

City Planning & Environment Committee

at the conclusion of the Council Meeting
which commences at 7:00 pm Wednesday
10 May 2023

Venue: Rockdale Town Hall, Council Chambers,, Level 1, 448 Princes Highway, Rockdale

Contact Us

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Bayside council acknowledges the Traditional custodians – the Gadigal/Bidjigal people of the Eora Nation.

The people of the Eora Nation, their spirit and ancestors will always remain with our water ways and the land – our Mother Earth.

**City Planning & Environment Committee Meeting
Councillor Seating**



Liz BARLOW



Chairperson
Jo Jansyn



Mayor / Deputy Chairperson
Christina CURRY



Jennifer MUSCAT



Greta WERNER



Heidi Lee DOUGLAS



Deputy Chairperson
Bill Saravinovski

General Manager
Meredith Wallace

Director
Peter Barber

Statement of Ethical Obligations

Obligations

Oath [Affirmation] of Office by Councillors

Oath

I swear that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Code of Conduct conflict of interests

Pecuniary interests

A Councillor who has a **pecuniary interest** in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.

The Councillor must not be present at, or in sight of, the meeting:

- a) at any time during which the matter is being considered or discussed, or
- b) at any time during which the council is voting on any question in relation to the matter.

Non-pecuniary conflicts of interests

A Councillor who has a **non-pecuniary conflict of interest** in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

Significant non-pecuniary interests

A Councillor who has a **significant** non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

Non-significant non-pecuniary interests

A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.

MEETING NOTICE

A meeting of the
City Planning & Environment Committee
will be held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 10 May 2023** at the conclusion of the Extraordinary Council Meeting
which commences at 7:00 pm

AGENDA

1	ACKNOWLEDGEMENT OF COUNTRY	
2	APOLOGIES	
3	DISCLOSURES OF INTEREST	
4	MINUTES OF PREVIOUS MEETINGS	6
4.1	Minutes of the City Planning & Environment Committee Meeting - 12 April 2023.....	6
5	ITEMS BY EXCEPTION	
6	PUBLIC FORUM	
7	REPORTS	12
CPE23.012	Planning Proposal - Housekeeping and other amendments to Bayside Local Environmental Plan 2021	12
CPE23.013	Planning Proposal Request - 776,792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot	17
CPE23.014	Clause 4.6 Variations to Development Standards - Quarterly Report 27	
CPE23.015	Planning Proposal Request - 200 Coward Street, Mascot	30
CPE23.016	Safer Cities Her Way Program - Project Update and Engagement Strategy	35

The meeting will be video recorded and live streamed to the community via Council's YouTube page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace
General Manager

1 ACKNOWLEDGEMENT OF COUNTRY

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

3 DISCLOSURES OF INTEREST

In accordance with Council's Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

4 MINUTES OF PREVIOUS MEETINGS

City Planning & Environment Committee

10/05/2023

Item No	4.1
Subject	Minutes of the City Planning & Environment Committee Meeting - 12 April 2023
Report by	Richard Sheridan, Director City Performance
File	SF22/6416

Officer Recommendation

That the Minutes of the City Planning & Environment Committee meeting held on 12 April 2023 be confirmed as a true record of proceedings.

Present

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

Also present

Councillor Scott Morrissey
Councillor Ann Fardell
Councillor Ed McDougall
Meredith Wallace, General Manager
Peter Barber, Director City Futures
Richard Sheridan, Director City Performance
Fausto Sut, Manager Governance & Risk
Louise Farrell, Manager City Projects
Jourdan Di Leo, Manager Property
David Smith, Manager Strategic Planning
Eli Cowley, Coordinator Strategic Property
Faisal Nadeem, Project Manager
Lisa Ho, Senior Urban Planner
Nik Simonovic, Property Project Officer
Anne Suann, Governance Officer
Taif George, IT Service Management Officer

The Chairperson opened the meeting in the Committee Room, Botany Town Hall, at 6:35 pm.

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

Committee Recommendation (Councillors Werner and Muscat)

That the following apology be received:

- Councillor Douglas

Attendance Via Audio Visual Link

Committee Recommendation (Councillors Muscat and Werner)

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

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

CPE23.009 Minutes of the City Planning & Environment Committee Meeting - 8 March 2023

Committee Recommendation (Councillors Muscat and Werner)

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

4.2 Business Arising

The Committee notes that the Minutes of the City Planning & Environment Committee meeting of 8 March 2023 were noted by the Council at its meeting of 22 March 2023 with the exception of:

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

Minute No. 2023/051

Resolved on the motion of Councillors Morrissey and Jansyn

- 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** and an amendment to **3.5 Transport, Parking and Access** on page 51 of the draft DCP to add the following words:

The provision of parking to satisfy the rates in Table 3 below must not be at the expense of providing landscaped area in accordance with part 3.7.1 of this plan. This may require parking to be located within the building footprint, either inside the building or in a basement, to maximise the area of the site available for landscaping and tree planting.
- 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.
- 10 That subject to Council completing its currently adopted group of Town Centre Masterplans, Council then commence the process of reviewing and updating the Bexley Town Centre Masterplan, in consultation with the relevant stakeholders, including the Bexley Chamber of Commerce

5 Items by Exception

There were no Items by Exception.

6 Public Forum

There were no speakers for Public Forum.

7 Reports

CPE23.010 Planning Proposal - 200 Coward Street, Mascot

Committee Recommendation (Councillors Curry and Muscat)

That this item be deferred to allow Council to contact the proponent to discuss VPA options, and provide a further report and recommendations to the May Committee Meeting.

CPE23.011 Draft Planning Proposal - R3 Medium Density Residential Zone

Committee Recommendation (Councillor Werner and Muscat)

- 1 That, pursuant to s3.34 of the *Environmental Planning and Assessment act 1979* (EP&A Act), the draft Planning Proposal – Medium Density Residential Uses be submitted to the Department of Planning and Environment for a Gateway Determination.
- 2 That, should a Gateway Determination be issued to proceed to public exhibition, a further report be presented to Council following the exhibition period addressing of any submissions received throughout that process.
- 3 That Bayside DCP 2022 be reviewed concurrently with the draft planning proposal to ensure consistency between controls contained in these documents and the draft planning proposal.

8 Confidential Reports / Matters

There were no confidential reports or confidential matters.

9 Conclusion of the Meeting

The next meeting will be held in the Rockdale Town Hall, Council Chambers, on Wednesday, 10 May 2023.

The Chairperson closed the meeting at 7:00 pm.

Attachments

Nil

5 ITEMS BY EXCEPTION

These are items that have been identified to be confirmed in bulk in accordance with the Officer Recommendation and without debate. These items will not include items identified in the Public Forum, items in which councillors have declared a Significant Conflict of Interest and a Pecuniary Interest, items requiring a Division and any other item that a Councillor has identified as one they intend to speak on or vote against the recommendation

6 PUBLIC FORUM

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.

7 REPORTS

City Planning & Environment Committee

10/05/2023

Item No	CPE23.012
Subject	Planning Proposal - Housekeeping and other amendments to Bayside Local Environmental Plan 2021
Report by	Peter Barber, Director City Futures
File	SF22/2122

Summary

A planning proposal has been prepared which proposes housekeeping and other amendments to the Bayside Local Environmental Plan 2021 (LEP) to correct administrative errors within the schedules of the LEP and to update map boundaries, labelling, and property descriptions.

There are proposed amendments to:

- Schedule 1 Additional Permitted Uses;
- Schedule 5 Environmental Heritage – Part 1 Heritage Items and Part 2 Heritage Conservation Areas;
- Rezoning of land and amendments to development standards of Council owned land at 11 Station Street, Arncliffe to reflect the current use of the site as public recreation;
- Amendments to the Heritage map to correctly identify heritage properties;
- Amendments to the Land Reservation Acquisition (LRA) maps as several parcels have been acquired by the relevant authority; and
- Other miscellaneous mapping amendments to correct anomalies.

The planning proposal 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). The next step is to seek a Gateway determination from the Department of Planning and Environment to allow public exhibition.

Officer Recommendation

- 1 That Council endorses the planning proposal for housekeeping and other amendments to the Bayside Local Environmental Plan 2021 and forward the planning proposal to the Department of Planning and Environment requesting a Gateway Determination pursuant to s3.34 of the *Environmental Planning & Assessment Act 1979*.
- 2 That Council, subject to receiving a Gateway Determination, publicly exhibits the planning proposal in accordance with the conditions of the Gateway determination and the Bayside Community Participation Plan 2019.

- 3 That Council receives a further report following public exhibition of the planning proposal detailing any submissions received.
-

Background

On 27 August 2021, the *Bayside Local Environmental Plan 2021* was made. The LEP was not prepared as a comprehensive review of zoning and planning controls. Rather, it was a harmonisation LEP, which consolidated the provisions of the former *Rockdale Local Environmental Plan 2011*, the former Botany Bay Local Environmental Plan 2013 and the former Botany Local Environmental Plan 1995.

Following gazettal of the Bayside LEP 2021, several administrative anomalies resulting from the consolidation process have been identified, along with the need to update the currency of some information in the LEP. A planning proposal is required for any proposed amendments to an LEP.

This planning proposal (**Attachment 1**) corrects the identified administrative anomalies within the schedules of the LEP and updates map boundaries, labelling, and property descriptions. It also proposes to rezone Council owned land at 11 Station Street, Arncliffe from R2 Low Density Residential to RE1 Public Recreation to reflect the use of the land as public recreation.

The planning proposal was considered by the Bayside Local Planning Panel on 21 March 2023 (**Attachment 2**) and their advice is included in **Attachment 3**. In summary, the Panel recommended to Council “*that the Planning Proposal be endorsed and forwarded to the Minister for Planning requesting a Gateway Determination pursuant to s3.34 of the Environmental Planning & Assessment Act 1979.*”

The Planning Proposal

The planning proposal proposes minor administrative amendments to the Bayside LEP for the first time since its gazettal in 2021. Planning proposals to undertake ‘housekeeping’ amendments with the objective of maintaining the currency of an LEP are commonplace and typically undertaken every few years.

Additional Permitted Uses (APU)

There are ten recommended amendments to *Schedule 1 Additional Permitted Uses* of the LEP to correct suburb names, addresses and property descriptions for various listings within the schedule. No changes are proposed to the intent of any APU clauses within the LEP relating to permitted uses.

Environmental Heritage

There are 58 recommended amendments to *Schedule 5 Environmental Heritage* of the LEP to correct suburb names, addresses and property descriptions of heritage items and correct the labels of two Heritage Conservation Areas (HCAs). No items are proposed to be added to or removed from the schedule.

Rezoning of land and amendment of development standards at 11 Station Street, Arncliffe

It is proposed to amend the zoning and corresponding development standards of Council owned land at 11 Station Street, Arncliffe, known as Belmore Street Reserve.

The land is currently zoned R2 Low Density Residential, with associated development standards consistent with the R2 zone in the locality.

It is proposed that the land be rezoned RE1 Public Recreation, and the associated *Floor Space Ratio* (FSR), *Height of Buildings* (HOB), and *Lot Size* (LSZ) development standards removed, which is consistent with other RE1 zoned land across the LGA. This amendment reflects the current use of the site as local open space.

The site has recently benefitted from improvements for public recreation purposes, demonstrating Council's vision for the site for public open space purposes.

Table 1 – Current and Proposed Development Standards at 11 Station Street, Arncliffe

	Current controls	Proposed controls
Zoning	R2 Low Density Residential	RE1 Public Recreation
FSR	0.5:1	N/A
HOB	8.5 m	N/A
Lot Size	450 m	N/A

Other Amendments

Other amendments are proposed in relation to the heritage maps, land reservation acquisition maps, and correcting miscellaneous mapping anomalies relating to zoning and planning controls. There are no substantive changes to planning controls.

These changes will affect the following Bayside LEP 2021 map sheets:

Map Type	Map Sheet	Required Updates
Heritage	011	Amended boundary to reflect subdivision of property.
	010	Correcting map to highlight the correct property.
	009	Remove item from heritage map, original heritage building demolished and replaced.
Land Reservation Acquisition	008	6 parcels to be removed as they have been acquired by the relevant authority.
	004	11 parcels to be removed as they have been acquired by the relevant authority.
	005	10 parcels to be removed as they have been acquired by the relevant authority.
		Correct identification of LRA map labels at 2 sites to correctly reflect zoning.
	006	5 parcels to be removed as they have been acquired by the relevant authority.

	007	4 parcels to be removed as they have been acquired by the relevant authority.
Floor Space Ratio	004	4 parcel boundaries amended to correctly adhere to cadastre.
Land Zoning	004	Amend zoning to portion of land to correctly adhere to property boundary.
Floor Space Ratio		Remove controls to suit zoning amendment.
Height of Buildings		
Minimum Lot Size		
Design Excellence	All	Amend legend within sheets to correctly refer to Clause 6.10 instead of currently referred Clause 6.12.

These amendments are outlined in detail with appropriate justification and images in **Attachment 1**.

The planning proposal as considered by the Local Planning Panel further proposed to amend zoning and development standards for land at 21 and 23 Gladstone Street, Bexley. These properties are currently zoned R4 High Density Residential, and it was proposed to rezone them to R2 Low Density Residential given interface issues with the surround low density residential land. However, these amendments are not considered to be housekeeping amendments to the Bayside LEP and are not correcting an obvious anomaly. Additional consultation is required with the landowners before any proposed amendments are pursued through a separate planning proposal process.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Costs associated with this planning proposal relate to staff costs and costs associated with exhibition of the planning proposal if supported by Council and are contained within the 2022/23 Strategic Planning Unit budget.
Additional funds required	<input type="checkbox"/>	

Community Strategic Plan

Theme One	– In 2032 Bayside will be a vibrant place	<input checked="" type="checkbox"/>
Theme Two	– In 2032 Our people will be connected in a vibrant place	<input type="checkbox"/>
Theme Three	– In 2032 Bayside will be green, resilient and sustainable	<input type="checkbox"/>
Theme Four	– In 2032 Bayside will be a prosperous community	<input type="checkbox"/>

Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
Low risk	<input checked="" type="checkbox"/>
Medium risk	<input type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

Community Engagement

If supported by Council, and a Gateway Determination issued, 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*, the *EP&A Regulation 2021* and *Bayside Community Participation Plan*.

Attachments

- 1 Planning Proposal (Under separate cover Attachments Part One) [⇒](#)
- 2 Report to Bayside Local Planning Panel - 21 March 2023 (Under separate cover Attachments Part One) [⇒](#)
- 3 Advice of the Bayside Local Planning Panel (Under separate cover Attachments Part One) [⇒](#)

City Planning & Environment Committee

10/05/2023

Item No	CPE23.013
Subject	Planning Proposal Request - 776,792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot
Report by	Peter Barber, Director City Futures
File	S17/120

Summary

Council is in receipt of a planning proposal request (**Attachment 1**) for land at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot. For ease of reference, all individual attachments to the planning proposal request in Attachment 1 are also attached separately to this report (**Attachments 4-18**).

The site is zoned B2 Local Centre and comprises six lots on the western side of Botany Road at the intersection with Coward Street, with an area of approximately 5,771 sqm

The planning proposal request seeks the following amendments to the Bayside Local Environmental Plan 2021:

- Increase the Height of Buildings development standard from 14m to 28m
- Allow residential flat buildings as an additional permitted use
- Remove the active street frontage requirement.

The site is owned by the NSW Land and Housing Corporation (LAHC), and the objective of the planning proposal is to enable the redevelopment of the site to deliver a mix of private and social housing of up to 8 storeys.

The site has the potential to be developed as a transition site between the higher densities of the Mascot Town Centre and the lower density areas to the east. However, the current proposal does not provide for an appropriate transition and there remains unresolved issues relating to traffic, heritage, impact on adjacent properties, provision of local community and commercial services, and urban design matters.

At its meeting of 26 October 2022, Council resolved to support the future planning of three investigation areas identified in the Bayside Local Strategic Planning Statement and Local Housing Strategy. Botany Road was identified for further investigation due to its potential contribution to the future provision and diversity of housing in Bayside.

The LAHC planning proposal was considered by the Bayside Local Planning Panel on 21 September 2021. The panel unanimously agreed that Council should defer the planning proposal request as:

- the site is in an area that has been identified for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct
- proceeding with a site-specific planning proposal prior to the masterplan would set an undesirable precedent, lead to ad hoc planning and could undermine any future vision to be established by the master planning process.

Officer Recommendation

1. That the planning proposal request for land at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot be deferred for the following reasons:
 - a) The site is in an area that has been identified in the Bayside Local Strategic Planning and Local Housing Strategy for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct.
 - b) Proceeding with a site-specific planning proposal prior to the masterplan finalisation would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision to be established by the master planning process.
 - c) There are unresolved issues including heritage impacts, traffic and access, urban design, impacts on adjoining properties and the streetscape, and impact on community services and commercial activity in the precinct.
2. That the planning investigation area along Botany Road, Mascot that Council resolved to progress at its meeting in October 2022 be prioritised ahead of the West Kogarah and Bexley North investigation areas to assist in deciding the NSW Land and Housing planning proposal.

Background

Applicant:

NSW Land and Housing Corporation

Owner:

NSW Land and Housing Corporation
Health Administration Corporation

Site Description:

Lots subject to the Planning Proposal request are identified in **Table 1**, below:

Table 1: Lots subject to the Planning Proposal request

Lot	DP	Address	Current zoning	Current Height of Buildings	Owner
A	36472	33 Henry Kendall Crescent, Mascot	B2 Local Centre	14m	NSW Land and Housing Corporation

B	36472	35 Henry Kendall Crescent, Mascot			
C	36472	37 Henry Kendall Crescent, Mascot			
D	36472	794 Botany Road, Mascot			
E	36472	792 Botany Road, Mascot			
1	36486	776 Botany Road, Mascot	B2 Local Centre	14m	Health Administration Corporation

The Site

The site at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot comprises six lots on the western side of Botany Road at the intersection with Coward Street, with an area of approximately 5,771sqm (**Figure 1**).



Figure 1: Subject Site

The site houses 25 social housing dwellings owned by NSW Land and Housing Corporation (LAHC) within five two storey brick buildings, including three walk-up apartment buildings and two townhouse style buildings constructed in the late 1950s. The site at 776 Botany Road, contains the Mascot Ambulance Station, being a two-storey brick building fronting Botany Road to the north of the social housing buildings.

The Locality

Mascot Train Station and Mascot Town Centre is located approximately 850m to the west of the site. To the south of the site is Mascot Memorial Park, which is identified in the Bayside LEP 2021 as a local Heritage Item. The NSW State Heritage Inventory statement of significance describes the park, *'as a locally significant cultural landscape that provides evidence of the community's memorialisation of their sacrifice and losses in the first world war'*.

Adjoining the site to the north are single storey dwellings and to the west across Henry Kendall Crescent are a mix of single and two storey dwellings. To the east of the site, on the opposite side of Botany Road, are a mix of two storey commercial buildings and located diagonally opposite the site to the south-east is Mascot Town Hall (former Botany Bay Council chambers), which is identified as a local heritage item in Bayside LEP 2021.

Existing Planning Controls

Under the Bayside LEP 2021, the site has the following zoning and development standards:

- B2 Local Centre
- 2:1 Floor Space Ratio
- 14m maximum Height of Buildings
- Subject to Clause 6.9 - Active Street Frontage
- Adjacent to heritage items

Planning Proposal Request

A planning proposal request was originally submitted to Council in December 2017. This proposal requested an amendment to the Botany Bay Local Environmental Plan 2013 (BBLEP 2013), now superseded by Bayside LEP 2021.

The original planning proposal request proposed the following amendments to Height of Buildings and Floor Space Ratio development standards:

- Amend the Height of Buildings Map to increase the maximum height of buildings from 14m to 22m and 28m.
- Amend the Floor Space Ratio (FSR) Map to increase the maximum FSR from 2:1 to 2.5:1.

Following an assessment of this proposal, a number of issues were raised by staff and the proponent updated the planning proposal request in October 2021.

The current planning proposal request seeks the following amendments to the Bayside LEP 2021:

- Increase the Height of Buildings development standard from 14m to 28m;
- Allow residential flat buildings as an additional permitted use as the existing B2 Local Centre zone prohibits residential uses at ground floor level; and

- Remove the active street frontage requirement.

The planning proposal request seeks a 100% residential use on this site, which the proponent says is consistent with the existing use and will enable LAHC to maximise additional social housing supply in this location.

The objective of the planning proposal is to enable the renewal of the site to deliver a mix of private and social housing of up to 8 storeys comprising:

- Three residential buildings ranging from 3 to 8 storeys.
 - Building along Coward Street – 8 storeys stepping down to 4 storeys on the corner of Coward Street and Henry Kendall Crescent.
 - Building along Henry Kendall Crescent – 3 storeys.
 - Building along Botany Road – part 6 storeys and part 4 storeys.
- 152 residential apartments – 45 (30%) will be for social housing and 107 private dwellings.
- Provision of a through site link.
- Deep soil - 28%.

Planning proposal for 995-1005 Botany Road and 124-128 Coward Street

A planning proposal request for land directly opposite the subject site at 995-1005 Botany Road (site 1) and 124-128 Coward Street, Botany (site 2) has previously been considered by the Bayside Local Planning Panel. The proposal sought to:

- Amend zoning for site 2 from R2 Low Density Residential to B2 Local Centre.
- Amend the Floor Space Ratio development standard from 2:1 to 4.6:1 (site 1) and from 0.55:1 to 3.4:19 (site 2)
- Amend the Height of Building development standard from 9m and 14m to 36m.
- Remove a heritage item I266 from the site.

The planning proposal request was considered by the Bayside Local Planning Panel on 21 September 2021, where they recommended that Council not support the planning proposal request as it did not have strategic merit.

The Panel's advice stated:

The Panel notes the fundamental principle that land use planning should promote the orderly and economic development of land consistent with section 1.3(c) of the Environmental Planning & Assessment Act, 1979. The strategic planning context in which this is to occur in this case requires alignment between the Greater Sydney Region Plan, Eastern City District Plan, Council's Local Strategic Planning Statement and its Local Environmental Plan, 2021.

The absence of such alignment can reduce community trust in the planning system and can also result in ad hoc development not supported by adequate infrastructure and/or development that sets a precedent which can then undermine future opportunities for wholistic, high-quality 'precinct' planning.

The Panel notes that the Planning Proposal has been the subject of considerable high-quality work which has illustrated well the potential for the broader area. However, in the absence of alignment with the strategic planning framework, the Panel could not identify any justification for the very significant increase in bulk and scale sought in the Planning Proposal which would be excessive and out of character with the local area. Accordingly, the Panel does not support the Planning Proposal in its present form and does not recommend that it proceed to Gateway determination.

Options available to the applicant include either a more modest redevelopment consistent with the current controls or working with nearby landowners and Council to develop a more holistic approach to the precinct. This advice is consistent and in line with the recommendations proposed by Allen Jack + Cottier Architects who independently reviewed the Planning Proposal on behalf of Council.

The Panel's advice in relation to the need to develop a more holistic approach to the precinct is consistent with Council's recent decision to proceed with master planning for the Botany Road Investigation Area.

The Planning Proposal request was due to be considered by Council at its meeting of 13 October 2021, however, the applicant considered the advice of staff and the Bayside Local Planning Panel and withdrew the proposal prior to the Council meeting.

Botany Road Investigation Area

At the City Planning and Environment Committee (CP&E) meeting on 12 October 2022, the Committee considered a report on the Bayside Local Housing Strategy, including the status of all the identified investigation areas. The report recommended that work commence on the following three areas:

- West Kogarah
- Botany Road
- Bexley North

These locations were identified for investigation as they could offer a contribution to the future provision and diversity of housing.

In relation to Botany Road, and the reasons it was identified for further investigation, the report notes:

Botany Road in Mascot and Botany has been identified as a place that requires investigation because it is apparent that there is a mismatch of the Floor Space Ratio and the Height of Building controls. This has resulted in several Planning Proposals in recent years. A height study is needed to inform master planning and potential changes to the BLEP and Development Control Plan.

There are several larger land holdings and owners interested in redevelopment, which may provide impetus for the development of new dwelling stock. The location has reasonable access to public transport. Economic Impact Analysis and traffic studies will also be required.

Council has landholdings in this area so will need to be mindful of probity considerations.

The report further notes an undertaking to investigate does not commit Council or imply that there will be any change to the current planning controls, it is only seeking a commitment from Council to investigate these areas further.

The Committee's recommendation in relation to this matter was:

1. *That Council endorses commencement of project planning and master planning for three investigation areas in the following order: West Kogarah, Botany Road south of Gardeners Road, and Bexley North.*
2. *That Council requests a subsequent report that provides more detailed information about project scope, timeframes, and milestones for each of the Investigation Areas.*

The Committee's recommendations were considered at the Council meeting on 26 October 2022, where Council resolved to adopt the Committee's recommendation.

Project planning is underway to inform a future report to Council, responding to item 2 of the resolution above, and will recommend that work on the investigation areas be staged. Given that there have now been two proponent lead planning proposals submitted in this area, it is recommended that this investigation area be given priority.

Height of Buildings and Floor Space Ratio Development Standards

A key reason why Botany Road has been identified for further investigation is due to an apparent mismatch between Height of Buildings and Floor Space Ratio development standards in the Bayside LEP 2021. A significant section of land along Botany Road, zoned B2 Local Centre, is subject to the following key planning controls:

- Height of Buildings: 14m
- Floor Space Ratio: 2:1
- Active Street Frontage

The planning proposal request proposes a doubling in the height of buildings development standard from 14m to 28m. The justification provided in the Planning Proposal report includes:

The existing maximum FSR of 2:1 would be retained meaning that the proposal is not seeking additional floor space than is currently permissible. The proposal seeks to increase the permissible height of buildings from 14m to 28m to enable an improved configuration of the allowable floor space across the site.

Given that Height of Buildings and Floor Space Ratio development standards have been identified for further investigation along Botany Road, and a height study is needed to inform the master planning process and potential changes to the Bayside LEP 2021 and Development Control Plan (DCP), it would be premature to proceed with amendments to the Height of Buildings development standard proposed through the LAHC planning proposal request in isolation of the remainder of Botany Road.

Implications of proceeding with planning proposal request

It is important that Council effectively plans for its growing population and Council has recognised this through the endorsement of master planning for the Botany Road

Investigation Area. This process will allow for a more comprehensive and holistic planning outcome to be delivered in the broader precinct.

Proceeding with a site-specific planning proposal prior to the masterplan would set an undesirable precedent, lead to ad hoc planning, and could undermine any future vision to be established by the master planning process.

It is considered appropriate that further consideration of this proposal should be deferred until the master planning of the area is complete.

Assessment of the planning proposal request

Council has undertaken an assessment of the planning proposal including an assessment of urban design, heritage, economic impact and traffic and parking.

A detailed assessment of the proposal's strategic and site-specific merit in accordance with the Department of Planning and Environment LEP Making Guidelines is included in the planning assessment report to the Bayside Local Planning Panel in **Attachment 2**.

In summary, the assessment indicates that the excessive bulk and scale of the proposed development is not justified and there are unresolved issues including heritage impacts, traffic and access, urban design, impact on adjoining properties and the streetscape and impact on community services and commercial activity in the precinct.

Bayside Local Planning Panel Advice

The planning proposal request was considered by the Bayside Local Planning Panel at its meeting on 21 March 2023. The advice of the Panel is included in **Attachment 3**.

The Panel considers that the planning proposal request should be deferred for the following reasons:

- 1. The site is in an area that has been identified for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct.*
- 2. Proceeding with a site-specific Planning Proposal prior to the masterplan would set an undesirable precedent, lead to ad hoc planning, and could undermine any future vision to be established by the master planning process.*

While the Panel understands the need for affordable and social housing, this is a strategically important precinct, which requires an appropriate level of investigation to enable master planning for the Botany Road corridor at Mascot (Coward/Botany Road) as outlined in the Bayside Local Strategic Planning Statement (Planning Priority 9, Action 9.6). Those investigations could establish the parameters for the most appropriate built form outcomes and planning controls.

Consideration of significant changes to planning controls for this site without a master planning process may prevent the achievement of quality outcomes for the Botany Road corridor as a whole. Council has been consistent in avoiding ad-hoc decision making for this important precinct and this Planning Proposal does not create any justification for not maintaining that approach.

A future master planning process as noted in the Local Strategic Planning Statement should consider the broader transport strategy, positioning of bulk and scale, impact on adjoining lower density sites, impacts on Mascot Memorial Park and other heritage items and vegetation within the master planning area including retention of significant trees. If the planning proposal does progress, the Panel recommends that any LEP amendment include a clause requiring preparation of a detailed site specific development control plan.

Conclusion

The planning proposal request has been subject to a detailed merit-based assessment against the strategic and statutory planning framework as required by the Environmental Planning and Assessment Act 1979, relevant guidelines, Planning Circulars and Practice Notes. In considering whether to progress a planning proposal to a Gateway Determination, Council is required to consider if the proposed changes to the Bayside LEP 2021 have both strategic and site-specific merit.

Council has identified the Botany Road area for further investigation. Proceeding with a site-specific planning proposal prior to the finalisation of a masterplan would set an undesirable precedent, lead to ad-hoc planning, and undermine any future vision for the Botany Road investigation area.

It is recommended that further consideration of the planning proposal should be deferred until the desired future outcomes associated with the planning parameters for the broader Botany Road Corridor are established.

Regarding site specific merit, the assessment undertaken has identified impacts on the locality that would arise if the planning proposal proceeded in its current form. These include visual impact due to bulk and scale of future buildings, loss of employment land, heritage, and traffic impacts.

Financial Implications

- | | | |
|--------------------------------------|-------------------------------------|--|
| Not applicable | <input type="checkbox"/> | |
| Included in existing approved budget | <input checked="" type="checkbox"/> | Council charges a fee for the assessment of planning proposal requests. Costs associated with assessing planning proposal requests are included in the 2022/23 budget for the Strategic Planning unit. |
| Additional funds required | <input type="checkbox"/> | |
-

Community Strategic Plan

- | | | |
|-------------|--|-------------------------------------|
| Theme One | – In 2032 Bayside will be a vibrant place | <input checked="" type="checkbox"/> |
| Theme Two | – In 2032 Our people will be connected in a vibrant place | <input type="checkbox"/> |
| Theme Three | – In 2032 Bayside will be green, resilient and sustainable | <input type="checkbox"/> |
| Theme Four | – In 2032 Bayside will be a prosperous community | <input type="checkbox"/> |
-

Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
Low risk	<input type="checkbox"/>
Medium risk	<input checked="" type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

There is a risk that if Council defers or does not support this planning proposal request, that the proponent will lodge a rezoning review with the Department of Planning and Environment.

Community Engagement

Should Council support the planning proposal request, it will be drafted and submitted to the Department of Planning and Environment seeking a Gateway determination. If a Gateway determination is issued, the planning proposal will be subject to community consultation in accordance with Section 3.34(2)(C) of the *Environmental Planning and Assessment Act 1979 and Council's Community Participation Plan*. The specific requirements for community consultation will be listed in the Gateway Determination, including the requirement to consult with any government agencies.

Attachments

- 1 Draft Planning Proposal Report (Under separate cover Attachments Part One) [⇒](#)
- 2 Bayside Local Planning Panel Planning Assessment Report (Under separate cover Attachments Part One) [⇒](#)
- 3 Advice of the Bayside Local Planning Panel (Under separate cover Attachments Part One) [⇒](#)
- 4 Urban Design Report (Under separate cover Attachments Part Two) [⇒](#)
- 5 Transport and Movement Study (Under separate cover Attachments Part One) [⇒](#)
- 6 Updated Transport Advice (Under separate cover Attachments Part One) [⇒](#)
- 7 Acoustic Report (Under separate cover Attachments Part One) [⇒](#)
- 8 Updated Acoustic Advice (Under separate cover Attachments Part One) [⇒](#)
- 9 Economic Impact Assessment (Under separate cover Attachments Part One) [⇒](#)
- 10 Commercial Market Study (Under separate cover Attachments Part One) [⇒](#)
- 11 Aboricultural Advice (Under separate cover Attachments Part One) [⇒](#)
- 12 Heritage Assessment Report (Under separate cover Attachments Part One) [⇒](#)
- 13 Draft Site Specific Development Control Plan (Under separate cover Attachments Part One) [⇒](#)
- 14 Market Needs Assessment (Under separate cover Attachments Part One) [⇒](#)
- 15 NSW Health Letter (Under separate cover Attachments Part One) [⇒](#)
- 16 GML Heritage Response (Under separate cover Attachments Part One) [⇒](#)
- 17 Independent Peer Review - Traffic and Transport (Under separate cover Attachments Part One) [⇒](#)
- 18 Independent Peer Review - Economic Impact Assessment (Under separate cover Attachments Part One) [⇒](#)

City Planning & Environment Committee

10/05/2023

Item No	CPE23.014
Subject	Clause 4.6 Variations to Development Standards - Quarterly Report
Report by	Peter Barber, Director City Futures
File	SF22/7003

Summary

The Secretary of the Department of Planning & Environment delegates to councils assumed concurrence to use Clause 4.6 to vary development standards in Local Environmental Plans in the assessment and determination of development applications.

In accordance with Planning Circular PS 20-002, Councils must monitor the use of assumed concurrence and report to the Department on a quarterly basis. Councils are also required to update a register on their website and report variations approved under delegation to a meeting of the Council.

This report provides a list of variations approved under delegation for quarter three (3) of FY2023 to promote a transparent and accountable decision-making process.

Officer Recommendation

That the report on the use of Clause 4.6 of Council's Local Environmental Plans to vary development standards in the determination of development applications during quarter three (3) of FY2023 to be received and noted.

Background

Clause 4.6 in Bayside Local Environmental Plan 2021 allows Councils to provide flexibility in the application of development standards when assessing development proposals under certain circumstances. Clause 4.6 sets out a number of criteria that must be satisfied before a variation can be granted.

Reasons for varying development standards using clause 4.6 are detailed within the Development Assessment report for each development application, which can be found using Bayside Council's DA tracker. The property address or application number can be used to locate and view a particular application using DA tracker via Council's website.

There are four (4) procedural and reporting requirements set for councils in relation to the use of clause 4.6 to permit variations to development standards in the assessment of development applications. These are in place to ensure that the process is robust, consistent, transparent, and free from corruption:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This

register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.

- A report of all variations approved (including under delegation) must be submitted through the NSW Planning Portal within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of variations approved under delegation is also to be provided to a meeting of the council each quarter.

This report is to satisfy dot point 4 of the reporting requirements for the Q3 FY2023 reporting period.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Attachments

4.6 Development Variations Q3 FY 22/23 [↓](#)

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
DA-2022/96	21	10077		187	Chuter Avenue	Sans Souci	2219	6: Residential - Other	Bayside LEP 2021	R2	S4.1 - Minimum subdivision lot size	There are sufficient environmental planning grounds to support the variation. The justification provided by the applicant is satisfactory in addressing each point relating to planning grounds and unreasonableness. The proposal successfully achieves the objectives of s4.1 of the BLEP by providing a considered built form response and positive urban design outcome.	9.95%	Council	7/02/2023

City Planning & Environment Committee

10/05/2023

Item No	CPE23.015
Subject	Planning Proposal Request - 200 Coward Street, Mascot
Report by	Peter Barber, Director City Futures
File	SF23/2447

Summary

At the 12 April 2023 meeting of the City Planning and Environment Committee, the Committee recommended that Council defer the planning proposal request (**Attachment 1**) for land at 200 Coward Street, Mascot to allow Council to contact the proponent to discuss Voluntary Planning Agreement options and for a further report to be provided to the 10 May 2023 Committee meeting.

At the Council meeting held on 26 April 2023, Council resolved to adopt the Committee's recommendation.

The proponent has responded formally to the Committee's recommendation, and the resolution of Council (**Attachment 2**). The proponent's view is that a planning agreement is not required in support of the planning proposal request when considered against Council's Planning Agreement Policy 2022.

Officer Recommendation

- 1 That the confidential attachment to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
 - 2 That Council notes the correspondence received from the proponent regarding a potential Planning Agreement.
 - 3 That Council endorses the planning proposal request for land at 200 Coward Street, Mascot and forward a planning proposal to the Department of Planning and Environment requesting a Gateway Determination pursuant to s3.34 of the *Environmental Planning & Assessment Act 1979*.
 - 4 That Council, subject to receiving a Gateway Determination, publicly exhibits the planning proposal in accordance with the conditions of the Gateway determination and the Bayside Community Participation Plan 2019.
 - 5 That Council receives a further report following public exhibition of the planning proposal detailing any submissions received.
-

Background

On 8 December 2022, Council received a planning proposal request (**Attachment 1**) for land at 200 Coward Street, Mascot. The planning proposal was reported to the 12 April 2023 City Planning and Environment Committee for consideration of referring it to the Department of Planning and Environment for a Gateway determination to permit public exhibition.

Proposal

The planning proposal request seeks the following amendment to the Bayside LEP 2021:

- Remove the applicability of Clause 6.9 - the Active Street Frontage (ASF) along the Coward and O’Riordan Street frontages of the site, apart from adjacent the corner.

The proponent has indicated the purpose of the planning proposal request is to:

- Allow any use permitted in the B4 Mixed Use zone under the Bayside LEP 2021 to occupy the ground floor premises (subject to consent), rather than only those limited to retail, business, and medical centre uses that are currently permitted under the ASF clause; and
- Permit the conversion of the ground floor premises to residential accommodation/serviced apartments, except for the corner premises, which is currently a café.

City Planning & Environment Committee 12 April 2023

At its meeting on 12 April, 2023, the City Planning and Environment Committee recommended to Council that the planning proposal request be deferred to allow Council to contact the proponent to discuss the possibility of entering into a planning agreement to provide public benefit, and to provide a further report and recommendations to the May 2023 Committee meeting.

Council, at its meeting on 26 April 2023, adopted the above Committee recommendation.

Bayside Planning Agreement Policy 2022

Council adopted the Planning Agreement Policy on 22 March 2023. The objectives of the Policy are:

- a) To establish Council’s policy on the use of planning agreements
- b) To provide a clear and transparent framework for the Council’s use of planning agreements
- c) To ensure that the negotiation, preparation, and implementation of planning agreements occurs in an open, fair, consistent, and accountable manner
- d) To establish a probity framework for the negotiation, preparation, and implementation of planning agreements
- e) To facilitate flexibility in the provision of required infrastructure for Bayside’s growing and changing community.

Under the Policy, Council may consider entering into a planning agreement where a developer proposes to, or has made, a request for a planning proposal seeking a change to the Bayside LEP 2021. A planning agreement is a voluntary agreement or other arrangement

between a planning authority and a developer to provide public benefit alongside an uplift in development potential through an LEP amendment.

Discussions with Proponent

Following the Committee's recommendation, discussions were held with the proponent regarding the potential for a planning agreement to support their planning proposal request. The proponent formally responded to Council advising that they do not consider a planning agreement is required in support of the planning proposal request when considered against Council's Planning Agreement Policy. A copy of the proponent's correspondence is included in **Attachment 2**.

A summary of the proponent's position is provided below:

- The site would not receive any planning gain or uplift in value because of the planning proposal. The proposal seeks to remove the Active Street Frontage clause in Bayside LEP 2021 from the site to allow residential uses to be permitted at ground floor because retail use at ground floor has proven to be economically unviable over the 5 years since the building was completed. As such, entering into a planning agreement is considered unnecessary.
- The planning proposal has strategic and site-specific merit.

Since the proponent's initial response (see **Attachment 2**), there have been further discussions around the possibility of capping the rent of several apartments for 5 years to increase the supply of affordable housing. The proponent is not willing to participate in such an arrangement.

Assessment of planning proposal

The council's assessment of the merits of the planning proposal remains unaltered from that considered by the Committee at its 12 April 2023 meeting (**Attachment 3**). The planning proposal request has strategic and site-specific merit, and it is recommended that the planning proposal request is endorsed and forwarded to the Department of Planning and Environment for a Gateway determination.

Conclusion

The planning proposal request has been the subject of a detailed merit-based assessment against the strategic planning framework as established by the Environmental Planning and Assessment Act, relevant guidelines, Planning Circulars and Practice Notes. In considering whether to progress the planning proposal request to a Gateway Determination, Council is required to consider if the proposed changes to the Bayside LEP 2021 have both strategic and site-specific merit.

Council's assessment of the proposal has identified that the proposal has both strategic and site-specific merit and will not materially increase the demand for public infrastructure in the area. A planning agreement has not been offered by the proponent.

It is recommended that Council endorse the planning proposal request and that a planning proposal be submitted to the Department of Planning and Environment seeking a Gateway determination, subject to the retention of the ASF clause fronting the O'Riordan and Coward Street corner premises currently occupied by a café.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Council charges a fee for the assessment of planning proposal requests. Costs associated with assessing planning proposal requests are included in the 2022/23 budget for the Strategic Planning unit.
Additional funds required	<input type="checkbox"/>	

Community Strategic Plan

Theme One – In 2032 Bayside will be a vibrant place	<input type="checkbox"/>
Theme Two – In 2032 Our people will be connected in a vibrant place	<input type="checkbox"/>
Theme Three – In 2032 Bayside will be green, resilient and sustainable	<input type="checkbox"/>
Theme Four – In 2032 Bayside will be a prosperous community	<input checked="" type="checkbox"/>

Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
Low risk	<input checked="" type="checkbox"/>
Medium risk	<input type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

There is a risk that if Council defers or does not support this planning proposal request, that the proponent will lodge a rezoning review with the Department of Planning and Environment. The other alternative is that the planning proposal is abandoned and the retail tenancies remain and may not be occupied.

Community Engagement

Should Council support the planning proposal request, the formal planning proposal will be drafted and submitted to the Department of Planning and Environment seeking a Gateway determination. If a gateway determination is issued, the planning proposal will be subject to community consultation in accordance with Section 3.34(2)(C) of the *Environmental Planning and Assessment Act 1979 and Council's Community Participation Plan*. The specific requirements for community consultation will be listed in the Gateway Determination, including the requirement to consult with any government agencies.

Attachments

- 1 Planning Proposal Request - Part 1 (Under separate cover Attachments Part Three) ➡
- 2 Response From Proponent (confidential)

- 3 City Planning & Environment Committee Report - 12 April 2023 (Under separate cover Attachments Part One) [⇒](#)
- 4 Planning Proposal Request - Part 2 (Under separate cover Attachments Part Three) [⇒](#)
- 5 Planning Proposal Request - Part 3 (Under separate cover Attachments Part Three)

City Planning & Environment Committee

10/05/2023

Item No	CPE23.016
Subject	Safer Cities Her Way Program - Project Update and Engagement Strategy
Report by	Peter Barber, Director City Futures
File	SF22/6587

Summary

'Safer Cities: Her Way' is a collaborative partnership program between Transport for NSW and 10 councils across NSW, including Bayside Council. The program will deliver demonstration projects aimed at improving the perception of safety for women, girls and gender diverse people when walking or moving to, through and within public spaces around transport hubs.

The demonstration projects are a way to test how to make public spaces feel safer. Each project will be developed through co-design workshops with local communities and designed to reflect local place identity and character. The projects will be evaluated for their effectiveness and insights and will be used to build the case for longer-term change. Once complete, each project will develop a detailed case study that will be shared in the Great Public Spaces Toolkit.

The first stage of the program is public engagement. Council will launch the program to the community in May 2023. Engagement activities include LGA-wide community surveys and 6 x community codesign 'Walk shops' at Rockdale, Mascot and Arncliffe along walking routes from the train stations. The engagement period will run for six weeks.

Officer Recommendation

That Council receives and notes this report, including the draft Engagement Plan.

Background

As part of the Safer Cities Program, Bayside Council is one of ten Councils selected by Transport for NSW (TfNSW) to participate in the "Her Way Project Stream." Council will receive up to \$1 million dollars to increase safety for women and girls near transport hubs. The program must be completed by June 2024.

A report was considered by Council at its meeting on 22 February, 2023 advising that the grant had been received and providing further background. This report provides an update and is to advise Council that the engagement process is about to commence.

The premise of the project is to base any design, built, or other interventions on deep engagement with women the girls who use these spaces. At this stage there are no pre-conceived ideas about what the project might physically or actually deliver.

Community Engagement

JOC Consulting was appointed the lead engagement through a competitive procurement process in March, 2023.

Community engagement materials and programs have been developed with input from Council's Engagement and Communications teams. TfNSW is required to approve the material under Clause 14 of the Deed (Acknowledgement and Publicity), which has occurred.

The two main engagement activities are proposed as follow:

Online Community Survey

The survey utilises the Safer Cities nationwide survey as a base (on the Have Your Say platform), and each survey will be made place-specific with place names and landmarks to capture local insights about walking to and from the identified train stations.

Community Intervention Evaluation Workshops / 'Walk-shops'

To further inform the interventions, there will be walking co-design workshops ('walk shops') at the three centres. The proposed dates and locations of the Walk shops are as follow:

Date	Location	Time
Tuesday 16 May	Rockdale	Day – 3.30 - 5.30pm
Thursday 18 May	Mascot	Night – 6.00 - 8.00pm
Tuesday 23 May	Mascot	Day – 3.30 - 5.30pm
Wednesday 31 May	Arncliffe	Day – 3.30 - 5.30pm
Thursday 1 June	Rockdale	Night – 6.00 - 8.00pm
Thursday 8 June	Arncliffe	Night – 6.00 - 8.00pm

During the workshops, data will be collected in the following ways:

- Online and visual survey questions on participants phones at key stops along the route. The survey will be highly visual and easy to understand by community members, including those who speak English as a second language.
- Photography and video will also capture photographs of the walk, and the key stops along the route to be utilised in the evaluation and Case Study Report.
- Vox pops from local women and girls (get permission on the spot) and interviews with Council stakeholders providing an overview of the project.

There is an opportunity for Councillors to be involved in the engagement exercise and Councillors are invited to express their interest.

Media and promotion

Council staff and the consultant will distribute the promotional materials, such as posters/flyers at Council's venues, train stations, schools, and local businesses. Council will also use digital platforms to promote the program.

Engagement Summary Report

A summary report will be prepared in July 2023. The report will consist of the findings of current experiences and concerns relating to the location and future-focused ideas and community expectations. Council will use this report to inform intervention decisions.

Next Steps

The community engagement will run through May and June, and feedback will be collated and reported in July. This will inform an ideas generation process as to how the safety issues identified through the engagement can be addressed. There will also be an opportunity for Councillors to be involved at this stage in the project, most likely through a workshop or Information Session.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	\$1 million will be provided to Council in accordance with the Deed of Agreement and agreed Milestones.
Additional funds required	<input type="checkbox"/>	

Community Strategic Plan

Theme One – In 2032 Bayside will be a vibrant place	<input checked="" type="checkbox"/>
Theme Two – In 2032 Our people will be connected in a vibrant place	<input type="checkbox"/>
Theme Three – In 2032 Bayside will be green, resilient and sustainable	<input type="checkbox"/>
Theme Four – In 2032 Bayside will be a prosperous community	<input type="checkbox"/>

Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
Low risk	<input checked="" type="checkbox"/>
Medium risk	<input type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

Community Engagement

From mid-May to early June 2023, Council will commence the engagement part of the Her Way Program, including Safer Cities National Wide Survey via Have Your Say website, 6 x Community Co-design Workshops / 'Walk shops' at Rockdale, Mascot and Arncliffe along walking routes from the train stations.

Attachments

Draft Engagement Plan [↓](#)

Draft Community Engagement Plan

Safer Cities Program – Her Way

JOC Consulting

DRAFT

1. Project purpose

Under the TfNSW Safer Cities Program, Bayside Council as a selected partner, will participate in the Her Way Program Stream to trial and test initiatives that improve the perception of safety for women and girls in public spaces.

The project will require the co-design of solutions with women, the trial of interventions to create more appealing and accessible places for women and evaluation to assess the effectiveness of interventions and inform future works.

To trial and test initiatives that improve the safety of women, girls, and gender-diverse people in public spaces through demonstration projects.

Core principles underpinning each stream:

- Proactively **engaging women and girls**
- Understanding that **mobility and perceived safety is a right** for women
- **Walkable** public spaces ensure women can freely access their daily needs
- **Activation** creates inviting public spaces and promotes public life
- **Smart city technology** is an enabler, offering new possibilities to address safety concerns

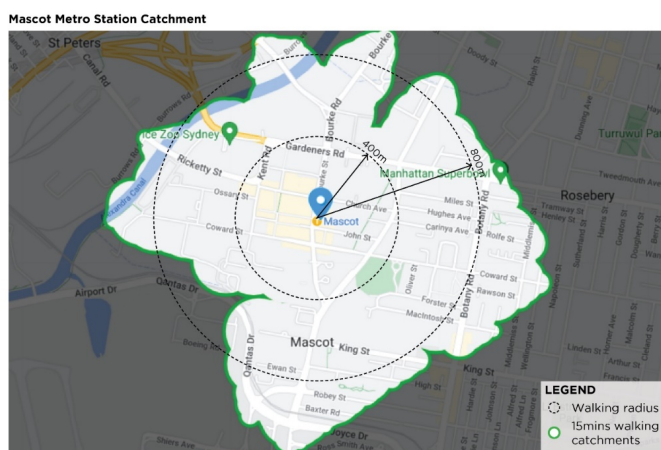
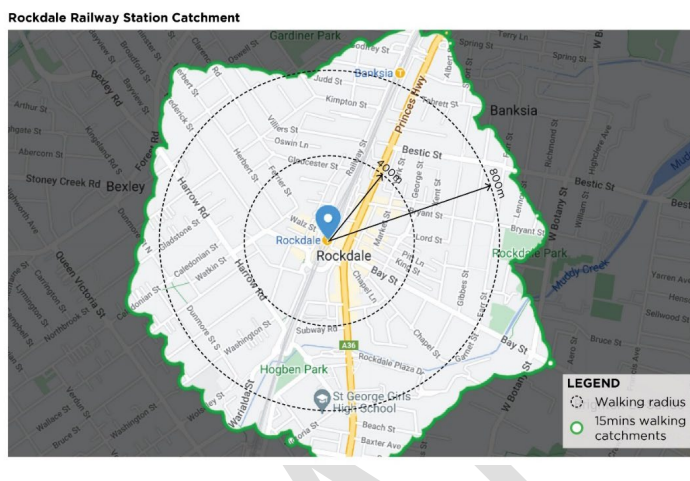
Objectives

The objective of Safer Cities: Her Way is to trial and test approaches to community engagement and public space interventions within Rockdale, Mascot and Arncliffe Town Centres in Bayside LGA that aim to:

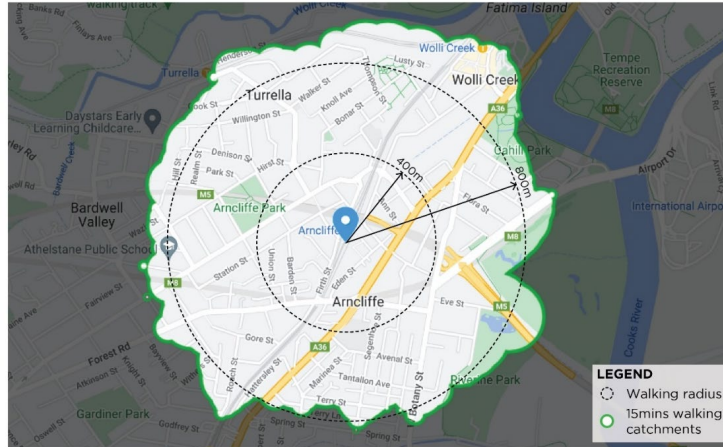
- Assist Women and Girls in feeling that their sense of safety has improved when using public spaces following the impacts of the pandemic.
- Improve amenities, accessibility, walkability and safety for pedestrians and cyclist connections, day and night.
- Provide a place for the community to gather, connect and feel welcome.
- Increase the quality of the nominated public spaces by strengthening the place's identity, character, and community value and providing diverse, inclusive, accessible, and welcoming uses.
- Increase local community stewardship and level of pride (attachment to place).
- Include diverse community voices through engagement processes to influence the designs and interventions.
- To empower women in the local community through education, mentoring, and networking opportunities
- To create a safe and supportive environment where women can connect and support each other

2. Location and site context map

The three selected project sites are Arncliffe Station precinct, Mascot Station precinct, and Rockdale Station precinct. The study area is within a 15-minute walk of the transport hub as shown in the maps below.



Arncliffe Railway Station Catchment



3. Engagement Activities

The engagement approach for this program will occur across **Engagement Milestone 2** - to inform the intervention/s and **Engagement Milestone 4** - to reflect and evaluate its impact. Below is a summary of the key engagement activities.

Engagement Milestone 2 - Pre-intervention engagement and co-design

The following engagement activities have been proposed to understand the challenges and aspirations of women in Bayside City, set the baseline of data and inform the design of the interventions / activations.

When	Details	Data output
2 x Interviews with local Police Area Commands (PACs) (30 min each)		
Location: Phone interviews		
May 2023	<p>Conduct interviews with local police such as crime coordinators from the Police Area Commands (PACs) for each location:</p> <ul style="list-style-type: none"> • South Sydney PAC (covers Mascot) • St George PAC (covers Arncliffe and Rockdale) <p>The interviews would seek to understand:</p> <ul style="list-style-type: none"> • Current challenges relating to women and girl's safety in the catchment area around each station specifically, • Challenges relating to women's safety issues across the area more broadly; and • Opportunities to address safety issues in each area 	<p>Interview notes</p> <p>Milestone 2 Engagement Summary Report</p>
3 x Online Community Survey		

Location: Online hosted on Council's 'Have Your Say' platform		
May 2023	<p>Utilising the Safer Cities nationwide survey as a base, the consultant will create three (3) x surveys for the chosen locations – Rockdale, Mascot and Arncliffe Railway Stations.</p> <p>Each survey will be made place-specific with place names and landmarks to capture hyper local insights about walking to and from the identified train stations.</p>	<p>Raw data</p> <p>Milestone 2 Engagement Summary Report</p>
6 x Place Audit (2 hours each)		
Location: Face-to-face at Rockdale, Mascot and Arncliffe along walking routes from the train stations		
Time: 1 x during the day and 1 x during the night at each location		
April 2023	<p>Consulting will conduct a place audit for that location utilising the Safer Cities program-specific Evaluation Tool for Public Space and Public Life tool being delivered by TfNSW.</p> <ul style="list-style-type: none"> 2 x 2-hour audits (1 x during the day and 1 x during the night) 2 x staff / researchers per audit 	<p>Raw data in audit template</p> <p>Photos</p> <p>Engagement Outcomes Report</p>
6 x Community Co-design Workshops / 'Walk shops' (2 hours each)		
Location: Face-to-face at Rockdale, Mascot and Arncliffe along walking routes from the train stations		
Time: 1 x During the day and 1 x during the night at each location		
May- June 2023	<p>To further inform the interventions, the consultant will prepare and facilitate 3 x walking co-design workshops ('walks hops') at the three centres. During the workshop, data will be collected in the following ways:</p> <ul style="list-style-type: none"> Online and visual survey questions on their phone at key stops along the route. The survey will be highly visual and easy to understand by all members of the community including those who speak English as second language. Photography and video will also capture photographs of the walk and the key stops along the route to utilise in the phase 4 evaluation and Case Study Report. 	<p>Raw data</p> <p>Photographs</p> <p>Video</p> <p>Milestone 2 Engagement Summary Report</p>

Milestone 2 will produce the following deliverable:

- **Milestone 2 Engagement Summary Report** - A high-level summary of community findings at each location including current experiences and concerns relating to the location and future focused ideas, expectations, and visions for the location. This report will be used by Council to inform intervention decisions.

Engagement Milestone 4 – Post-intervention engagement and evaluation

To evaluate the success of the intervention/s the following engagement activities are proposed.

6 x Place Audit (2 hours each) Location: Face-to-face at Rockdale, Mascot and Arncliffe along walking routes from the train stations Time: 1 x during the day and 1 x during the night at each location		
2024	Mirroring the previous place audits, a post-intervention place audit will assist in evaluating the impact of the intervention and to inform future projects. The consultant will utilise the Safer Cities program-specific Evaluation Tool for Public Space and Public Life tool being delivered by TfNSW <ul style="list-style-type: none"> • 3 x 2-hour audits. 1 x during the day and 1 x during the night at key times • 2 staff / researchers per location 	Raw data Milestone 2 Engagement Summary Report
3 x Interviews with local Police Area Commands (PACs) (30 min each) Location: Phone interviews		
2024	Conduct interviews with the same police stakeholders from local Police Area Commands (PACs) spoken to pre-intervention to understand: <ul style="list-style-type: none"> • Perceptions of the intervention and if / how it has impacted safety for women, girls, and gender diverse people • Opportunities to build address safety issues in the area 	Interview notes Milestone 2 Engagement Summary Report
3 x Online Community Survey Location: Online hosted on Council's 'Have Your Say' platform		
2024	Mirroring the first online survey, the online survey will be conducted again at each of the three intervention locations. The revised survey will include images and references if suitable.	Raw data Milestone 2 Engagement Summary Report
6 x Community Intervention Evaluation Workshops / 'Walk shops' (2 hours each) Location: Face-to-face at Rockdale, Mascot and Arncliffe along walking routes from the train stations Time: 1 x during the day and 1 x during the night at each location		
2024	To provide feedback on the success of the interventions, the consultant will prepare and facilitate 2 x walking co-design workshops across each centre. During the workshop, data will be collected in the following ways: <ul style="list-style-type: none"> • Online and visual survey questions on their phone at key stops along the route. The survey will be highly visual and easy to understand by all members of the community including those who speak English as second language. 	Raw data Photographs Video Milestone 4 Engagement Summary Report

	<ul style="list-style-type: none"> Photography and video will also capture photographs of the walk and the key stops along the route to utilise in the phase 4 evaluation and Case Study Report. 	
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Milestone 4 will produce the following deliverables:

- **Case Study Report** - Undertake an evaluation of the project and performance outcomes in line with TfNSW Schedule 3 of the *Funding Agreement*. It will include:
 - an overview of the project's objectives, planning, and delivery.
 - an itemised breakdown and details of the actual cost and milestone timeframes of the project.
 - the date the works, activations, events, or activities comprised in the Project were made available for use by the local community.
 - summary analysis of evaluation and reporting of project performance outcomes and the before and after results of the Evaluation Tool.
 - high-resolution images and videos of the project.
 - Milestone B Engagement Evaluation Report - a report for internal use only that evaluates the engagement process pre and post interventions and assesses to what extent the program objectives have been achieved. This report will be used by Council to directly inform TfNSW's Acquittal Report.

4. Engagement Outcomes

Project Evaluation

- Collect feedback from group leaders (consultant), workshop and event attendees, and other stakeholders throughout the program.
- Conduct a final evaluation to measure the program's success and identify areas of improvement
- To evaluate the impact of the program the following methods will be used pre- and post-intervention:
 - Place Audits using the *Great Public Spaces Evaluation Tool for Public Spaces and Public Life*, NSW Government, and a SWOT of each location
 - Community online surveys using the *Safer Cities Program* online survey, TfNSW and tailored to be place-specific
 - Co-design Workshops / 'Walkshops' using tried and tested Women's Walkshop methodology and bespoke place-specific surveys that are highly interactive and visual

To analyse the outcomes and impact of the program and interventions, Milestone 2 Engagement Summary Report and Milestone 4 Engagement Evaluation Report along with data will be reviewed, producing the following deliverables:

- Acquittal Report will be produced in line with TfNSW's *Project Performance Outcomes* outlined in Schedule 7 of the *Funding Agreement* and *Evaluation Framework*.
- Case Study Report of the interventions containing:
 - Photos and videos of the intervention
 - Overview of program objectives, planning, and delivery
 - Itemised breakdown of costing and milestones

- Records on the intervention information on participant numbers (if activity), employees and role and responsibilities of partnerships.
- Other high-level insights from Acquittal Report

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5. Risk and issues management

The following risks and issues management has been proposed in the table below.

Risk Item	Risk Consequence	Mitigation
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Low community engagement (limited survey respondents and co-design Workshop / 'walkshop' participants)	Lack of representation and input of a true cross-section of the community	Ensure a diverse communication approach by: Utilising Council existing communication channels and paid social media budget to extend reach Connect with stakeholders and leverage their community. Leverage existing community events to promote engagement. Ensure the intervention reflects community challenges and aspirations
General community aggression or negative behaviour towards co-design workshop participants	Impact the safety of participants	Additional Council staff present at each walk, monitoring the group from 2m behind. Notify local police and security at key locations that the walk will be taking place
Low level of English amongst participants	Lack of representation and input of a true cross-section of community	Translate collateral into key languages. Make connection with stakeholder from a variety of cultural groups. Connect with SRC representatives from local schools to provide translation at walks Encourage multigenerational families to attend so younger family members can translate
Low level of participation of gender diverse participants	Lack of representation and input of a true cross-section of community	Connect with local LGBTQ+ groups and ACON - New South Wales's leading HIV and health organisation, asking for local stakeholders within the Bayside community.
Covid-19	Although concern about Covid -19 is largely diminishing in the community, it may still be a concern for vulnerable people which may lead to a lack of attendance at co-design workshops.	Engagement activities and interventions will take place outdoors or online. All workshops will be designed to be socially distanced and non-contact. Council will provide hand sanitiser for all participants and staff.
Managing community expectations about changes to routes / level of interventions the program can achieve	Community feeling disengaged with the process and disappointed with the outcome.	Clearly communicate the breadth of the program and make it clear that the interventions are only a trial and may only be delivered in one location depending on the outcomes of the engagement. Articulate that the insights from the trial project will inform future long-term interventions and planning, underscoring its long-term value.

Consultant(s) or contractor support required to plan, design, and implement the project
Urban planning and community engagement specialists, Consulting have been engaged by Bayside Council to assist in the planning, design, delivery and reporting of the following deliverables:

- Engagement activities listed in Milestone 2 & 4
- Stakeholder scoping
- Promotional Material (communication collateral and copy)
- Engagement Summary Reports

Project timeline (including activities and timeframe/milestone dates)

The list of high-level activities is outlined in the table below.

Milestone	Task	Timeline	Status
Milestone 1	Attend inception meeting and attendance of community of practice	December 2023	Completed
Milestone 2	Prepare a Program / Project Plan	April 2023	In progress
Milestone 2	Prepare Promotional Material	April 2023	In progress
Milestone 2	3 x Online Community Survey	April 2023	In progress
Milestone 2	6 x Place Audit	April 2023	In progress
Milestone 2	2 x Interviews with local Police Area Commands	April 2023	In progress
Milestone 2	6 x Community Co-Design Workshop	16 May – 8 June 2023	Not started
Milestone 2	Engagement Summary Report – Pre intervention	June 2023	Not started
Milestone 2	1 x Councillor Presentation	June 2023	Not started
Milestone 2	Intervention plan and timeline of delivery	June 2023	Not started
Milestone 3	Delivery of program	October 2023 – June 2024	Not started
Milestone 4	Update Promotional Material	Late-2023	Not started
Milestone 4	2 x Interviews with local Police Area Commands	May 2024	Not started
Milestone 4	3 x Online Community Survey	April- May 2024	Not started
Milestone 4	6 x Place Audit	April- May 2024	Not started
Milestone 4	6 x Community intervention Evaluation Workshop	April- May 2024	Not started
Milestone 4	Procurement certificate	May 2024	Not started
Milestone 4	Engagement Evaluation Report – Post intervention	May 2024	Not started
Milestone 4	Prepare and submit final Case Study Report	May 2024	Not started
Milestone 4	Prepare and submit final Acquittal Report	June 2024	Not started

Using insights from engagement, a mood board of examples will be delivered in line with the following typologies:

Temporary activity, event, or program

Examples could include:

- Series or one-off event
- Temporary night transport
- Pop-up hub
- Gender training for Council maintenance teams

Communication

Examples could include:

- Wayfinding
- Behaviour reporting
- Awareness of program
- Safety partners - Businesses along route
- Badges, posters, stickers etc

Smart technology

Examples could include:

- CCTV Cameras
- Reporting
- Buzzers
- Framework for gender sensitive data collection

Infrastructure or amenities improvements

Examples could include:

- Traffic calming
- Timing of lights
- Lighting
- Seating
- Play equipment
- Maintenance
- Barrier free design
- Subdividing space
- Strategic placement and design of space

6. Budget (Engagement)

Budget item	\$ (Indicative, GST exclusive)	Funding from
Budget Forecast – pre- intervention (2022-2023)		
Engagement with local Police Area Commands (PACs)	10% of the Funding being \$100,000	TfNSW
Background review and analysis		
Engagement Plan		
Place audits		
Community engagement activities including 6 x walk shops		
Pre intervention Survey		
Videography		
Printing and advertising materials		
Engagement report		
Budget Forecast – post- intervention (2023-2024)		
Engagement with local Police Area Commands (PACs)	10% of the Funding being \$100,000	TfNSW

Place audits		
Community engagement activities (post intervention) including 6 x walk shops		
Post intervention Survey		
Videography		
Printing and advertising materials		
Engagement report		