



New South Wales

# **Bayside Local Environmental Plan 2021 (Amendment No 6)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**DANIEL THOMPSON**

As delegate for the Minister for Planning and Public Spaces

## **Bayside Local Environmental Plan 2021 (Amendment No 6)**

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### **1 Name of plan**

This plan is *Bayside Local Environmental Plan 2021 (Amendment No 6)*.

### **2 Commencement**

This plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which plan applies**

This plan applies to land to which *Bayside Local Environmental Plan 2021* applies, including the following land at 13–19A March Street, Arncliffe—

- (a) Lot 100, DP 1231954,
- (b) Lot 1, DP 108492,
- (c) Lot 1, DP 329283,
- (d) Lot 31, DP 1231486,
- (e) Lot 14, DP 213314,
- (f) Lots 62 and 63, DP 1301057.

### **4 Maps**

The maps adopted by the following environmental planning instruments are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan—

- (a) *Bayside Local Environmental Plan 2021*,
- (b) *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*, Chapter 6.

## **Schedule 1 Amendment of Bayside Local Environmental Plan 2021**

**[1] Clause 2.1 Land use zones**

Insert “SP4 Enterprise” in appropriate order under the heading **Special Purpose Zones**.

**[2] Clause 2.1**

Insert “C2 Environmental Conservation” in appropriate order under the heading **Conservation Zones**.

**[3] Land Use Table**

Insert in appropriate order—

### **Zone SP4 Enterprise**

**1 Objectives of zone**

- To provide for development and land uses that support enterprise and productivity.
- To encourage economic activity and trade-focused businesses that benefit directly from, or benefit from a synergy due to, the physical proximity of land within the zone to Sydney Airport, Port Botany and regional transport network links.
- To promote trade-related enterprises that are associated with trade logistics and distribution, just-in-time supply, the movement of perishables, time-sensitive goods processing, and the management of air and sea commerce.
- To facilitate local employment opportunities through a range of logistics and business land uses and visitor accommodation.
- To promote high quality development adjacent to public open spaces.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Building identification signs; Business identification signs; Food and drink premises; Hotel or motel accommodation; Light industries; Serviced apartments; Shops; Take away food and drink premises; Any other development not specified in item 2 or 4

**4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities;

Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

## **Zone C2 Environmental Conservation**

### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To provide for passive recreational activities that are compatible with the environmental constraints of the land.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Oyster aquaculture; Roads

### **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **[4] Part 6 Additional local provisions**

Insert at the end of the part, with appropriate clause numbering—

### **Development of certain land at Cooks Cove**

- (1) This clause applies to the following land at 13–19A Marsh Street, Arncliffe—
  - (a) Lot 100, DP 1231954,
  - (b) Lot 1, DP 108492,
  - (c) Lot 1, DP 329283,
  - (d) Lot 31, DP 1231486,
  - (e) Lot 14, DP 213314,
  - (f) Lots 62 and 63, DP 1301057.
- (2) Development consent must not be granted for development on land to which this clause applies unless—
  - (a) a development control plan that provides for the matters specified in subclause (3) has been prepared for the land, or

- (b) the consent authority is satisfied that the development is of a minor nature and is consistent with the objectives of the zone in which the land is located.
- (3) The development control plan must provide for the following—
  - (a) distribution of land uses, including public open space,
  - (b) vehicular and pedestrian access and circulation,
  - (c) active transport connections,
  - (d) the provision of appropriate parking,
  - (e) vegetation management, tree retention and landscaping,
  - (f) the achievement of appropriate interface between open spaces and buildings,
  - (g) built form controls, including the massing and modulation of buildings and the treatment of facades,
  - (h) the application of the principles of ecologically sustainable development,
  - (i) environmental constraints, including acid sulfate soils, flooding, groundwater, stormwater, aircraft movement and noise, contamination and remediation,
  - (j) heritage conservation,
  - (k) biodiversity.

#### **Development in areas of activity hazard risk**

- (1) The objective of this clause is to minimise risks to life and property in the event of an emergency arising near a high-pressure gas pipeline.
- (2) This clause applies to land identified as “High Pressure Gas Pipeline Risk Area” on the Activity Hazard Risk Map.
- (3) The consent authority must not grant development consent for development on land to which this clause applies unless, in accordance with subclause (4), the consent authority has—
  - (a) consulted the Planning Secretary about the application, and
  - (b) taken into consideration the Planning Secretary’s submissions, if any.
- (4) The consent authority must—
  - (a) forward a copy of the development application and the accompanying documents to the Planning Secretary within 7 days of receiving the application, and
  - (b) if the Planning Secretary makes submissions within 28 days of the consent authority forwarding the copies—consider the submissions.

#### **Development of certain land at 19A Marsh Street, Arncliffe**

- (1) This clause applies to Lot 100, DP 1231954, 19A Marsh Street, Arncliffe.
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development will not result in more than the following maximum floor areas on the land—
  - (a) a gross floor area of 340,000m<sup>2</sup>,
  - (b) a floor area of 20,000m<sup>2</sup> of office premises,

- (c) a combined floor area of 20,000m<sup>2</sup> of hotel or motel accommodation and serviced apartments,
  - (d) a combined floor area of 10,000m<sup>2</sup> of shops and food and drink premises.
- (3) Development for the purposes of trade-related enterprises is permitted with development consent on land to which this clause applies.
- (4) In this clause—  
*trade-related enterprise* has the same meaning as in *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*, Chapter 6.

**[5] Schedule 1 Additional permitted uses**

Insert at the end of the schedule, with appropriate clause numbering—

**Use of certain land at 19 Marsh Street, Arncliffe**

- (1) This clause applies to Lot 31, DP 1231484, 19 Marsh Street, Arncliffe, identified as “47” on the Additional Permitted Uses Map.
- (2) Development for the purposes of advertising structures is permitted with development consent.

**[6] Schedule 4 Classification and reclassification of public land**

Omit “Nil” from Part 2, table. Insert instead—

Arncliffe	Lot 62, DP 1301057	Nil
Arncliffe	Lot 63, DP 1301057	Nil
Arncliffe	Lot 1, DP 108492, 13 Marsh Street	Lease (3828363) acquired for the <i>Roads Act 1993</i> , as noted on Certificate of Title Folio Identifier 1/108492
Arncliffe	Lot 14, DP 213314, 19 Marsh Street	Nil

**[7] Dictionary**

Insert in alphabetical order—

*Activity Hazard Risk Map* means the Bayside Local Environmental Plan 2021 Activity Hazard Risk Map.