

## **MINUTES**

of a meeting of the  
**Bayside Local Planning Panel**  
held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Monday 25 November 2019 at 6.00 pm**

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### **Present**

Jan Murrell, Chairperson  
Marcia Doheny, Independent Expert Member  
Robert Montgomery, Independent Expert Member  
Thomass Wong, Community Representative

### **Also Present**

Clare Harley, Manager Strategic Planning  
Josh Ford, Coordinator Statutory Planning  
Kimberley Bautista, Student Planner  
Wolfgang Gill, IT Technical Support Officer  
Anne Suann, Governance Officer

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The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.00 pm.

## **1 Acknowledgement of Country**

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past, present and emerging, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

## **2 Apologies**

There were no apologies received.

## **3 Disclosures of Interest**

### **3.1 Panel Members' Conflicts of Interest**

There were no declarations of interest – refer to the attached declarations.

### **Attachments**

- 1 Bayside Local Planning Panel Meeting 25/11/2019 - Declarations of Interest

## 4 Minutes of Previous Meetings

Nil

## 5 Reports – Planning Proposals

### 5.1 Draft Planning Proposal Bayside Local Environmental Plan 2020 - Pre Gateway

The following person spoke:

- Hong Cai, interested resident, spoke to the officer's recommendation.

#### Panel Commentary

The Panel acknowledges that the purpose of the draft local environmental plan (LEP) is to consolidate the current LEPs into one instrument with consistent zoning provisions and development controls for the entire Bayside LGA. The Panel accepts that in the process of consolidation it became apparent that certain controls could not be "harmonised" without the benefit of a housing strategy and other relevant city-wide studies. The Local Environmental Plan now proposed therefore forms the first stage of a progressive review of controls which will respond to relevant strategies and studies as they are finalised.

The changes proposed by the draft instrument, for example prohibiting residential flat buildings in certain zones, providing consistent FSR controls for different types of residential development, prohibiting office premises in the residential zones and prohibiting dwellings in the business zones, are considered appropriate in terms of sound planning practice.

The Panel discussed two key issues at length:

- **Employment Land** – In particular, the need to retain land which is zoned for employment use to satisfy the longer-term economic strategies and goals for the Bayside LGA consistent with the Eastern City District Plan. The draft plan goes some way to achieving this by prohibiting residential flat buildings in the B2 Local Centre and B4 Mixed Use zones.

However, there is continual pressure to convert employment land to residential use for short term gain and it is considered that through its planning decisions Council should resist this pressure now and moving into the future.

- **RE1 Public Recreation Zone** – The Panel notes that the draft instrument proposes to depart from the Standard Instrument land use table by making 'registered clubs and signage' and a range of other commercial uses permissible with consent.

Open space land is a scarce community resource, which is becoming more important as the population of the city grows with the increasing densities seen in recent years. The Panel is concerned that this change in permissibility is contrary to the Standard Instrument provisions and is likely to lead to the alienation of this valuable community resource to the public over time.

It is considered that the proposed changes to permissible uses in the RE1 zone is tantamount to reclassifying the land to facilitate long-term leases to commercial interests. The Panel is of the view that the appropriate way to manage additional desirable land uses is to firstly review plans of management for each public reserve in accordance with the provisions of the Local Government Act 1993 and, where appropriate, reclassify land to operational. The reclassification process requires a mandatory public hearing and the Panel considers that this is appropriate prior to any changes to permissible uses.

The Panel is also of the view that the proposed change to the land use table would likely be rejected at Gateway Determination stage due to the inconsistency with the Standard Instrument and the public interest matters involved in this significant change across the Local Government Area. It is acknowledged by the Panel that in certain circumstances it may be appropriate for additional uses to be permissible and there are a number of examples in the LGA where sporting and registered clubs provide are appropriate and complement the open space use. However, in the absence of evidence-based material, the reclassification process, from community to operational, provides the opportunity to commence this dialogue with the community and stakeholders.

A more confined issue relating to several sites only has arisen in merging the current LEP's and this warrants further consideration prior to exhibition. That is:

- The six residential flat building sites in the R3 Zone in the current LEP should be zoned R4 (High Density Residential) to improve transparency and avoid any confusion. The current draft retains an R3 zone for these sites, with a special clause to allow RFB's.

The Panel notes that the draft plan has been prepared having regard to the district plan for Sydney East prepared by the Greater Sydney Commission. All other relevant strategies and directions have also been appropriately considered in the planning proposal.

The Panel acknowledges and supports the progressive review of the LEP following gazettal to implement various studies and strategies which inform development controls such as:

- Minimum lot sizes particularly for industrial subdivision.
- Minimum lot sizes for residential subdivision.

The Panel also considers that the proposed permissible uses in the RE1 public recreation zone may be reviewed following the plan of management/reclassification process and other studies to provide evidence for additional uses in the public open space zone.

The Panel acknowledges that the consolidation and integration of the previous instruments into one city-wide LEP is a major undertaking involving critical statutory and analytical skills and a determination to complete the task. Council staff should be commended for their work and their commitment to this process which has resulted in the production of a single harmonised plan within the required tight timeframes. The panel recognizes the strategic importance of Bayside to the economy of the greater Sydney area and the need to balance growth in employment and housing opportunities.

**Recommendation to Council**

That the Bayside Local Planning Panel recommends to Council, or its delegate, that pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Draft Planning Proposal be submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination subject to the following amendments:

1. Changing the proposed RE1 land use table to be consistent with that in the Standard Instrument.
2. Changing the zoning of the 6 RFB sites from R3 to R4 (the zone that permits RFB's).
3. Correction of some typographical errors, mapping errors and minor issues brought to the attention of the Panel.
4. Any further refinement which may be required of both the Draft LEP and the Draft DCP (currently under preparation) prior to gazettal. This includes the current housing and other strategies currently being finalized.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reason for the Panel's Recommendation**

The Panel's reasons for the recommendation are contained within the Panel Commentary above.

**6 Reports – Development Applications**

Nil.

The Chairperson closed the meeting at 6.33 pm.

Certified as true and correct.

Jan Murrell  
**Chairperson**