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days
3. The planning proposal must be made on or before 6 March 2024.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

26 July 2023

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