

Bayside Local Planning Panel - Other Applications

21/03/2023

Item No	5.3
Subject	Housekeeping LEP
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File	SF22/2121

Summary

The Housekeeping LEP seeks to make amendments to the *Bayside Local Environmental Plan 2021* (BLEP 2021) to correct minor administrative errors within the schedules and update currency of mapping boundaries, labelling, and property descriptions. The proposal includes various amendments within BLEP 2021 and supporting maps, to correct various boundaries, addresses, property descriptions and minor rezoning / planning control amendments to the following:

- Schedule 1 Additional Permitted Uses;
- Schedule 5 Environmental Heritage – Part 1 Heritage Items;
- Schedule 5 Environmental Heritage – Part 2 Heritage Conservation Areas;
- Rezoning and amended planning controls applicable to:
 - (i) 11 Station Street Arncliffe; and
 - (ii) 21 and 23 Gladstone Street, to align with zone objectives and site context;
- Amendments to the BLEP 2021 *Heritage Map* to correctly identify heritage properties;
- Amendments to the BLEP 2021 *Land Reservation Acquisition (LRA) Maps* as several parcels have been acquired by the relevant authority; and
- Miscellaneous mapping amendments to correct anomalies.

The draft Planning Proposal (draft PP) (**Attachment 1**) has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Local Environmental Plan Making Guideline* (NSW Department of Planning and Environment, September 2022).

Officer Recommendation

That the Bayside Local Planning Panel (BLPP) recommend to Council:

1. That the Planning Proposal for the Housekeeping LEP be endorsed and forwarded to the Minister for Planning requesting a Gateway Determination pursuant to s3.34 of the *Environmental Planning & Assessment Act 1979*.
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Background

On 9 September 2016, the Bayside Local Government Area (LGA) was declared, amalgamating the former Rockdale and Botany Bay LGAs. This amalgamation resulted in an inconsistent planning framework, as three different Local Environmental Plans (LEPs) applied across the LGA.

In March 2018, amendments were made to the Act to require all metropolitan Councils to review and amend their LEPs, and to give effect to the relevant District Plans. Bayside Council was identified as a priority Council by the Greater Sydney Commission (now the Greater Cities Commission), based on an assessment of:

- housing supply and demand;
- planned infrastructure;
- opportunities for renewal; and
- the need for more housing diversity in the area.

A timeline of two years was provided for Bayside to complete the LEP review.

On 27 August 2021, the *Bayside Local Environmental Plan 2021* was made. The BLEP 2021 was not prepared as a comprehensive review of all planning controls. Rather, it is a harmonisation LEP, serving to consolidate the provisions of the *Rockdale Local Environmental Plan 2011* (RLEP 2011), the *Botany Bay Local Environmental Plan 2013* (BBLEP 2013) and Botany Local Environmental Plan 1995 (BLEP 1995).

This Housekeeping LEP aims to rectify some administrative anomalies resulting from the consolidation process, to update the currency of information, and to alter the controls and zoning of certain sites to better reflect the objectives of the BLEP 2021.

The draft PP is aligned with the Bayside Local Strategic Planning Statement (LSPS), in particular:

- **Action 5.1** *Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities;*
- **Action 11.3** *Council will protect, celebrate and promote Bayside's rich cultural heritage;*
- **Action 21.1** *Review current open space provision and identify opportunities to provide and/or enhance open space to meet use needs consistent with the social infrastructure strategy; and*
- **Action 24.7** *Update Council's policies and procedures to manage Council owned and community assets impacts by urban and natural hazards to ensure the risk to the community, users and environment is minimised and acceptable.*

It is also aligned with the Bayside Community Strategic Plan (CSP), in particular:

- **Strategy 1.1.4** *Provide safe, accessible open space with a range of active and passive recreation opportunities to match Bayside's growing community;*
- **Strategy 1.4.3** *Support an effective and efficient local road network through investment in maintenance and reduced traffic issues in Bayside;*
- **Strategy 2.1.4** *Value, respect and celebrate Bayside's shared heritage and history;*
- **Strategy 2.4.1** *Develop and support community connections and networks which enhance resilience;*
- **Strategy 2.4.5** *Foster a sense of community pride in and satisfaction with Bayside;*
- **Strategy 3.3.5** *Respect, manage and protect the natural environment and biodiversity;*
- **Strategy 4.3.4** *Manage Council assets to meet community expectations within available resources; and*
- **Strategy 4.3.5** *Manage Council finances for the long-term benefit of the community and to prioritise infrastructure funding commitments.*

The Planning Proposal

This draft PP has been created seeking to make minor administrative amendments to the Bayside LEP for the first time since its notification (gazetted) in 2021. The objective is to update and maintain currency of the BLEP 2021.

Additional Permitted Uses

The draft PP seeks to amend the suburbs, addresses and property descriptions for various erroneous listings within *Schedule 1 Additional Permitted Uses* (APUs) of the BLEP 2021. No changes are to be made to the substance of any APU clauses within the Bayside LGA in regard to the uses permitted.

Environmental Heritage

The draft PP seeks to correct the erroneous suburbs, addresses and property descriptions of heritage items, and the incorrect identification labels of two Heritage Conservation Areas (HCAs) within *Schedule 5 Environmental Heritage* of the BLEP 2021.

Minor Zoning Amendments of Specific Parcels

This draft PP seeks to amend zoning and planning controls for two site-specific locations within the Bayside LGA:

- Belmore Street Reserve, Arncliffe; and
- 21 and 23 Gladstone Street, Bexley

Belmore Street Reserve, Arncliffe



Figure 1: Aerial Photo and Current Zoning of 11 Station Street, Arncliffe

Belmore Street Reserve – located at 11 Station Street, Arncliffe – is public open space that is owned and maintained by Bayside Council. The land is currently zoned R2 Low Density Residential, with associated planning controls consistent with the blanket R2 zone in the locality (refer **Attachment 1** for a detailed description).

This draft PP proposes that the land be rezoned RE1 Public Recreation, and associated *Floor Space Ratio* (FSR), *Height of Buildings* (HOB) and *Lot Size* (LSZ) planning controls removed from the site (consistent with RE1 zoned land across the LGA), to reflect its current use as local open space. The site has recently benefitted from improvements for public recreation purposes, demonstrating that Council's vision for the site is for public open space purposes.

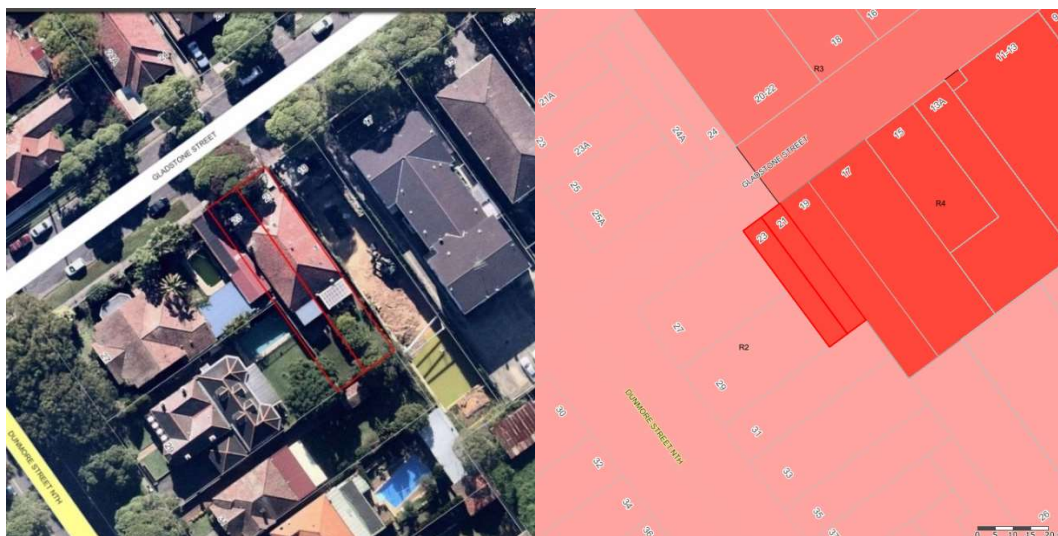
21 and 23 Gladstone Street, Bexley

Figure 2: Aerial Photo and Current Zoning of 21 and 23 Gladstone Street, Bexley

The two lots contain a one-storey Federation-style Dual Occupancy. The adjacent site to the east, at 19 Gladstone Street, is currently a construction site. However, it is earmarked for the development of a part 2-storey and part 3-storey Boarding House.

Opposite the subject sites, 24 and 24A Gladstone Street also contain a single-storey Dual Occupancy directly adjacent to Multi-Dwelling Housing on land zoned R3 Medium Density Residential. This transitions to a streetscape containing Residential Flat Buildings.

The subject sites are located in an area with a significant number of heritage items. Both Gladstone and Dunmore Street North are heritage listed due to significance of their street planting. Heritage listed properties in close proximity to the site include 12 Gladstone Street, 29 Dunmore Street North and 33 Dunmore Street North.

The draft PP seeks to rezone 21- 23 Gladstone Street, Bexley from R4 High Density Residential to R2 Low Density Residential and apply the planning controls applicable to the adjoining R2 zone (see **Attachment 1** for a detailed description). This is proposed in order to preserve the streetscape in the area, particularly to a heritage item directly to the south-west along Dunmore Street North. The current R4 zoning appears anomalous in the context illustrated by the maps above and below.

The below **Figure 3** demonstrates the current heritage items within the BLEP 2021 that neighbour 21 and 23 Gladstone Street, Bexley.

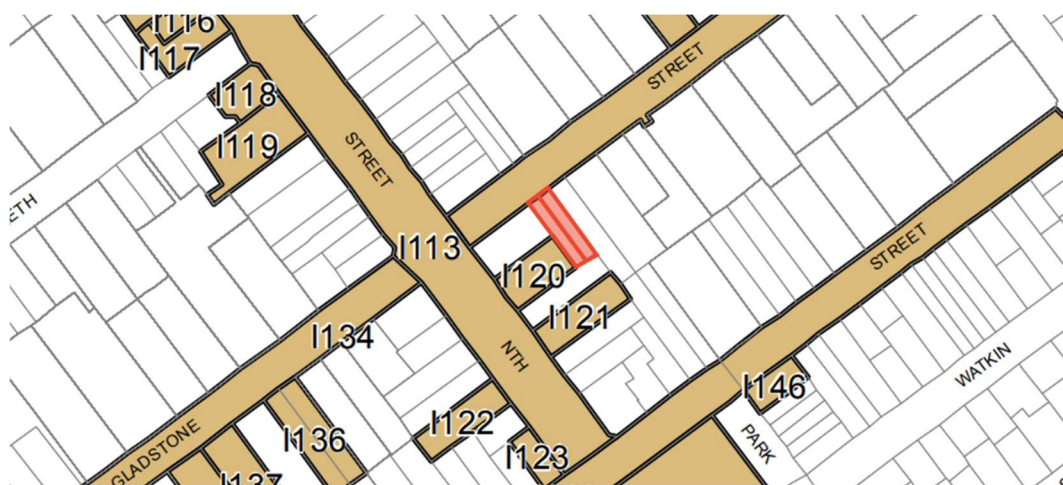


Figure 3: Heritage Mapping of Area Surrounding 21 and 23 Gladstone Street, Bexley.
Source: *Bayside Local Environmental Plan 2021 Heritage Map – Sheet HER_002*

Other Amendments

In addition to the amendments identified earlier in this report, a number of changes are also required in relation to heritage mapping, land reservation acquisition mapping, and miscellaneous mapping anomalies relating to zoning and planning controls. The changes constitute corrections or clarifications and do not make substantive changes to planning controls. These amendments are outlined in detail under **Attachment 1**.

Community Consultation

If a Gateway determination is issued by DPE, the Planning Proposal will be exhibited for the period outlined in the Gateway determination, and in accordance with the provisions of the *EP&A Act 1979* and the *EP&A Regulation 2021*. Public exhibition of the draft Planning Proposal would include:

- Newspaper advertisement in local newspapers;
- Exhibition notice on Council's Have Your Say website;
- Community engagement / consultation survey set up on Council's Have Your Say website;
- Written notification to all landowners and residents that are directly affected by mapping and policy changes within the LGA. This will include letters to landowners of properties affected by a proposed change in zoning or planning controls; and
- Letters to any State and Commonwealth Government agencies identified in the Gateway Determination.

Attachments

Draft Planning Proposal - Housekeeping LEP