



PLANNING PROPOSAL

128 AND 130-150 BUNNERONG ROAD
PAGEWOOD

PREPARED ON BEHALF OF
**MERITON PROPERTY
SERVICES PTY LTD**

APRIL 2017



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	David Hoy
Senior Consultant	Erin Dethridge
Project Code	SA5258
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EXECUTIVE SUMMARY

OVERVIEW

Rarely in Metropolitan Sydney do opportunities exist to deliver significant and positive intergenerational contributions to housing supply. The site owned by Meriton Property Services Pty Ltd (Meriton) in Pagewood is capable of doing just that. With 16.5ha in total area under its sole control, Meriton's site must be assessed not only against short-term planning considerations, but for its capacity to contribute to the 20-year planning outcomes envisaged in the Draft Central District Plan released by the Greater Sydney Commission. This includes transforming the Eastgardens-Maroubra Junction Corridor into a thriving District Centre and achieving substantial dwelling supply targets in excess of 10,000 new houses in the Bayside Local Government Area (LGA) alone.

Meriton's site is a catalyst for this transformation, with the tone for redevelopment established by the planning approvals for the large-scale mixed-use development within the southern portion of the site and the construction that has already commenced. In addition, there is the potential to deliver increased densities in time for any future public transport initiative by the NSW State Government.

This Planning Proposal Request has been prepared by Urbis on behalf of Meriton (the Proponent) to initiate the preparation of an amendment to the *Botany Bay Local Environmental Plan 2013* (BBLEP 2013). The amendment relates to land at 128 and part 130-150 Bunnerong Road, Pagewood and will result in the following:

- A change in the zoning from part IN1 General Industrial and part R3 Medium Density Residential to R4 High Density Residential;
- A maximum floor space ratio (FSR) development standard of 2.35:1; and
- Maximum building heights across the site of part 28m and part 65m.

Formally known as the British American Tobacco Australasia (BATA) site, it is bounded by Bunnerong Road to the east, Heffron Road to the north, Banks Avenue to the west and Westfield Eastgardens Shopping Centre to the south.

The site is legally described as Lot 1 and part Lot 2 in DP 1187426. The broader BATA site covers an area of 16.5ha and represents the largest privately owned landholding in the Central District of Sydney immediately available for development. An amendment to the BBLEP 2013 was made in June 2013 to rezone Lot 2 from industrial uses to residential and mixed uses and redevelopment of that land is now progressing.

The rezoning of the currently underutilised industrial portion of the BATA site is supported by the *Draft Central District Plan* (November 2016) and *Botany Bay Planning Strategy 2031* (Council's 2031 Strategy) and accords with previous Department of Planning and Environment (DPE) strategic directions to locate new infill housing close to shops, centres and high frequency bus routes.

In recognition of its scale and strategic location, the site is located within the recently designated Eastgardens – Maroubra District Centre. These recent changes in strategic planning context together with BATA ceasing industrial operations and vacating the site, provides an opportunity to reconsider and integrate the entire northern portion of the BATA site (north of Meriton Boulevard). The preferred option for the Planning Proposal therefore includes the whole of Lot 1 and the northern portion of Lot 2 (the subject site), see **Figure 1**.

This report has been prepared to assist the Bayside Council to prepare a Planning Proposal for the LEP Amendment of the site in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This report has been prepared in accordance with DPE's *A Guide to Preparing Planning Proposals*.

Figure 1 – Locality Plan



Source: Nearmaps and Urbis

CONCEPT DESIGN

A Concept Plan and Urban Design Report illustrating the type of development facilitated by the Planning Proposal have been prepared by Hassell and are provided at **Appendix A**. The design has been informed by, and provides for the extension of, the approved Stage 1 Master Plan for Lot 2 to foster a cohesive and integrated approach to the redevelopment of the broader BATA site. The concept plan has adopted and evolved some of the elements of the Hill Thalys concept prepared on behalf of Council.

Key features of the concept plan include:

- **Land Use:** Provision is made for approximately 2,068 new dwellings (representing a net additional 1,098 dwellings given the planning proposal spans part of Lot 2 which already has development consent in place for 2,223 dwellings). The planned dwellings are expected to comprise a mix of unit types including one, two and three bedroom units. Allowance has been made for complementary non-residential uses including approximately 1,000sqm retail floor space, a 100-place child care centre and up to 4,060sqm community facilities.
- **Height and Built Form:** Multiple buildings are proposed across the site ranging from 8 to 20 storeys. The built form approach has staggered taller buildings to create a more diverse skyline and reinforce the junction of proposed internal streets with the existing road network. A reduction in building heights towards the northern portion of the site has been maintained in response to the low density residential neighbourhood north of Heffron Road. Density has also been distributed away from Bunnerong Road to minimise overshadowing to residential properties to the east.
- **FSR:** A total GFA of 210,837sqm can be accommodated across the site, which equates to an overall FSR of 2.35:1.
- **Open space:** A network of strategically located and connected open spaces with a combined area of approximately 26,085sqm will be integrated into the development. This includes a large green link (Wedge Park) between Jellicoe Park to the north and the previously approved “Central Park” adjacent to Meriton Boulevard, and a linear park along the entire northern edge of the site.

- **Access:** A legible network of streets is provided by extending the lot structure established as part of the Stage 1 Master Plan for Lot 2. This connects and integrates the public domain, using Meriton Boulevard as an interface between the two sites. External access to the site will utilise the approved and current road accesses to Bunnerong Road and Banks Avenue. The concept plan also makes provision for additional road access to Heffron Road to the north of the site.
- **Community Facilities:** Community facilities will be introduced into the development to complement those within the southern portion of the BATA site, including a new civic open space in Wedge Park. There is also potential for the heritage buildings in the north-east of the site to be retained and dedicated to Council (as part of a possible Voluntary Planning Agreement) in recognition of their significant social and cultural heritage value despite not being listed heritage items. Their dedication to Council would provide for community and leisure opportunities identified in Council's Community Strategic Plan, with a total floor area of up to 4,060sqm.

PLANNING ASSESSMENT

The Planning Proposal has been assessed against relevant State and local planning considerations including relevant Strategic Merit Tests. The Planning Proposal offers significant benefits and opportunities for the development of the site and to the local community including:

- Subsequent actions by Council and DPE to rezone Lot 2 and the current proposal to rezone Lot 1 reinforce the arguments that residential intensification within the LGA is required to meet the identified dwelling target. This is consistent with Council's 2031 Strategy, which foreshadowed in 2009 a significant "gap" in the ability to provide sufficient suitable land to accommodate its forecast need for housing.
- Facilitating continued urban renewal of a strategic site that has been previously recognised to provide housing, aligned to the goals, actions and priorities of *A Plan for Growing Sydney*, the *Draft Central District Plan* and Council's 2031 Strategy. As such, the proposal accords with the strategic planning framework that applies to the site and therefore warrants an appraisal of strategic planning merit.
- Providing an opportunity to make a substantial contribution and give effect to the Central District's current dwelling target of 157,500 additional homes needed over the next 20 years. The broader site (Lots 1 and 2) would generate approximately 3,700 dwellings, just under 3% of the overall target for the Central District. Furthermore, the current proposal would represent 20% of Bayside LGA's five-year housing target expressed in the Draft District Plan.
- Creating a vibrant high-density residential community close to existing and planned public transport infrastructure that will provide economic support for the growth of the recently designated Eastgardens–Maroubra Junction District Centre. This change of circumstance together with BATA ceasing operations (which had been anticipated for some time by Council) at the site ensures that there is site specific strategic merit.
- Providing for much needed housing in a centrally located and accessible area adjacent to local services and within 30 minutes of significant employment opportunities within the Sydney Central Business District (CBD), Sydney Airport and Port Botany.
- Continuing the transformation of the land from an underutilised and isolated industrial site to a strategically accessible and modern residential development.
- Contributing to an increase in direct and indirect employment and economic activity (Gross Value Added – GVA) including:
 - 176 direct and 487 indirect annual equivalent jobs from the construction of the proposed development concept resulting in gross value add of \$98.5 million.
 - 107 direct and 87 indirect jobs from the operation of the childcare and community facilities resulting in gross value add of \$26.1 million.

It is worth noting that there will be peaks and troughs of actual jobs during construction. For instance, Meriton has advised that there are approximately 500 construction workers on the southern portion of the BATA site as of February 2017, which is expected to peak at 2,000 workers in mid-2017.

- Delivering significant community benefits in terms of increased housing choice and diversity, and improved open space opportunities and community facilities.

For these reasons, it is recommended that the Planning Proposal is endorsed by Council to enable a gateway determination by the DPE.

1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal Request has been prepared by Urbis on behalf of Meriton Property Services Pty Ltd (the Proponent) to initiate the preparation of a Local Environmental Plan amendment to rezone the land at 128 and part 130-150 Bunnerong Road, Pagewood.

Formally known as the British American Tobacco Australasia (BATA) site, the broader site is bounded by Bunnerong Road to the east, Heffron Road to the north, Banks Avenue to the west and Westfield Eastgardens Shopping Centre to the south.

The site is legally described as Lot 1 and Lot 2 in DP 1187426 (see **Figure 2**). An amendment to the *Botany Bay Local Environmental Plan 2013* (BBLEP 2013) was made in June 2013 to rezone Lot 2 from industrial uses to residential and mixed uses. This Planning Proposal Request relates to the whole of Lot 1 and the northern portion of Lot 2 (the subject site).

Figure 2 – Meriton's Pagewood Site



Source: Nearmaps and Urbis

The broader site covers an area of 16.5ha and represents the largest privately owned landholding in the Central District of Sydney immediately available for development. Furthermore, the renewal of this broader site is supported the *Draft Central District Plan* (November 2016) and *Botany Bay Planning Strategy 2031* (Council's 2031 Strategy) and accords with previous Department of Planning and Environment (DPE) strategic directions to locate new infill housing close to shops, centres and high frequency bus routes.

The subject site is currently zoned part IN1 General Industrial and part R3 Medium Density Residential. The maximum building heights permitted vary from 11m to 32m and the maximum floor space ratio (FSR) permitted is 1:1.

This report has been prepared to assist Council in preparing a Planning Proposal to rezone the site and amend the height and FSR development standards, under the BBLEP 2013, in accordance with Section 55

of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The intended outcome of this planning proposal is to amend the BBLEP 2013 as follows:

- Rezone the subject site from part IN1 General Industrial and part R3 Medium Density Residential to R4 High Density Residential;
- Amend the maximum FSR development standard to 2.35:1; and
- Amend the maximum height of buildings development standard to part 28m and part 65m.

These amendments will introduce a new high-density residential development that complements the urban renewal occurring within the southern portion of the BATA site, as illustrated in the concept plan prepared by Hassell and provided at **Appendix A**.

In summary, the Planning Proposal Request is considered appropriate in a State and regional planning context as it:

- Reflects the long-standing recognition that the broader site has been earmarked and planned for residential uses once BATA had vacated the land. The Planning Proposal therefore represents the process necessary to realise this planned change.
- Facilitates urban renewal of a strategic site that has been recognised to provide housing, aligned to the goals, actions and priorities of *A Plan for Growing Sydney* and the Central District.
- Creates a vibrant and sustainable residential community close to existing and planned public transport infrastructure and provides a catalyst for the revitalisation of the Eastgardens–Maroubra Junction corridor.
- Provides an opportunity to make a substantial contribution to the Central District's current dwelling target of 157,500 additional homes needed over the next 20 years. The broader site (Lots 1 and 2) would generate approximately 3,700 dwellings, just under 3% of the overall target for the Central District. In addition, the current proposal would represent 20% of Bayside LGA's five-year housing target expressed in the Draft District Plan.
- Provides for much needed housing in a centrally located and accessible area adjacent to local services and within 30 minutes of significant employment opportunities within the Sydney Central Business District (CBD), Sydney Airport and Port Botany.
- Facilitates the redevelopment of an underutilised and isolated industrial site to allow for a commercially viable high density residential use of the site.
- Removes the land use conflict between the existing industrial operations and residential and mixed use development approved and under construction within the southern portion of the BATA site.

It is considered that the proposed amendment to the BBLEP 2013 is the best, most efficient and time effective approach to delivering the intended outcome of the proposal.

1.2. REPORT STRUCTURE

This Planning Proposal has been prepared having regard to the DPE's '*A Guide to Preparing Planning Proposals*' and '*A Guide to Preparing Local Environmental Plans*'. Furthermore, this Planning Proposal builds on the acknowledged planning history of the site including a previous Council lead planning proposal and subsequent development applications that has resulted in development now being commenced. These prior actions confirm that a Planning Proposal is the most effective means to deliver the intended outcomes.

As required by Section 55 of the EP&A Act, this Planning Proposal request includes the following:

- Description of the subject site and context.
- Description of the proposed amendments to the BBLEP 2013 supported by sufficient detail to indicate the effect of the amendments.
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal that are to be included in the LEP.

- Summary of the justification of the proposal, including an environmental assessment.
- Description of the community consultation process that would be expected to be undertaken before consideration is given to making of the planning instrument.
- Indicative project timelines.

The Planning Proposal request is supported by the following documentation:

- **Appendix A** – Concept Plan and Urban Design Report (Hassell)
- **Appendix B** – Perspectives (Andrew Tremeling)
- **Appendix C** – Economic Impact Assessment (Urbis)
- **Appendix D** – Heritage Impact Statement (Urbis)
- **Appendix E** – Services, Drainage and Flooding Due Diligence Report (AT&L)
- **Appendix F** – Transport Impact Assessment (Arup)
- **Appendix G** – Summary of Geotechnical Conditions (Douglas Partners)
- **Appendix H** – Summary of Contamination Investigations (Douglas Partners)
- **Appendix I** – Tree Management Statement (Tree and Landscape Consultants)
- **Appendix J** – Survey Plan (JBW Surveyors)
- **Appendix K** – Prescribed Airspace Approval for Lot 2
- **Appendix L** - Proposed LEP Mapping

The supporting documentation demonstrates the suitability of the site for the proposed land use zone and revised development controls, and provides the basis for more detailed design investigations as part of any future DA proposal.

1.3. CONSULTATION

1.3.1. Development Concept Plan

This Planning Proposal builds on a long-standing recognition and dialogue that has existed between Meriton and Council since Meriton's initial acquisition of Lot 2 in 2013 and subsequent acquisition of Lot 1 in April 2015 from BATA. It also reflects the earlier Council / BATA initiated work that commenced some years ago, which envisaged the broader site as residential and subsequently led to the rezoning of Lot 2.

In November 2016, Bayside Council provided feedback on the draft concept plan prepared by Hassell and also engaged Hill Thalys to review the concept plan and provide an alternative, independent scheme. This scheme introduced a large open space in the centre of the site running along a north-south axis. An alternative scheme was also prepared by Hill Thalys on the basis that the metro or light rail was extended along Bunnerong Road or Heffron Road, thereby justifying increased densities across the site to 20 storeys.

Meriton and Hassell have adopted and evolved some of the elements of the Hill Thalys scheme at Council's request. A comparison of the Hassell and Hill Thalys concept schemes is provided at **Section 6.7**.

1.3.2. Light Rail Extension

Meriton, in liaison with the former Botany Bay Council and Randwick Council, has also approached the NSW State Government to consider extending the current CBD and South East Light Rail to Maroubra Junction and on to the subject site. This would service the suburbs of Maroubra, Pagewood, Matraville, Eastgardens and the broader South-East Sydney area. There would also be further opportunities to expand this service beyond the site to the south and west, expanding the potential for cross district transport connections. This light rail extension was contemplated in the *Botany Bay Development Control Plan 2013* (DCP) as it relates to Lot 2 of the former BATA site and is discussed in more detail in **Section 2.2**. Meriton's discussions with State Government regarding a possible light rail extension are ongoing.

2. PLANNING HISTORY

2.1. REZONING PROPOSAL

On 21 June 2013, an amendment to the BBLEP 2013 was made to rezone Lot 2 of the former BATA site, an 'L-shaped' parcel of land measuring 10.35ha, from industrial uses to residential and mixed use and to apply development standards for building height and FSR. The document entitled 'Strategic Justification for the BATA site' prepared by Botany Bay Council in support of this earlier rezoning is applicable to the current Planning Proposal and stated:

- *"The proposed zoning is in accordance with the specific directions and actions in the Botany Bay Planning Strategy 2031 which envisage a mixed use centre at Eastgardens, after BATA vacate the land.*
- *The urban context of the site makes it suitable for the development of a mixed residential, retail and commercial precinct with a medium to high density development.*
- *The proposal will contribute to achieving important objectives and directions in NSW State Government planning strategies including contributing to achieving housing and employment targets in suitable locations. The proposal has the potential to contribute 1,200 to 1,500 new dwellings to the supply of residential dwellings in the Botany Bay LGA and provide a mix of dwelling choices.*
- *The proposed new zoning allows a wider range of employment generating land uses with higher employment densities up to around 1,550 jobs compared to 900 jobs under an industrial zoning.*
- *The BATA site is not strategically significant industrial zone land and the proposed rezoning will not have a significant impact on the viability of the industrial land supply within the Botany Bay LGA. The Draft BBLEP 2012 results in a net increase of pure industrial zoned land.*
- *The proposed rezoning of the BATA site will not create a precedent for other landowners in the locality to rezone industrial land, particularly given the unique circumstances of the land, being isolated and clearly separated from the remainder of the industrial zone at Banksmeadow, and located adjacent to an existing retail centre, strategic bus corridor and residential zone.*
- *Road access to the site is excellent with direct access to the local main roads.*
- *The BATA site has good public transport links as it adjoins a strategic bus corridor and is adjacent to a bus interchange with numerous bus service connections to and from surrounding parts of Sydney.*
- *The pedestrian and cycling network in the locality will be enhanced by connections through the site in future development.*
- *The full range of utility services – electricity, telecommunications, gas, water, sewer and stormwater drainage – are available on and adjacent to the site.*
- *There is no environmentally sensitive land or land with significant biodiversity value on or around the BATA site; and no environmental constraints or hazards of such significance as to preclude the rezoning. The environmental planning issues associated with the rezoning are addressed in the various studies prepared by BATA's specialist consultant team.*
- *Various design measures have been integrated into the design to manage the interface and mitigate potential impacts between the BATA factory remaining in the industrial zone and the future mix of residential and commercial development proposed on the remaining surplus land (our emphasis).*

2.2. DEVELOPMENT CONTROL PLAN

A site-specific DCP Part 9: 130-150 Bunnerong Road, Eastgardens was prepared to support the rezoning of Lot 2 and 'contains the overall vision for the new residential and business centre guiding its future form and function.'

Whilst the DCP relates specifically to Lot 2, it clearly notes on page 6 that 'Council will consider alternative development schemes under the Masterplan DA required in Part 9D.1.5 – Specific DA Requirements for the Site...' This comments recognises that planning needs to be flexible in response to the evolving nature of

large sites in strategic locations, as is the case for the subject site and its location within the recently designated Maroubra Junction-Eastgardens District Centre.

The Vision Statement for the redevelopment of Lot 2 also recognised the potential to extend the proposed CBD and South East Light Rail corridor to the site. In particular, the DCP states:

“The redevelopment of the Site also provides a unique opportunity for the extension of the Light Rail Project into the suburb of Eastgardens. The Light Rail project has a current terminus at Kingsford. Extending the line another 2.4km to the Site will benefit both the Light Rail Project and the existing and future residents of Botany Bay LGA. Terminating the light rail at the Site would provide the opportunity to build a high quality transport oriented development at the site...Council wants to work with the purchaser of the Site and the State Government to take advantage of this opportunity.”

The Planning Proposal realises this opportunity for a high-density transport oriented development and the concept plan makes an allowance for light rail along the Heffron Road frontage.

It is anticipated that a site-specific DCP may be required to guide the future development of the subject site.

2.3. DEVELOPMENT APPLICATIONS

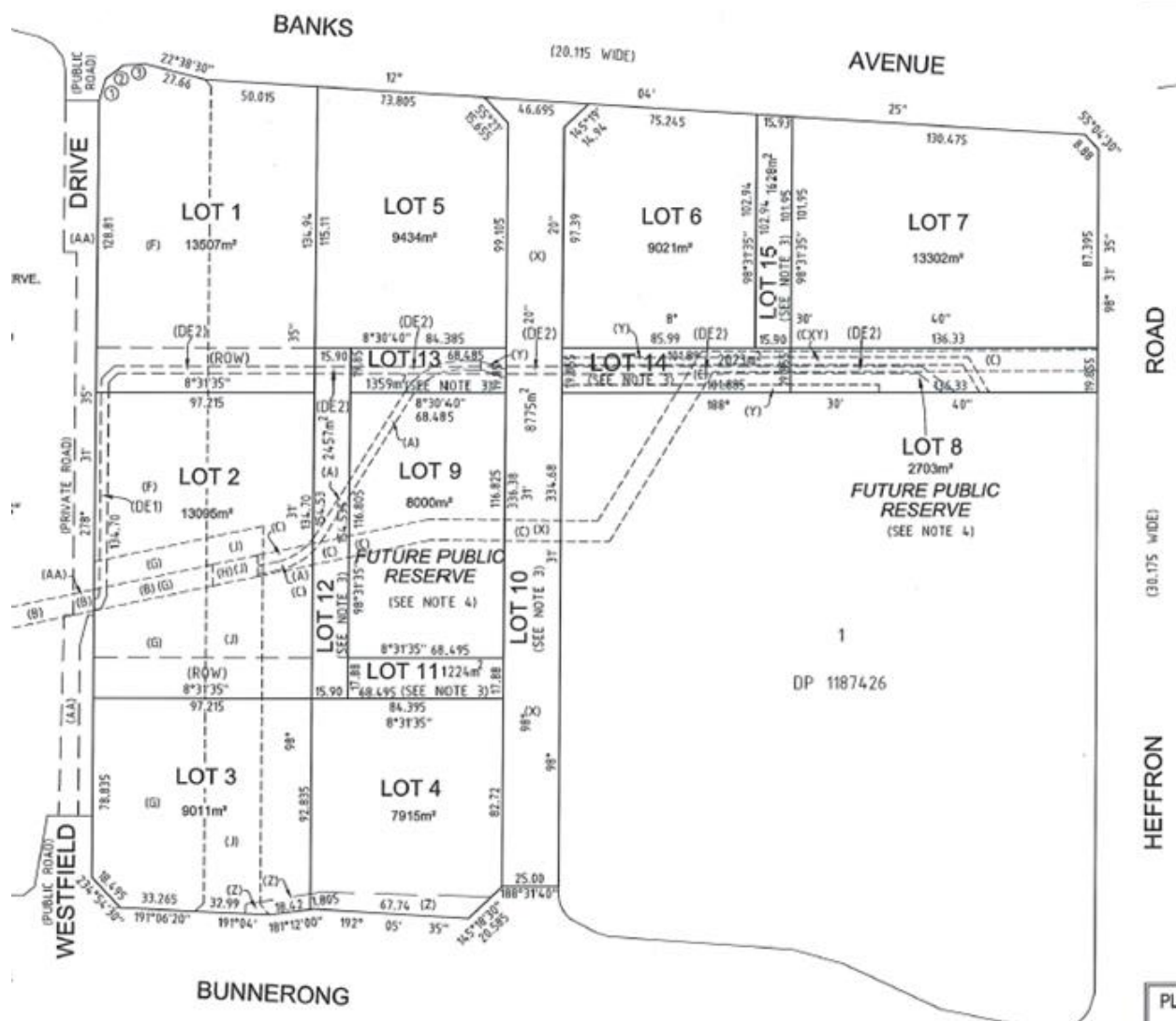
Development Application 10730/2014 for a Stage 1 Master Plan concept (Stage 1 Consent) was approved by the Land and Environment Court on 7 August 2015. The Stage 1 Consent relates to Lot 2 and details of the approval are summarised below.

Land Subdivision

In summary, the Stage 1 consent allowed the following (see **Figure 3**):

- Subdivision into seven lots, referred to as “Urban Blocks”;
- Subdivision of lots for open space being a Central Park (Open Space lot 1) and Linear Park (Open Space lot 2); and
- Subdivision into lots for public roads being Road lot 1 (East West Boulevard), Road lot 2 (North South Street 2), Road lot 3 (Civic Boulevard), Road lot 4, Road lot 5, (North South Street 1) and Local Street Road lot 6.

Figure 3 – Approved Subdivision Layout



Land Uses, Yield and Building Envelopes

The Stage 1 Consent allows for an indicative maximum of 2,223 residential apartments, up to 5,000sqm retail floor space, four childcare centres and a maximum Gross Floor Area (GFA) across the entire development of 227,287sqm.

The approved building envelopes are illustrated in **Figure 4**.

Figure 4 – Approved Stage 1 Master Plan Concept



Meriton has secured a number of Stage 2 development consents that are consistent with the Stage 1 Master Plan. This includes approval for all of the civil / road works, subdivision and the mixed use development of Urban Block 5 West (UB5W) and Urban Block 5 East (UB5E). Construction of these civil works and UB5W has commenced, which will accommodate the first 500 units within the southern portion of Lot 2 (see **Figure 2** and **Figure 6**). A Stage 2 DA has also been lodged with Council for the residential development of Urban Block 4 (UB4).

3. SITE CONTEXT

3.1. SITE DESCRIPTION

The subject site has an area of 8.95ha and is located within a broader site that comprises a rectangular parcel of land known as 128 and 130-150 Bunnerong Road, Pagewood. The site is within the Bayside Local Government Area (LGA) and is legally described as Lots 1 and part 2 in DP 1187426 (see **Figure 1**).

The site is formerly known as the BATA site and was previously occupied by industrial uses associated with the manufacturing operations of BATA. Lot 1 was excised from the larger site, remaining for reduced industrial uses while the remaining portion of the site was rezoned in June 2013 to support mixed use development, including high-density residential uses.

This Planning Proposal request relates to the whole of Lot 1 and the northern portion of Lot 2. The site has frontages to an internal road (Meriton Boulevard) to the south, Bunnerong Road to the east, Banks Avenue to the west and Heffron Road to the north (see **Figure 5**).

Figure 5 – Location Plan



Source: URBIS

3.2. EXISTING USES

3.2.1. Lot 1

The site is occupied by a warehouse building and several unoccupied buildings. The buildings, modified over the years are the result of the staged exit from the site by BATA, having scaled down to the existing building and Lot 1 in 2013 and permanently vacating the site in 2015.

3.2.2. Part Lot 2

Until recently, the site was occupied by expansive areas of surface car parking. It has been cleared of former industrial buildings with the exception of a warehouse in the north-west corner of the site (demolition consent was granted under DA11/272/6 for the removal of all buildings and structures).

An aerial photo detailing existing buildings within the subject site is provided at **Figure 6** and photographs of the site are provided at

Figure 6 – Aerial Photo of Subject Site



Source: Nearmap and Urbis

Figure 7 – Photographs of Subject Site



Picture 1 – Southern Boundary of Lot 1



Picture 2 – Administration Building to be Retained



Picture 3 – Former BATA Facilities within Lot 1



Picture 4 – Bunnerong Road Frontage



Picture 5 – Clocktower to be Retained



Picture 6 – Southern Portion of Site under Construction

3.3. SURROUNDING CONTEXT

The surrounding land uses in the vicinity of the site comprise (see **Figure 8**):

- **North:** Low density residential uses. Pagewood shops are located to the north-east.
- **East:** Low density residential uses.
- **South:** Redevelopment of the southern portion of the former BATA site and Westfield Eastgardens Shopping Centre. The servicing area of the shopping centre borders the broader site's southern boundary. Commercial and industrial uses are located further to the south-west.
- **West:** Bonnie Doon Golf Course and associated club house.

The site is located in Sydney's eastern suburbs, between Port Botany and the Sydney CBD in what is known as the Economic Arc. The site is located:

- 2.5km north from Port Botany;
- 5km north from La Perouse headland;
- 3km west from Maroubra Beach;
- 4km north from Sydney Airport;
- 3km south from UNSW, Prince of Wales and Sydney Children's Hospitals and Randwick Racecourse;
- 5km south from Centennial Parklands and Moore Park Entertainment Precinct;
- 7km south from the Sydney CBD;
- 3.5km east from Mascot Train Station; and
- 4.5km south-east from Green Square Town Centre.

Adjoining Westfield Eastgardens, the site is located adjacent to the second largest retail precinct in the eastern suburbs after Bondi Junction.

The site is well suited to new residential development in accordance with the provisions of *A Plan for Growing Sydney*, and the priorities for the Central District as the Westfield site and Maroubra Junction will continue to supply the employment and retail services within the Eastgardens-Maroubra Junction District Centre. It is within walking and cycling distance of well-established retail and recreational uses and public transport infrastructure, making it ideally suited to accommodate more intensive development and to stimulate demand for the new facilities envisaged for the area.

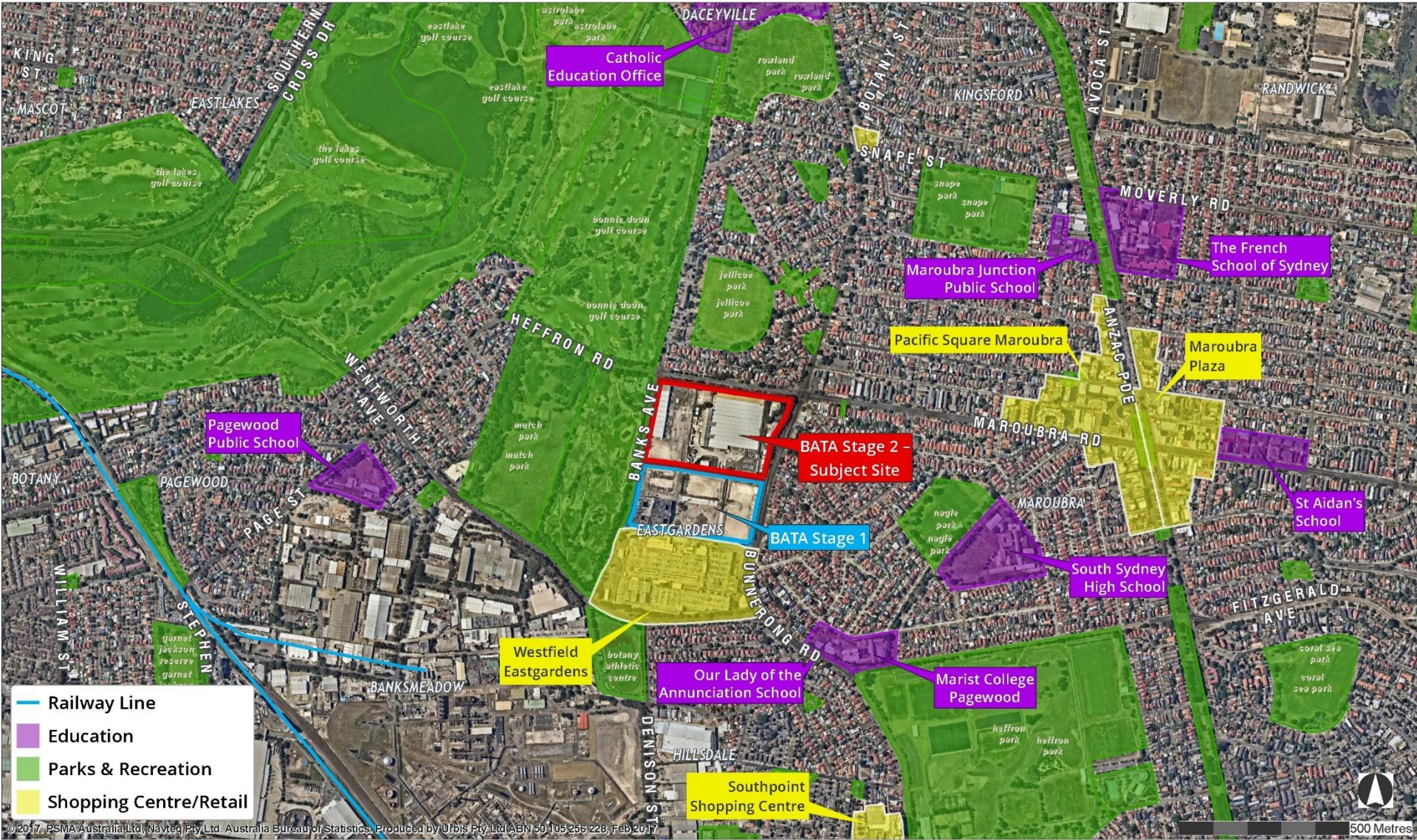
3.4. EXISTING OPEN SPACE

The site is currently serviced by an extensive open space network which includes a diverse range of parks, passive recreation areas and active sports facilities located within a short distance (1km) from the site. This includes, but is not limited to:

- Mutch Park, covering approximately 12ha and providing six tennis courts, including four artificial grass and two hard courts, and four squash courts;
- Jellicoe Park, covering approximately 5ha and providing 2 full sized soccer fields and a further 26 training pitches and practice fields for youth soccer;
- Nagle Park, covering 4ha and providing a full sized rugby field; and
- 44ha of open space on Fitzgerald Avenue, which accommodates significant active sports facilities including Randwick Netball Association, Matraville Sports Centre, and the Des Renford Leisure Centre.

It is anticipated that these existing facilities will significantly contribute to meeting the recreation and open space needs of the proposed community due to their proximity and the range of facilities and services provided, including active sports.

Figure 8 – Local Context Map



Source: Urbis

4. STRATEGIC PLANNING CONTEXT

4.1. METROPOLITAN STRATEGY - A PLAN FOR GROWING SYDNEY

A *Plan for Growing Sydney* was released by the DPE in December 2014 (the Plan). The Plan outlines the NSW Government's strategic framework for managing and delivering growth in Sydney over the next 18 years. The Strategy identifies that an additional 664,000 new dwellings are required in Sydney by 2034.

On 12 September 2016, projections released by the DPE showed that the Sydney metropolitan area is expected to grow by approximately 170,000 more dwellings than originally projected in the Strategy. The updated projections anticipate 6.42 million people in Sydney over the next 20 years.

Directions within the Strategy relevant to this Planning Proposal include:

- *Direction 2.1: Accelerate housing supply across Sydney,*
 - *Action 2.1.1: Accelerate housing supply and local housing choices,*
- *Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs,*
 - *Action 2.2.2: Undertake Urban Renewal in Transport Corridors which are being transformed by investment, and around strategic centres,*
- *Direction 2.3: Improve housing choice to suit different needs and lifestyles,*
- *Direction 3.1: Revitalise existing suburbs,*
 - *Action 3.1.1: Support urban renewal by directing local infrastructure to centres where there is growth.*

Consistency with the relevant strategic directions has been addressed within **Section 8.2.1** of this report.

4.2. DRAFT DISTRICT PLAN - CENTRAL DISTRICT

4.2.1. Key Priorities

The site is within the Central District of Sydney and Draft District Plans were released by the Greater Sydney Commission in November 2016. The priorities for this District relevant to the Planning Proposal include:

A Productive City

- *Growing economic activity in centres*
 - *Manage growth and change in strategic and district centres.*
- *Improving 30 minutes access to jobs and services*

A Liveable City

- *Improve housing choice*
 - *Deliver Central District's five-year housing supply target.*
 - *Create housing capacity in the Central District.*
- *Improve housing diversity and affordability*
 - *Encourage housing diversity.*
 - *Deliver Affordable Rental Housing.*
 - *Facilitate integrated infrastructure planning.*
- *Create great places*
 - *Provide design-led planning.*

- Enhance walking and cycling connections.
- Foster cohesive communities in the Central District
 - Create opportunities for more recreation and community facilities.
- Respond to people's need for services
 - Plan for the provision of early education and child care facilities.

A Sustainable City

- Delivering Sydney's Green Grid
 - Align strategic planning to the vision for the Green Grid.
 - Protect, enhance and extend the urban canopy.

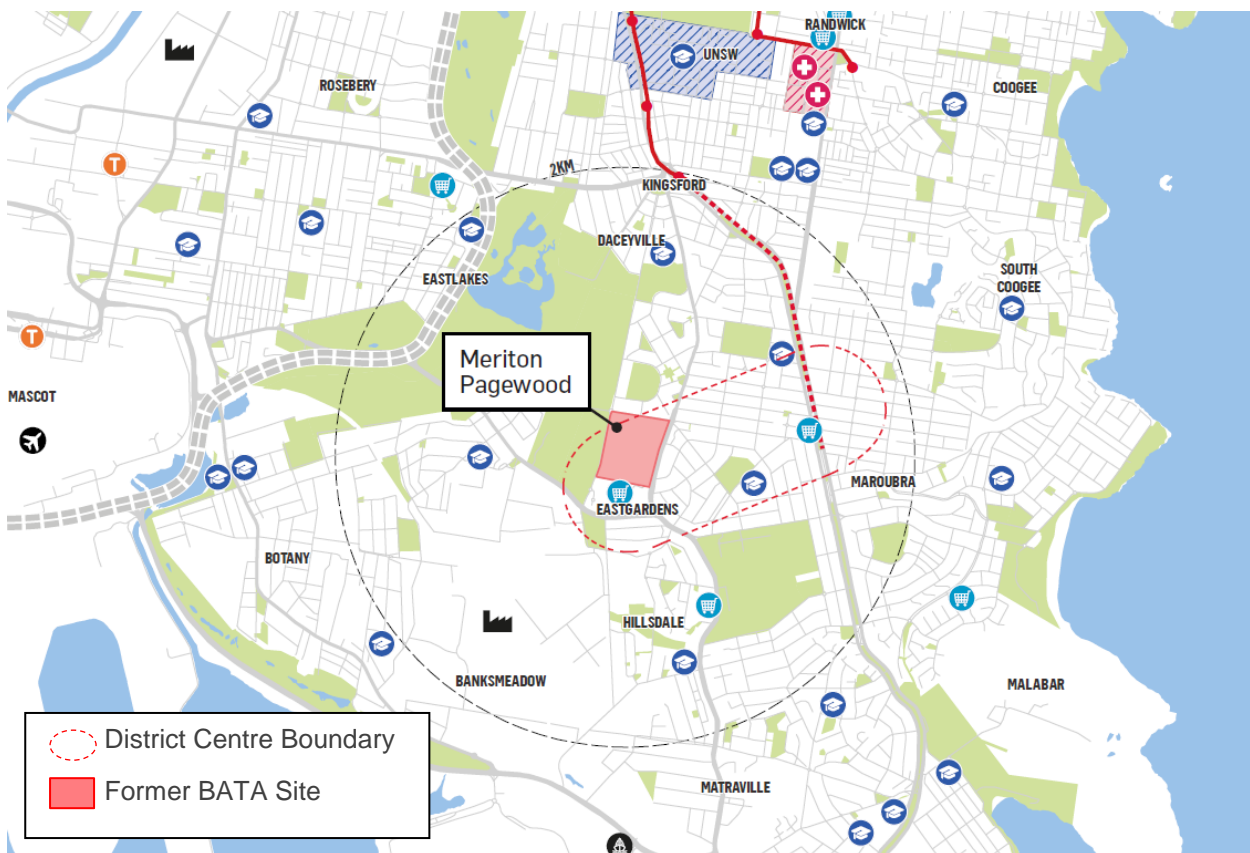
The Draft District Plan establishes a 20-year housing target of 157,500 for the Central District by 2036. At a local level, Bayside Council's housing target requires an additional 10,150 dwellings by 2021.

The Draft District Plan designates Eastgardens and Maroubra Junction as a district centre. The criteria for a district centre recognises a significant district role based on certain characteristics. For Eastgardens – Maroubra Junction this includes:

- The scale of retail activity;
- The level of transport services; and
- The capacity to generate between 5,000 to 10,000 jobs.

The site's relationship to this planned centre is illustrated below in **Figure 9**. Consistency with the relevant strategic directions has been addressed within **Section 8.2** of this report.

Figure 9 – District Centre Context



Source: Urbis

4.2.2. Affordable Housing

The Draft District Plan aims to implement the Affordable Rental Housing Target (Liveability Priority 3) as part of planning proposals or strategic plans for new urban renewal or greenfield areas and sets a target of 5% to 10% of new floor space to be dedicated to affordable housing at the rezoning stage.

Meriton has made enquires with Bayside Council regarding the provision of affordable housing as part of this Planning Proposal. Urbis understands from these discussions that Council currently has no appetite for owning affordable housing within this location. If affordable housing is required within the site, Meriton requests the opportunity to review the proposed density and increase the FSR to 2.5:1 to reflect a 5% dedication of floor space.

5. STATUTORY PLANNING CONTEXT

5.1. BOTANY BAY LOCAL ENVIRONMENTAL PLAN 2013

The principle statutory planning instrument applying to the site is the *Botany Bay Local Environmental Plan 2013* (BBLEP 2013).

5.1.1. Zoning and Permissibility

The subject site is currently zoned part R3 Medium Density Residential and part IN1 General Industrial under the BBLEP 2013. As demonstrated in **Figure 10**, the surrounding area is zoned for a variety of land uses including residential, commercial, public recreation and special activities (golf course). Note that land to the east of Bunnerong Road falls within the Randwick LGA and zones shown below are taken from Randwick LEP.

Figure 10 – BBLEP 2013 Zoning Map Extract



Source: BBLEP 2013

The existing zoning controls of the site are summarised in **Table 1**.

Table 1 – Summary of Existing Zoning Controls

Control	R3 Medium Density Residential	IN1 General Industrial
Zone Objectives	<ul style="list-style-type: none"> “To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. 	<ul style="list-style-type: none"> “To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses.

Control	R3 Medium Density Residential	IN1 General Industrial
	<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. To encourage development that promotes walking and cycling.” 	<ul style="list-style-type: none"> To support and protect industrial land for industrial uses.”
Permissible Development	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Any other development not specified as development without consent or as prohibited.	Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Places of public worship; Restaurants or cafes; Roads; Take away food and drink premises; Timber yards; Warehouse or distribution centres; Any other development not specified as development without consent or as prohibited.
Prohibited Development	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations;	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural

Control	R3 Medium Density Residential	IN1 General Industrial
	Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.	industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

As can be seen from the above table, the existing IN1 Zoning that applies to the site prohibits residential accommodation, commercial premises and child care centres. It is therefore necessary to rezone the land to allow the redevelopment of the site for high density mixed use development.

5.1.2. Floor Space Ratio

Under the BBLEP 2013, the subject site has a maximum FSR of 1:1 (see **Figure 11**).

Figure 11 – BBLEP 2013 FSR Map Extract



Source: BBLEP 2013

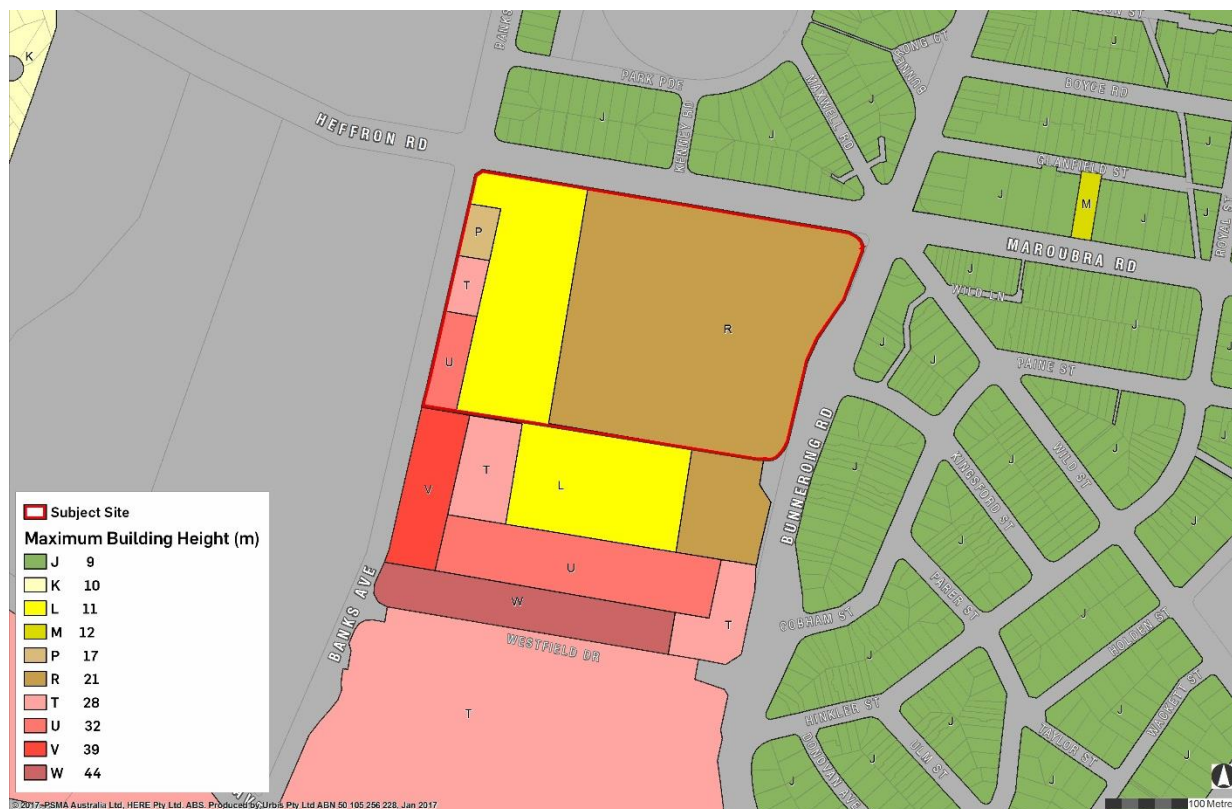
The Planning Proposal intends to amend the FSR development standard to 2.35:1 based on the yield illustrated in the supporting concept plan.

5.1.3. Height of Buildings

Under the BBLEP 2013, there are currently five different maximum building heights applicable to the site (see **Figure 12**).

The part zoned IN1 General Industrial has a maximum height limit of 21m. The part zoned R3 Medium Density Residential is zoned part 11m, part 17m, part 28m and part 32m. It should be noted that the Stage 1 Consent that currently applies to the Lot 2 portion of the subject site includes approved heights that exceed these controls in many instances.

Figure 12 – BBLEP 2013 Height of Buildings Map Extract



Source: BBLEP 2013

The Planning Proposal intends to amend the building height development standard to part 28m and part 65m. Whilst it is expected that buildings up to 65m will only be constructed within discreet areas of the site, to ensure flexibility at the later Stage 1 Master Plan phase and avoid the existing 'patchwork' of height controls across Lot 2, the number of height controls across the site has been limited. It should also be noted that the maximum height proposed as part of this Planning Proposal is consistent with the maximum building heights approved as part of the Stage 1 Consent and under construction within the southern portion of the BATA site.

5.1.4. Heritage

The subject site is not a listed heritage item under the BBLEP 2013, nor is it located within a heritage conservation area. Notwithstanding this, the assessment of heritage significance undertaken by Urbis (see **Appendix D**) has identified that the administration building in the north-east corner of the site has historic, associative and aesthetic significance at a local level. The site is also located in the general vicinity of Jellicoe Park (Item 155) and Harris Reserve (Item 66).

6. DEVELOPMENT CONCEPT PLAN

6.1. DEVELOPMENT OVERVIEW

A Concept Plan illustrating the type of development facilitated by the Planning Proposal has been prepared by Hassell and is provided at **Appendix A**. The preferred concept plan for the site is provided at **Figure 13**. The design has been informed by, and provides for the extension of, the approved Stage 1 Master Plan for Lot 2 to foster a cohesive and integrated approach to the redevelopment of the entire BATA site.

Figure 13 – Preferred Concept Plan



Source: Hassell

6.2. DESIGN PRINCIPLES

The concept plans have been developed based on a number of design principles, including:

- **Neighbourhood Structure:** Create a walkable neighbourhood structure that provides opportunities for a connected community, with local retail convenience needs and public transport within walking distance.
- **Heritage:** Provide recognition of the site's significant social history by retaining historical elements.
- **Trees:** Trees will be retained wherever possible to maintain the existing landscape character and new tree planting throughout the proposed open space and along street frontages.
- **Open Space:** Provide a range of formal and informal recreation spaces within walking distance of proposed dwellings.
- **Solar access:** Ensure that built form does not unreasonably impact on solar access.
- **Ecologically Sustainable Development:** Achieve best practice in sustainable design.

- **Accessibility:** Provide a highly permeable and legible movement network that integrates with adjacent streets and disperses traffic among the street network.
- **Community Benefit:** Provide direct benefits for the existing community and future residents of the site and the broader community by:
 - Introduction of a high level of permeability and increase public accessibility to the site.
 - Provision of dedicated open space that will be accessible and useable by the community.
 - Retention of the former administration building as part of a community precinct dedicated to Council.
 - Retention of historical elements to recognise the social significance of the former uses of the site for the broader community.
 - Integration of the open space network with adjoining open space areas to enhance pedestrian and cycling opportunities as part of a wider green grid.
 - Locating new housing adjacent to retail and services thereby providing opportunity to reduce the need to drive to essential and commercial services.

These design principles broadly align with those established by Hill Thalys in their recent work for Council. Key features of the preliminary concept design include:

- **Land Use:** Redevelopment will provide approximately 2,068 new dwellings and accommodate a mix of unit types including one, two and three bedroom units. Allowance has been made for complementary non-residential uses including approximately 1,000sqm retail floor space, 100-place childcare centre and up to 4,060sqm community facilities. Car parking will largely be accommodated within the podium levels of the proposed buildings and will be appropriately 'sleeved' by apartments to conceal views. This design approach is consistent with that previously approved for the areas of the broader site now under construction, reinforcing a distinct and integrated design theme.
- **Height and Built Form:** As discussed in more detail at **Section 6.3**, multiple buildings are proposed across the site ranging from 8 to 20 storeys.
- **FSR:** A total GFA of 210,837sqm can be accommodated across the site, which equates to an overall FSR of 2.35:1 and is commensurable with other existing densities of this size.
- **Open space:** A network of strategically located and connected open spaces with a combined area of approximately 26,085sqm will be integrated into the development, see **Section 6.6**.
- **Access:** A legible network of streets is provided by extending the lot structure established as part of the Stage 1 Master Plan for Lot 2. This connects and integrates the public domain, using Meriton Boulevard as an interface between the two sites. The internal road network will provide separation and access to the car parking areas for each urban block and the proposed open spaces.

External access to the site will utilise the approved and current road accesses to Bunnerong Road and Banks Avenue. The concept plan also makes provision for additional road access to Heffron Road to the north of the site.

- **Community Facilities:** Community facilities will be introduced into the development to complement those within the southern portion of the BATA site, including a new civic open space in Wedge Park. There is also potential for the heritage buildings in the north-east of the site to be retained and dedicated to Council (as part of possible Voluntary Planning Agreement) in recognition of their significant social and cultural heritage value despite not being listed heritage items. Their dedication to Council would provide for community and leisure opportunities identified in Council's Community Strategic Plan, with a total floor area of up to 4,060sqm.

6.3. HEIGHT AND BUILT FORM

The building envelopes approved as part of the Stage 1 Consent were developed through a comprehensive site analysis and had regard to the following:

- Higher densities at the southern end of the site away from sensitive land uses and to accommodate above ground car parking within podium levels. The southern portion of the former BATA site is situated opposite the loading and servicing facilities of Westfield Eastgardens and therefore this part of the site is undesirable for low level apartment buildings given the potential land use conflicts.
- Reduced density at the northern end of the site (within Urban Blocks 1 and 2) in recognition of the one and two storey dwellings along the opposite side of Heffron Road, creating a comfortable transition of building heights and minimising visual bulk impacts.
- The existing controls being implemented at a time when there was an on-going presence by BATA on the site. Accordingly, built form controls reflected in both the LEP and DCP controls were heavily geared towards managing a residential and industrial interface and the associated compatibility issues of such.

The subsequent change in circumstances affecting the site, including BATA ceasing operations and the new role of the site within a designated district centre (together with its significance in overall site area), has provided an opportunity to revisit the zoning and proposed densities within the northern portion of Lot 2. The preferred option for the current Planning Proposal therefore includes Urban Blocks 1 and 2 to enable an integrated and cohesive urban design outcome for the northern precinct of the former BATA site.

The proposed built form approach has been informed by the following:

- The Stage 1 Master Plan Consent, which approved an average FSR across Lot 2 of 2.2:1 and sets the tone and scale of development within the subject site. It is noted that a higher FSR of 3:1 applies the B3 zoned portion of Lot 2 and a lower FSR of 1:1 applies to the balance of Lot 2. The lower FSR was applied in recognition of the site's interface to the ongoing BATA operations (at the time) and the relationship to the existing low-scale residential neighbourhood to the north of the site.
- Extending the proposal over approved Urban Blocks 1 and 2 to create a larger buffer to the existing low density residential neighbourhood north of the Heffron Road, with a 40m wide linear park provided along this frontage.
- Maintaining the reduction in building heights towards the northern portion of the site in response to the established residential area to the north.
- Staggering taller buildings to create a more diverse skyline and to mitigate overshadowing to approved buildings and open space under the Stage 1 Consent.
- Distributing density away from Bunnerong Road to minimise overshadowing to existing residential properties to the east.
- Reinforcing the junction of the proposed internal streets with the existing road network and new street corners, with taller built form elements.
- Adopting a lower maximum building height of 28m along the northern boundary in response to the aesthetic significance and scale of the former administration building to be retained in the north-east corner of the site.
- Comprehensive testing to ensure compliance with the required building separation, dwelling sizes, solar access and ventilation requirements outlined in *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* (SEPP 65) and the associated *Apartment Design Guide* (ADG).
- Minimising basement excavation in response to the constraints around soil conditions and groundwater, as outlined in the supporting Geotechnical and Contamination Investigations (see **Appendix G** and **Appendix H**), by accommodating the majority of car parking within the podiums of the proposed buildings.

The following images at **Figure 14** and **Figure 15** illustrate the conceptual design of the proposal. It should be noted that the design is conceptual only at this time, demonstrating the suitability of the land for further development. In accordance with the statutory planning framework, there are a considerable number of

matters that will need to be advanced in detail ahead of development consent being obtained, presenting opportunities for design refinement.

Figure 14 – Perspective Aerial View, Looking South



Source: Andrew Tremeling

Figure 15 – Perspective View of Civic Square from Meriton Boulevard, Looking North



Source: Andrew Tremeling

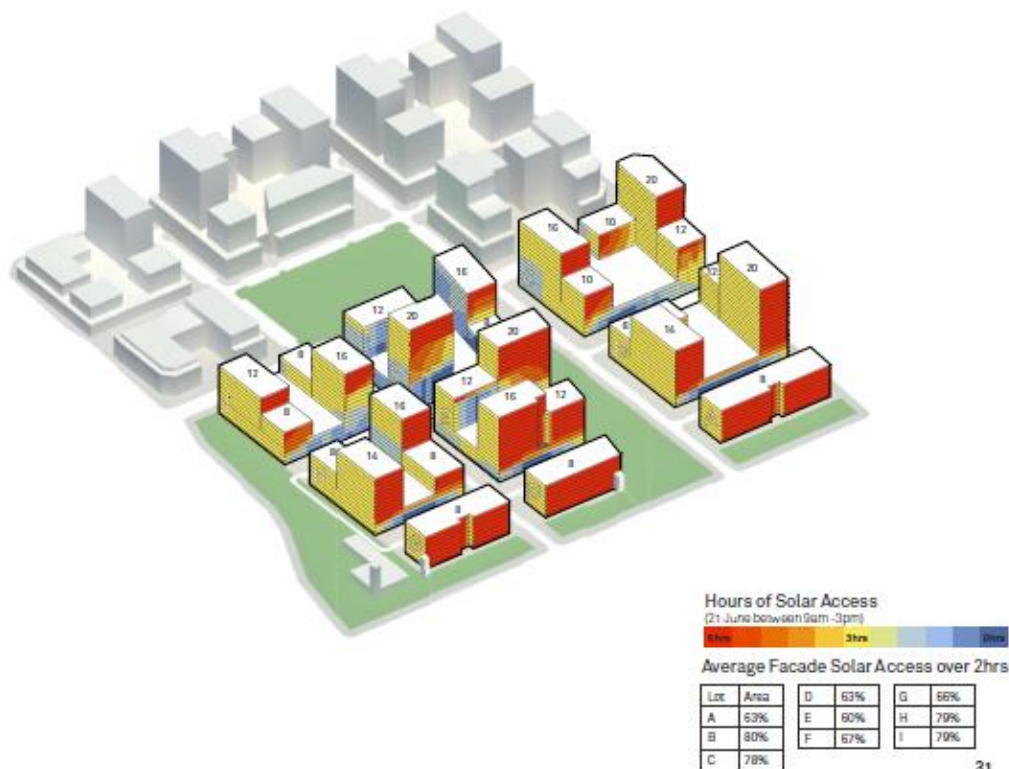
6.4. SEPP 65

The concept plan illustrates a layout and building arrangement that can be designed to comply with the relevant provisions of SEPP 65 and the associated ADG. As outlined in the concept plans prepared by Hassell, key considerations are as follows:

- Building separations meet the minimum requirements set out in the ADG (Sections 2F and 3F) to assist in achieving high levels of visual and acoustic privacy, outlook, natural ventilation and daylight access. All building facades will feature habitable rooms, with a minimum 24m separation provided between buildings to all for maximum solar access.
- Building depths will support a range of apartment layouts and comply with the ADG requirements (Section 2E).
- The orientation of buildings maximise solar access for future residents, whilst minimising the potential for unreasonable overshadowing to neighbouring properties, the public domain and open space.
- The solar access analysis undertaken by Hassell (see **Figure 16**) indicates that an average of 70% of the proposed apartments are capable of receiving a minimum of two hours of direct sunlight based on the massing and separation of buildings. Subject to detailed design, the development should comply with the minimum overshadowing requirements outlined in the ADG (Section 4A).
- A range of communal open space opportunities will be available throughout the development including open spaces at ground level (i.e. Wedge Park and Northern Park) and all podiums will have green roofs (Sections 3D and 3E). Based on the concept plan, communal open space accounts for approximately 30% of the site area (exceeding the ADG requirement of 25%). It is expected that the communal open space will receive adequate solar access throughout the year and deep soil zones will meet the minimum requirement of 7% of the site area.
- Secure car bicycle parking will be accommodated within the podium levels of buildings and will be 'sleeved' by apartments to integrate it within the development and conceal it from view (Section 3J).

Future applications for development consent will need to be considered on their merits, in context of final/detailed design and comply with the requirements set out in SEPP 65 and the ADG.

Figure 16 – Solar Access Analysis



Source: Hassell

6.5. CAR PARKING

As outlined in the Transport Impact Assessment, Meriton have proposed parking rates which have been compared to the relevant provisions of the BBDCP 2013 (Part 3A and Part 9D) and the approved Stage 1 Consent for Lot 2, see **Table 2**.

Table 2 – Minimum Car Parking Rates

Development type	Part 3A/9D BBDCP	Approved Stage 1 masterplan	Proposed rates
Residential flat buildings			
Studio / 1 bedroom apartments	1 space per apartment	1 space per apartment	0.5 space per apartment
2 bedroom apartments	2 spaces per apartment	1.5 space per apartment	1 spaces per apartment
3 bedroom apartments	2 spaces per apartment	2 space per apartment	1.5 spaces per apartment
Visitor parking	1 space per 5 apartments	1 space per 10 apartments	1 space per 10 apartments
Commercial / Retail / Infrastructure			
Shops	1 space per 25m ²	1 space per 40m ²	1 space per 40m ²
Childcare	1 space per 2 employees	1 space per 2 employees	1 space per 2 employees
	1 space per 5 children	1 space per 5 children	1 space per 5 children
	1 pick-up and set-down space per 20 children.	1 pick-up and set-down space per 20 children.	1 pick-up and set-down space per 20 children.

Source: Arup

The reduced car parking is considered appropriate to reduce car mode share at the development and the modified rates will be supported by proposed light rail extensions.

As mentioned previously, it is anticipated that the majority of car parking will be accommodated within the podiums of the proposed buildings to limit, if not avoid, excavating the site for basement levels. This design consideration is considered appropriate for the following reasons:

- Addresses environmental constraints associated with soil conditions, contamination and groundwater as outlined in the Geotechnical and Contamination Investigations;
- Reduces extensive excavation of the site and demand for landfill;
- Avoids potential conflicts with existing services, infrastructure and utilities;
- Reduces the risk of basements being flooded or inundated due to stormwater or drainage issues;
- Provides for natural ventilation as opposed to a requirement for mechanically ventilated systems;
- Provides an opportunity to establish communal areas above the podium, allowing for improved amenity, solar access and security for residents; and
- Car parking and podiums would be designed in accordance with SEPP 65 and the ADG.

6.6. OPEN SPACE

The proposed development will provide approximately 26,085sqm (2.61ha) of publicly accessible open space on-site, including:

- Development has been arranged around a large open space (Wedge Park) in the centre of the site running along a north-south axis and with an area of 9,540sqm. It is intended that this open space provide a green link between Jellicoe Park to the north and Central Park within the southern portion of the former BATA site, and the design will incorporate a 1,000sqm civic space.

- Provision is made for a 4,110sqm linear open space (Northern Park) along the entire northern edge of the site that could be integrated with potential, future light rail stops and creates a larger buffer to the existing low-density residential development north of Heffron Road.
- Approximately 10,510sqm of open space will be accommodated around the existing heritage buildings that have the potential to be retained and dedicated to Council as part of a proposed Voluntary Planning Agreement (VPA) for use as community and leisure facilities.
- A series of pocket parks dispersed throughout the site.

This 2.61ha equates to an on-site open space provision ratio of approximately 0.78ha of open space per 1,000 people based on a proposed population of 3,308 persons. This exceeds the open space requirement outlined in the *City of Botany Bay s94 Development Contributions Plan 2016* (s94 CP 2016), which identifies a rate of 0.7ha of open space per 1,000 people. It is noted that the amount of publicly accessible open space is also in excess of the 2.53ha of open space required in the DCP for Lot 2. The open space provided on-site will be centrally located within easy access of the community, and provide high quality sites for passive recreation, which complement the surrounding land uses.

In addition, Council has recently requested a variation to the VPA executed under the Stage1 Consent for the redevelopment of the southern portion of the BATA site. It is now proposed that some of the unspent \$10.5 million contribution provided by Meriton will be directed towards improvements to Jellicoe Park and Mutch Park. Therefore, not only does the concept plan comply with the open space requirement outlined in Council's s94 CP 2016, but significant funds will also be made available to upgrade two major open space and recreational facilities in close proximity to the site.

In addition to the publicly accessible open space, the proposed development will also provide additional communal open space courtyards on the ground floor and podium levels, and rooftop communal open space. This open space will contribute to meeting the general recreation needs of the incoming community and reduce demand on existing public open spaces in the surrounding area.

6.7. COMPARISON WITH HILL THALIS SCHEME

The concept plan prepared by Hassell on behalf of Meriton has adopted and evolved some of the elements of the Hill Thalys concept scheme (see **Figure 17**) at Council's request. These have been tested and built upon to exceed the performance of the Hill Thalys scheme in the following ways:

- The streetscape layout proposed by Hill Thalys has been adopted, however larger setbacks have been provided to the northern, eastern and western building frontages to maximise solar access. The proposed design and width of the road reserves outlined in the Hill Thalys concept plan has also been adopted.
- The centrally located public open space (Wedge Park) has been incorporated but rotated to maximise solar access to the open space and provide a more useable public domain.
- Elements of the existing buildings along Heffron Road have the capacity to be kept, with substantially setback medium density residential buildings provided along this interface in response to the site's heritage and character.
- Provision of a centrally located civic open space.
- Lower scale buildings along the northern portion of the site, with buildings up to 20 storeys within the less sensitive pockets of the site towards the south and west.

Key differences adopted in the Hassell concept plan, which are considered to provide a superior urban design outcome:

- The proposal has introduced podiums to the majority of the buildings consistent with the design approach within the southern portion of the BATA site. The podiums will accommodate above-ground car parking sleeved with apartments and elevated communal open space to maximise solar access. The inclusion of the podiums accounts for the significant variation between the proposed FSR of the Hill Thalys scheme (1.8:1) and the Hassell scheme (2.35:1).
- Building orientations and heights have been rationalised to improve efficiency, maximise solar access, natural ventilation, outlook and to ensure building depths will support a range of apartment layouts.

- Car parking will largely be accommodated within the podium levels to avoid the need for excessive excavation and fill.
- The increased building separations removed the need for non-habitable building facades across the entire site.
- The height of buildings along the Bunnerong Road frontage have been reduced to minimise overshadowing to the residential properties to the east.
- The northern access point to Banks Avenue and the western access point to Heffron Road have been deleted as they are located too close to the intersection of these roads and are not supported on traffic grounds (see **Appendix F**).
- The extent of public open space has been increased from 20% of the site area contemplated by Hill Thalys to 30% of the site area in the Hassell scheme.



Source: Hill Thalys

6.8. PUBLIC BENEFIT OFFER

Under Section 93F of the EP&A Act, a proponent may enter into a VPA where a change is sought to an environmental planning instrument, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with the change to the environmental planning instrument. A draft VPA is normally prepared following 'Gateway' approval of a Planning Proposal and the associated Public Benefit Offer.

Following a Gateway determination, it is anticipated that Meriton and Bayside Council will enter into discussions regarding a VPA to address the embellishment of roads and the public domain and the dedication to Council of roads, buildings and land for open space and community facilities.

As it currently stands, the indicative yield of 2,068 apartments has the potential to generate circa \$30m in contributions under Council's s94 CP 2016. This represents circa 25% of the total capital expenditure planned by Council under the CP.

7. REQUEST TO PREPARE A PLANNING PROPOSAL

7.1. OVERVIEW

This Planning Proposal has been prepared in accordance with Sections 55(1) and (2) of the EP&A Act with consideration of DPE's *A guide to preparing Planning Proposals* (August 2016).

Accordingly, the Planning Proposal is addressed in the following four parts:

- **Part 1** – A statement of the objectives or intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation.
- **Part 4** – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- **Part 5** – Details of community consultation for the Planning Proposal.
- **Part 6** – Project timeline.

7.2. PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives and intended outcomes of the Planning Proposal are:

- Enable the rezoning of the former BATA site at 128 and part 130-150 Bunnerong Road, E to an R4 High Density Residential Zone under the BBLEP 2013.
- Enable a maximum floor space ratio of 2.35:1 to apply to the site under the BBLEP 2013.
- Enable maximum building heights of 28m and 65m to apply to the site under the BBLEP 2013.

A conceptual design for redevelopment of the site has been prepared and is discussed in **Section 6**. The scheme will be refined as part of the DA process once the Planning Proposal has been endorsed by Council and a Gateway determination is issued that supports the preparation of a LEP amendment.

7.3. PART 2 – EXPLANATION OF THE PROVISIONS

The objectives and intended outcome of this Planning Proposal can be achieved by:

- Amending the BBLEP 2013 Land Zoning Map for the site from part R3 Medium Density Residential and Part IN1 General Industrial to R4 High Density Residential.
- Amending the BBLEP 2013 Height of Buildings Map for the site from part 11m, part 17m, part 28m and part 32m to allow a maximum permissible height of part 28m and part 65m.
- Amending the BBLEP 2013 FSR Map for the site from 1:1 to 2.35:1.

The proposed changes to the zoning, maximum height of building and maximum FSR maps are illustrated in the figures provided at **Appendix L**.

Following a Gateway determination, it is anticipated that a site specific DCP will be required to guide the future development of the site as the current DCP will be inconsistent with the LEP provisions. This would likely be guided by the concept plans prepared by Hassell and would be subject to further refinement post gateway.

These amendments will support the development of the site for high-density residential purposes and is consistent with the preliminary concept plan and achieves the key objective and intent of this Planning Proposal request.

It is considered that the proposed amendments to the BBLEP 2013 are the best, most efficient and time effective approach to delivering the intended outcome of the proposal.

8. PART 3 JUSTIFICATION

8.1. SECTION A – NEED FOR THE PLANNING PROPOSAL

8.1.1. Question 1: Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of a strategic study or report for the site per se. Rather, this proposal builds on:

- Earlier Council / BATA initiated work that commenced some years ago that led to the rezoning of Lot 2 in June 2013.
- A long-standing recognition and dialogue that has existed between Meriton and Council since Meriton's initial acquisition of Lot 2 in 2013 and subsequent acquisition of Lot 1 in 2015 from BATA that is reflected most recently in Council's own engagement of Hill Thalys to investigate high density residential redevelopment potential.

The Planning Proposal seeks to rezone the site in response to an identified development opportunity that is now strongly aligned with state and regional strategic documents that set out goals to respond to housing demand and to locate new infill housing close to public transport and existing infrastructure and jobs. These documents include the following:

- *A Plan for Growing Sydney;*
- *Draft Central District Plan; and*
- *Botany Bay Planning Strategy 2031.*

Further detail in respect of the alignment with these documents is set out in **Section 8.2.**

8.1.2. Question 2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only means of achieving the objectives and intended outcomes for the site as the proposed residential uses are prohibited within the existing IN1 General Industrial Zone. An amendment to the height of building and FSR standards is also required to accommodate a high-quality design outcome, which responds to the site and wider locality.

The existing industrial location is an isolated parcel of land that generates little employment and provides a less desirable interface for the amenity of adjoining and surrounding residential uses.

Without an amendment to the planning controls, the opportunity to redevelop this strategic site and make a substantial contribution to the Central District's current dwelling target and increase the range of accommodate available within the locality will be lost. Furthermore, retaining the IN1 Zoning has the potential to create land use conflicts between industrial operations and the proposed development envisaged as part of the Stage 1 Consent for the southern portion of the former BATA site.

The site is a logical and appropriate place to concentrate future growth within the Bayside LGA being within an area designated for urban growth and infill development (namely an identified district centre) and conveniently located near to facilities and public transport infrastructure.

8.2. SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

DPE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

8.2.1. Question 3: Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

a) Does the proposal have strategic merit?

The strengthened strategic merit test criteria require that a planning proposal demonstrate strategic merit against (at least one of) the following three criteria:

Table 3 – Strategic Plan Merit Test

Criteria	Planning Proposal Response	
Consistent with the relevant district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.	The intended outcome of the Planning Proposal is to facilitate the redevelopment of the site to accommodate high density housing with complementary retail and child care uses within a designated district centre. In doing so, the proposal will respond to the key priorities and directions which underpin the <i>Draft Central District Plan</i> . The key priority of relevance to the Planning Proposal are outlined below.	
	Priorities	Planning Proposal
	Growing economic activity in centres.	<p>The Draft District Plan aims to accelerate urban renewal across Sydney, specifically around major centres, in order to provide jobs closer to homes and minimise commuting times.</p> <p>The Planning Proposal would expand the urban renewal occurring within the southern portion of the former BATA site and is located within an identified district centre designated for urban growth. The site is therefore conveniently located near to a range of retail, services and public transport and within 30 minutes travel time of significant employment opportunities, including:</p> <ul style="list-style-type: none"> • Sydney's CBD; • Banksmeadow employment area that connects through to the Port Botany precinct; and • Sydney Airport and surrounding employment land. <p>Government strategy recognises there are limited opportunities within the Central District to accommodate large precinct renewal. An undersupply of housing at this site would represent a missed opportunity, reminiscent of the numerous 1970s three storey developments which characterise much of the eastern suburbs and stifle housing renewal at present.</p> <p>The proposed development on the subject site is estimated to result in an increase in direct and indirect employment and economic activity. For instance, Meriton has advised that there are approximately 500 construction workers on the subject site as of February 2017, which is expected to peak at 2,000 workers in mid-2017.</p>

Criteria	Planning Proposal Response	
	<p><i>Improve housing choice.</i></p>	<p>The Draft District Plan establishes a 20-year housing target of 157,500 for the Central District by 2036. At a local level, Bayside Council's housing target requires an additional 10,150 dwellings by 2021.</p> <p>The broader BATA site covers an area of over 16.5ha and represents the largest privately owned landholding in the Central District of Sydney immediately available for development. The Stage 1 Consent together with the current proposal has the capacity to generate approximately 3,700 dwellings, just under 3% of the overall target for the Central District. In addition, the current proposal would represent 20% of Bayside LGA's five-year housing target expressed in the Draft District Plan.</p> <p>The existing housing supply in the surrounding area is characterised by low-density residential dwellings in suburb settings. The proposal therefore provides an opportunity to further diversify housing options in the area through the delivery of high-density housing in a readily accessible location.</p>
	<p><i>Improve housing diversity and affordability.</i></p>	<p>The proposed high density housing meets the needs of the community by responding to the strong demand for housing in the Bayside LGA, which is forecast to increase as the population of Sydney grows. It will also enable the provision of a range of housing types and affordability to meet the diverse and changing lifestyle needs of the community, including older residents looking to downsize.</p>
<p><i>Consistent with a relevant local council strategy that has been endorsed by the Department.</i></p>	<p>The 2031 Strategy adopted by Council in 2009 provides a framework for growth and development over a 25-year period and informed the preparation of the BBLEP 2013.</p> <p>The 2031 Strategy addresses key employment and dwelling targets identified within <i>A Plan for Growing Sydney</i> and the <i>East Subregional Strategy</i> (now replaced with the Draft Central District Plan). This Strategy identifies a target of 6,500 additional dwellings within the Botany Bay LGA by 2031, however the analysis highlights that:</p> <p><i>"Only around 108 hectares of the LGA is unconstrained land... a notional capacity of around 3,000 additional dwellings is identified. This falls well short of the target of 6,500. After excluding constrained land, the settings under the existing development controls do not provide sufficient capacity to meet the target."</i></p> <p>Notably, the 2031 Strategy which identifies this "planning gap" was prepared whilst the BATA facility was still operational but does acknowledge (at the time) of its longer term "conversion" potential:</p>	

Criteria	Planning Proposal Response
	<p><i>“The British American Tobacco industrially zoned site to the north of the shopping centre is large. However, it is actively used and there is no particular need for it to be converted to alternative uses at this time. There is potential for conversion in long-term.” (p.58)</i></p> <p>Subsequent actions by Council to rezone Lot 2 and this current proposal to rezone Lot 1 reinforce the arguments that residential intensification within the LGA is required to meet this dwelling target.</p> <p>Housing targets have been reviewed as part of the Draft Central District Plan and in response to the amalgamation of Botany Bay and Rockdale Councils, the 2016-2021 housing target for Bayside is 10,150 new dwellings, further exacerbating the already acknowledged “gap”. As indicated previously, the proposed development has the potential to make a significant and positive contribution to this five-year target.</p> <p>The proposed rezoning is also entirely consistent with the strategic vision for Eastgardens as outlined in the 2031 Strategy, which envisaged a mixed-use centre in the long term, once BATA had vacated the land.</p>
<i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	<p>The site was not rezoned in entirety in 2013 because BATA retained an operational (albeit scaled back) presence on the site. It was considered at the time that a staged approach was most appropriate. The earlier rezoning (and subsequent Stage 1 Master Plan Consent) also sought to manage the interface between residential uses within Urban Blocks 1 and 2, and the remaining BATA operations. The withdrawal of industrial operations at the site by BATA and subsequently disposal of the site to Meriton therefore provides an opportunity to reconsider and integrate the entire northern portion of the BATA site (north of Meriton Boulevard).</p> <p>The change in approach to height and built form is also in response to the site being within a new designated district centre (under the Draft District Plan), near to planned infrastructure investment (light rail or bus rapid to Maroubra Junction) and the increased housing targets for the LGA.</p>

It is considered that the Planning Proposal meets the relevant criteria of the Strategic Plan test as it is entirely consistent with the existing Metropolitan Strategy and associated Draft Central District Plan. Furthermore, the Planning Proposal is a clear response to a change in circumstances as the existing provisions do not align with the new designation of Eastgardens-Maroubra Junction as a district centre with the site being an important opportunity to provide appropriate high density housing within a district centre.

b) Does the proposal have site-specific merit?

In addition to meeting at least one of the strategic merit criteria, a Planning Proposal is required to demonstrate site-specific merit against the following criteria:

Table 4 – Site Specific Merit Test

Criteria	Planning Proposal Response
Does the planning proposal have site specific merit with regard to:	There is no environmentally sensitive land or land with significant biodiversity value on or surrounding the subject site that will be affected by the proposed rezoning. Furthermore, there are no environmental constraints or hazards of

Criteria	Planning Proposal Response
<i>the natural environment (including known significant environmental values, resources or hazards)?</i>	such significance that would precluded the redevelopment of the site for residential purposes.
<p>Does the planning proposal have site specific merit with regard to:</p> <p><i>the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i></p>	<p>It is considered that the Planning Proposal has site-specific merit with regard to existing, approved and future uses in the vicinity of the site as follows:</p> <ul style="list-style-type: none"> • As outlined in the Economic Impact Assessment at Appendix C, the subject site does not have the locational attributes to support industrial users that appeal to a local customer base, or the transport accessibility to appeal to growing industrial sectors such as freight and logistics. The interface with existing and proposed residential uses further reduces the ongoing viability of industrial uses within the site. • The proposed rezoning will expand the approved urban renewal occurring on the balance of the former BATA site in accordance with the strategic directions in the <i>Botany Bay Planning Strategy 2031</i>. • The proposal will create a vibrant and sustainable residential community close to existing and planned public transport infrastructure and will contribute to the growth of the Eastgardens–Maroubra Junction District Centre. • The indicative built form layout maintains the reduction in building heights towards the northern portion of the site in response to the existing low density residential development north of Heffron Road. • The proposed open spaces and potential community facilities will provide improved amenities for existing residential properties surrounding the site.
<p>Does the planning proposal have site specific merit with regard to:</p> <p><i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?</i></p>	<p>The Due Diligence Report prepared by AT&L and provided at Appendix E confirms that the site is serviced by existing water, sewer and electricity that is readily available and can accommodate the intended outcome of the Planning Proposal.</p> <p>This report also demonstrates that a stormwater management system can be provided for the proposed development and can achieve the target requirements for Bayside Council, Sydney Water and BASIX.</p> <p>Intersection upgrades are about to take place for Bunnerong Road/Heffron Road as part of the Stage 1 Consent for Lot 2. There are also new traffic light being proposed at the Meriton Boulevard/Bunnerong Road intersection and the roundabout at the Banks Avenue/Heffron Road. These intersection improvements are considered adequate to accommodate the redevelopment of the subject site.</p> <p>The site will provide for a hierarchy of new access roads to service future development and therefore, suitable infrastructure is available to meet the demands arising from the proposal. Furthermore, any future development would be subject to s94 contributions as applicable to the site.</p>

Criteria	Planning Proposal Response
	Based on the supporting technical studies as well as the opportunity for VPA / s94 contributions, it is considered that the Planning Proposal has site specific merit with regard to the services and infrastructure that are or will be available to meet the needs for the site.

8.2.2. Question 4: Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

As discussed previously in **Section 8.2.2**, it is considered that the Planning Proposal is consistent with the key directions of the *Botany Bay Planning Strategy 2031* and will make a significant contribution to Council's five year housing target.

8.2.3. Question 5: Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with all relevant State Environmental Planning Policies (SEPPs) as outlined in **Table 5**.

Table 5 – SEPP Consistency Review

POLICY	DETAILS
SEPP 55 Remediation of Land	<p>Clause 6 of SEPP 55 requires in the event of a change of land use, the planning authority must consider whether the land is contaminated, if the land can be suitably remediated for the proposed use and that the authority is satisfied that this remediation is sufficient for the proposed uses on the land.</p> <p>The Summary of Contamination Investigations prepared by Douglas Partners (DP) and provided at Appendix H states:</p> <p><i>DP considers that <u>the site is suitable for rezoning for mixed uses (including residential)</u>, and can be made suitable for the proposed development contingent on the following additional investigations and documents being prepared and provided to Council and the Site Auditor, prior to development consent:</i></p> <ul style="list-style-type: none"> <i>Additional soil, groundwater and soil vapour investigations to meet the NSW EPA sampling guidelines and with reference to the intended site use as residential and to supplement the previous works undertaken from 2011-2013;</i> <i>Preparation of a Remediation Action Plan (RAP);</i> <i>Preparation of an Asbestos Management Plan (AMP);</i> <i>Site Remediation and Validation reporting; and</i> <i>Preparation of a Site Audit Statement (Part A).</i>
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by (amongst other things) identifying matters to be considered in the assessment of development adjacent to particular types of development.

POLICY	DETAILS
	<p>The proposed development is identified as traffic generating development to be referred to the Roads and Maritime Services in accordance with Schedule 3 of the SEPP.</p> <p>The Transport Impact Assessment undertaken by Arup and provided at Appendix F concludes that the road network has been determined to handle the development traffic levels with minimal impacts to the road network. Traffic related matters are discussed in more detail at Section 8.3.2.</p>
SEPP 65 Design Quality of Residential Flat Buildings	<p>Future development of the land for residential purposes will need to accord with SEPP 65 and the associated ADG. Of relevance, SEPP 65 and the ADG seek to provide a framework for the consideration of design matters, including but not limited to, the following:</p> <ul style="list-style-type: none"> • Overall building orientation. • Dwelling mix and sizes. • Provision of private and communal open space. • Solar access. • Acoustic privacy. • Parking. <p>The concept plans which form part of this proposal have been designed to facilitate achievement of the SEPP 65 principles and 'rules of thumb' in relation to building orientation, solar access, separation distances and related controls.</p> <p>Detailed compliance with SEPP 65 will be demonstrated as part of any future DA.</p>
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The proposed development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the DA stage.</p>

8.2.4. Question 6: Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal has been assessed against the Section 117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

Table 6 – Consistency with Section 117 Ministerial Directions

Direction	Requirements	Comment
1.1 Business and Industrial Zones	<i>The objectives of this direction are to:</i>	This direction states that 'a planning proposal must not reduce the total potential floor space area for industrial uses in industrial zones.'

Direction	Requirements	Comment
	<p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres.</p>	<p>The direction further states that:</p> <p><i>‘A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning that the provisions of the planning proposal that are inconsistent are justified.’</i></p> <p>The planning proposal is inconsistent with this Section 117 Direction, however the inconsistency is justified in accordance with Clause (5)(b):</p> <p><i>‘(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction.’</i></p> <p>The Economic Impact Assessment undertaken by Urbis (see Appendix C) concludes that the former BATA site is not strategically significant industrial land and specifically highlights the following:</p> <ul style="list-style-type: none"> • <i>The subject site does not have the attributes of other stronger industrial precincts located within the Bayside Council.</i> • <i>The subject site does not have the visibility to support industrial users that appeal to a local customer base, or the transport accessibility to appeal to growing industrial sectors such as freight and logistics;</i> • <i>The construction of Stage 1 which will deliver 2,223 apartments to the south of the subject site will create a land use conflict with the subject site’s ongoing industrial operations. Given that BATA has now vacated the site, this land use conflict is likely to impact the ability to maintain viable industrial operators at the site.</i> <p>Given the future land use conflict created by the redevelopment occurring to the south and the restricted operating hours currently applying to Lot 1 (under DA2011/272), the ability to attract and maintain viable operators will be limited. The proposed rezoning to facilitate the transformation of underutilised industrial land in a strategically important location is therefore justified and appropriate in this instance.</p> <p>Lot 1 is currently occupied by small scale industrial tenants on short term leases to Meriton and employ around 30-50 people. The proposed development on the subject site is estimated to result in an increase</p>

Direction	Requirements	Comment
		in direct and indirect employment and economic activity. For instance, Meriton has advised that there are approximately 500 construction workers on the subject site as of February 2017, which is expected to peak at 2,000 workers in mid-2017. Approximately 200 direct and indirect jobs are also expected from the operation of the retail uses, child care, community facilities and management of the residential buildings.
3.1 Residential Zones	<p><i>The objectives of this direction are to:</i></p> <p><i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p><i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p><i>(c) to minimise the impact of residential development on the environment and resource lands.</i></p>	<p>This direction applies whenever a relevant planning authority prepares a planning proposal that will affect land within any zone in which significant residential development is permitted or proposed to be permitted.</p> <p>The proposal seeks to broaden the range of housing provided in proximity to Eastgardens and the Central District more broadly, through the provision of high density residential apartments. The site is well placed to accommodate this type of housing and will make efficient use of existing services and infrastructure and assist in meeting infill housing targets, particularly around centres and transport nodes.</p> <p>The subject site does not contain any significant flora or fauna which would be adversely impacted by the proposed redevelopment. In addition, any future development would incorporate relevant sustainable measures.</p>
3.4 Integrating Land Use and Transport	<p><i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips</i></p>	<p>The proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> • The site supports the principle of integrating land use and transport. • The site exhibits good access to public and private transportation use. • The site's proximity to public transport will provide opportunities for residents to access the site. • The proposal will provide additional employment (during construction) within the Bayside LGA within close proximity to existing services and infrastructure.

Direction	Requirements	Comment
	<p><i>generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight</i></p>	<ul style="list-style-type: none"> The site frontage has the opportunity to accommodate a light rail stop that has been pursued by Bayside and Randwick Councils.
3.5 Development Near Licensed Aerodromes	<p><i>The objectives of this direction are:</i></p> <p><i>(a) to ensure the effective and safe operation of aerodromes, and</i></p> <p><i>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</i></p> <p><i>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise</i></p>	<p>The subject site is outside the 2029 ANEF contours and therefore, airport noise is not a constraint to the redevelopment of the site for residential purposes.</p> <p>The broader BATA site is subject to an Obstacle Limitation Surface (OLS) of RL 51m.</p> <p>The proposed concept plan includes buildings up to 20 storey in height (RL 85.0m), which are a similar height to buildings approved as part of the Stage 1 Consent. The Stage 1 Consent is supported by an approval from the Department of Infrastructure and Regional Development under the <i>Airports Act 1996</i> (dated 23 January 2017) that allows a maximum height of 91m (AHD) for 130-150 Bunnerong Road, including Urban Blocks 1 and 2 (now forming part of the subject site), see Appendix K.</p> <p>Based on the various aeronautical assessments undertaken by the Ambidji Group for the Stage 1 Consent, the proposed building heights are considered appropriate and should not impact on the safety and efficiency of airport operations.</p> <p>Consideration will need to be given at the time of detailed design for the location of the site relative to Sydney Airport and where necessary, will be supported by an aeronautical assessment and will be referred to Sydney Airport Corporation Limited for their determination.</p> <p>The proposed dwellings can be appropriately designed and incorporate mitigation measures (if required) to minimise adverse aircraft noise. This would be addressed at the time of detailed design.</p>
6.3 Site Specific Provisions	<p><i>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i></p>	<p>The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the Botany Bay LEP 2013.</p>

Direction	Requirements	Comment
7.1 Implementation of A Plan for Growing Sydney	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	The Planning Proposal is entirely consistent with the relevant key priorities outlined for the Draft Central District Plan as discussed in Section 8.2.1 . These priorities closely align with the relevant directions of <i>A Plan for Growing Sydney</i> .

8.3. SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8.3.1. Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is fully developed and comprises little vegetation, with the exception of mature trees lining the northern and eastern boundaries of the site. There are no known critical habitats or threatened species, populations or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.

8.3.2. Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are not likely to be any environmental impacts associated with the future development of the land that cannot be suitably mitigated through detailed design development. The following sections address the environmental impacts.

Traffic

An analysis of the traffic and transport related considerations for the Planning Proposal are addressed in the Transport Impact Assessment prepared by Arup and provided at **Appendix F**. In summary, the assessment concludes:

- The road network can cope with the expanded residential development, however it is recommended that the road layout be refined to minimise new connections onto Banks Avenue and Heffron Road.
- Car parking for the residential component of the development is proposed based on the following rates:
 - 0.5 spaces per studio/one bedroom apartment;
 - 1 space per two bedroom apartment;
 - 1.5 spaces per three bedroom apartment; and
 - 1 space per 10 apartments for visitors.

These rates are generally aligned with those recommended rates in the RTA Guide to Traffic Generating Development, which indicate:

- 0.6 spaces per one bedroom apartment;
- 0.9 spaces per two bedroom apartment; and
- 1.4 spaces per three plus bedroom apartment.

The reduced car parking rates are considered appropriate to reduce car mode share at the development and the modified rates will be supported by proposed light rail extensions. The site is within a designated district centre and it is expected that there will be more services/facilities and transport options in the future to support the surrounding growth and proposed development.

- Residential bicycle parking rates of 10% to 20% are considered appropriate for the proposed development.
- The extensive provision of walking and cycling facilities within the development will be integrated with network of walking and cycling connections surrounding the site.
- The site has good access to existing public transport, including a range of bus services. It is anticipated that an additional eight bus services during peak hours will be required to service the proposed development.
- Sustainable transport measures such as car share schemes should be considered to reduce dependency on private car usage.

Contamination

The broader BATA site has been the subject of a number of environmental investigations by DP given the previous uses of the site as an automobile assembly plant by General Motors Holden from 1939 to 1982 and then a tobacco manufacturing plant by BATA.

As discussed previously at **Section 8.2.3**, DP concluded that the site can be rendered suitable for the proposed residential uses subject to the findings of additional investigations, monitoring and validation works normally undertaken during the development application process.

The preferred remediation strategy for the site in accordance with the NSW EPA hierarchy for remediation, involves the retention and management of contaminated soils on-site, either through relocation to less sensitive areas and/or capping. This would reduce the need to remove large volumes of soil to landfill and therefore any design strategy that supports this strategy, such as avoiding excavating the site for basements, is preferred. In addition, large excavations have the potential to impact on groundwater and make it difficult to isolate and/or manage any identified contaminated groundwater.

Geotechnical

A Geotechnical Study has been undertaken by DP (see **Appendix G**) to determine whether any further work was required to accommodate the proposed uses on the site.

The study acknowledges that excavations at the site for car parking would be feasible, however there is increasing difficulty in construction with increasing depth of excavation. There is a preference to limit the depth of excavation at the site, particularly given that excavations deeper than 3m would require the following design considerations:

- Permanent retaining wall support.
- Temporary ground anchors to support the retaining wall will be required until permanent support from the structure can be provided.
- Excavation to below or near the groundwater level will need to carry out the following:
 - Obtain approval for temporary dewatering and construction from the relevant government departments.
 - Groundwater modelling of the effect of lowering the ground level of surrounding infrastructure.
 - Temporary dewatering of the groundwater level to allow construction.
 - Off-site disposal of groundwater (subject to appropriate approvals).
 - Construction of tanked (ie. fully water-tight) basement.
 - Allowance in the design for the ground slab to withstand the applied buoyancy forces.
 - Monitoring of groundwater levels in the area before and during construction.

Having regard to the above, it is anticipated that car parking for residents and visitors will be accommodated within the podium of each building.

In summary, the geotechnical study concludes that the site is suitable from a geotechnical perspective for rezoning to mixed uses including residential, subject to the recommendations of the report being implemented in future detailed development stages.

Flooding

External flood levels are considered in the Due Diligence Report prepared by AT&L (see **Appendix E**) and will need to be addressed during the detailed design phase of any future development. It is considered that car park entry levels and ground floor levels can be appropriately designed with adequate freeboard.

Heritage

As discussed previously at **Section 5.1.4**, the subject site is not a listed heritage item under the BBLEP 2013, nor is it located within a heritage conservation area. Nonetheless, the administration building in the north-east corner of the site (see **Figure 18**) has been assessed by Urbis as having historic, associative and aesthetic significance at a local level. The site is also located in the general vicinity of Jellicoe Park (Item 155) and Harris Reserve (Item 66).

Figure 18 – External Image of the Administration Building



The Heritage Impact Statement provided at **Appendix D** outlines the following observations:

- *The subject site currently sits in isolation as the only industrial development in a predominantly residential area. Specifically, the majority of the BATA site (that to the south) has already been rezoned and construction has started for its residential conversion. It should also be noted that the subject site is an area strategically accepted for a change in land use. As such, the subject site including the fabric of identified heritage significance and the proximate heritage items will inevitably exist in the context of larger scale development of a different typology than what exists today. This application proposes a residential rezoning which responds to the desired future character of the area in terms of scale and typology.*
- *While the rezoning would facilitate the end of the historic industrial use of the site it should be noted that the significance of the site is vested in its previous association with General Motors. The notable historic use therefore specifically constitutes the car manufacturing/assembly industry which moved off the site in the 1980s. The existing generic industrial use i.e. freight storage does not directly contribute to the significance of the site. The requirement to retain its existing industrial use is therefore diminished.*
- *The planning proposal allows residential development in the area currently occupied by buildings associated with the industrial use of the plant. It is understood that the retention of all early elements on site would not provide for the practical redevelopment of the site for residential use. It is considered acceptable that some of this fabric be removed to facilitate the desired use as, despite the historic associations, much of the early plant fabric was removed under DA2011/272 and the remnant plant*

building largely comprises standard sawtooth construction with significant areas of contemporary fabric resultant of its conversion into a light industrial facility;

- Cognisant of the aesthetic significance and scale of the former administration building to the north-east corner of the subject site, it is proposed to apply a 28m maximum building height along the northern boundary of the site. This lower scale in the immediate vicinity of the early fabric would serve to minimise visual dominance and to sympathetically moderate the difference in scale between it and the higher development to the south. The zoning across the remainder of the site would allow buildings up to 65m in discreet areas;*
- It is proposed to increase to the maximum floor space ratio from 1:1 to 2.35:1. For the reasons above, it is considered that this may be achievable whilst retaining the identified intrinsic heritage significance. Support of the proposed maximum floor space ratio is contingent on the appropriate application of bulk across the site i.e. with appropriate setbacks from the heritage fabric. This will be finalised at master planning stage;*
- There is no statutory requirement to retain any of the fabric on the site from a heritage perspective as the site has no statutory heritage listing. However, cognisant of the significance of some identified fabric on the site the concept master plan includes the retention of the administration building and the two northern pillars to the former assembly plant which are the most intact structures on the site; and*
- It is understood that the administration building and associated buildings down the eastern boundary of the site are intended to be dedicated to Council for ongoing community/public use. Public access to the site has historically been limited given its industrial use. It is therefore appreciated that transfer of this part of the subject site to public land would allow appreciation of the site's values.*

Having regard to the above, the Heritage Impact Statement concludes that the Planning Proposal should be supported from a heritage perspective.

Existing Vegetation

The site is predominantly cleared of all vegetation with the exception of mature trees lining the northern and eastern boundaries. It is anticipated that the trees will be retained where possible and incorporated into the network of open spaces. The Arborists Report provided at **Appendix I** confirms that the public domain design is acceptable to accommodate the retention of substantial sized trees on site.

Summary

Overall, it is considered that the site will not result in any significant environmental effects that would preclude the LEP amendment and the ultimate redevelopment of the site for residential purposes.

8.3.3. Question 9: Has the Planning Proposal adequately addressed any social and economic effects?

Social Impact

The proposal will have positive social impacts on the local community and wider LGA as follows:

- Potential to contribute approximately 2,068 new dwellings to the local housing stock. The proposed concept design provides flexibility with the future detailed design to accommodate a variety and size of dwelling types consistent with the ADG.
- Increased diversity of housing to meet demographic and cultural change. In particular, the provision of smaller dwellings in an area characterised by detached dwellings will increase the supply and choice of well-located rental and purchase accommodation.
- Opportunity to acknowledge the historical industrial history of the site by retaining the key administration building, enabling its potential adaptive re-use for community purposes, and integrating interpretive elements into a high-quality urban design outcome that responds to its context and will enhance the surrounding public domain.
- Any proposed dedication of the non-listed heritage buildings to Council would provide for community and leisure opportunities with a total floor area of up to 4,060sqm.
- Delivery of approximately 26,085sqm in open space – including a 4,100sqm linear open space along the entire northern edge of the site that could be integrated with potential, future light rail stops. The

additional open space, which will provide excellent solar access and potential public transport, would be accessible to the existing residential neighbourhoods surrounding the site.

- Ability to 'open up' a site that has historically been closed with new mixed use development, open space, community services and facilities, all within a permeable and accessible public domain network.
- Increased sustainability in terms of the ability to walk, cycle or use public transport to access the range of commercial activities and services available in the district centre of Eastgardens-Maroubra Junction, and proximity to passive and active recreational areas.
- Whilst the principles of crime prevention through environmental design (CPTED) will be considered in the detailed design of the development, design elements and opportunities for casual surveillance across podiums, public domain and open spaces will deter anti-social behaviour.

Economic Impact

As outlined in the Economic Impact Assessment at **Appendix C**, the proposal will have the following economic benefits:

- The proposed development on the subject site is estimated to result in an increase in direct and indirect employment and economic activity (Gross Value Added – GVA).
 - 176 direct and 487 indirect jobs from the construction of the proposed development concept resulting in gross value add of \$98.5 million.
 - 107 direct and 87 indirect jobs from the operation of the retail uses, child care and community facilities resulting in gross value add of \$26.1 million.
- It is worth noting that there will be peaks and troughs of actual jobs during construction. For instance, we understand from Meriton that there are approximately 500 construction workers on the subject site as of February 2017 expected to peak at 2,000 workers in mid-2017.
- In addition, the subject site's redevelopment will accommodate an additional 3,309 local residents.
 - Based on the current spending profile of residents within the Bayside Council, an average spend per capita of \$13,075 in 2016 is calculated.
 - Therefore, additional population could generate \$43.3 million in retail expenditure (in 2016).
- The proposed development can contribute to improving housing affordability and the delivery of housing targets set within NSW's Central District Plan.
- Increasing the local resident population will activate the area, providing passive security for the residents, workers and visitors of the site.

Summary

The Planning Proposal will therefore have positive social and economic benefits for the broader community. It is considered that the proposal has addressed social and economic impacts and is in the public interest.

8.3.4. Question 10: Is there adequate public infrastructure for the Planning Proposal?

It is understood that the existing infrastructure and utilities at and surrounding the site has the capacity to accommodate development on the site, subject to any necessary expansion and augmentation at the detailed DA stage.

A range of established services are available within close proximity of the site, including health, education and emergency services networks.

Question 11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

It is acknowledged that Bayside Council will consult with relevant public authorities following the Gateway determination.

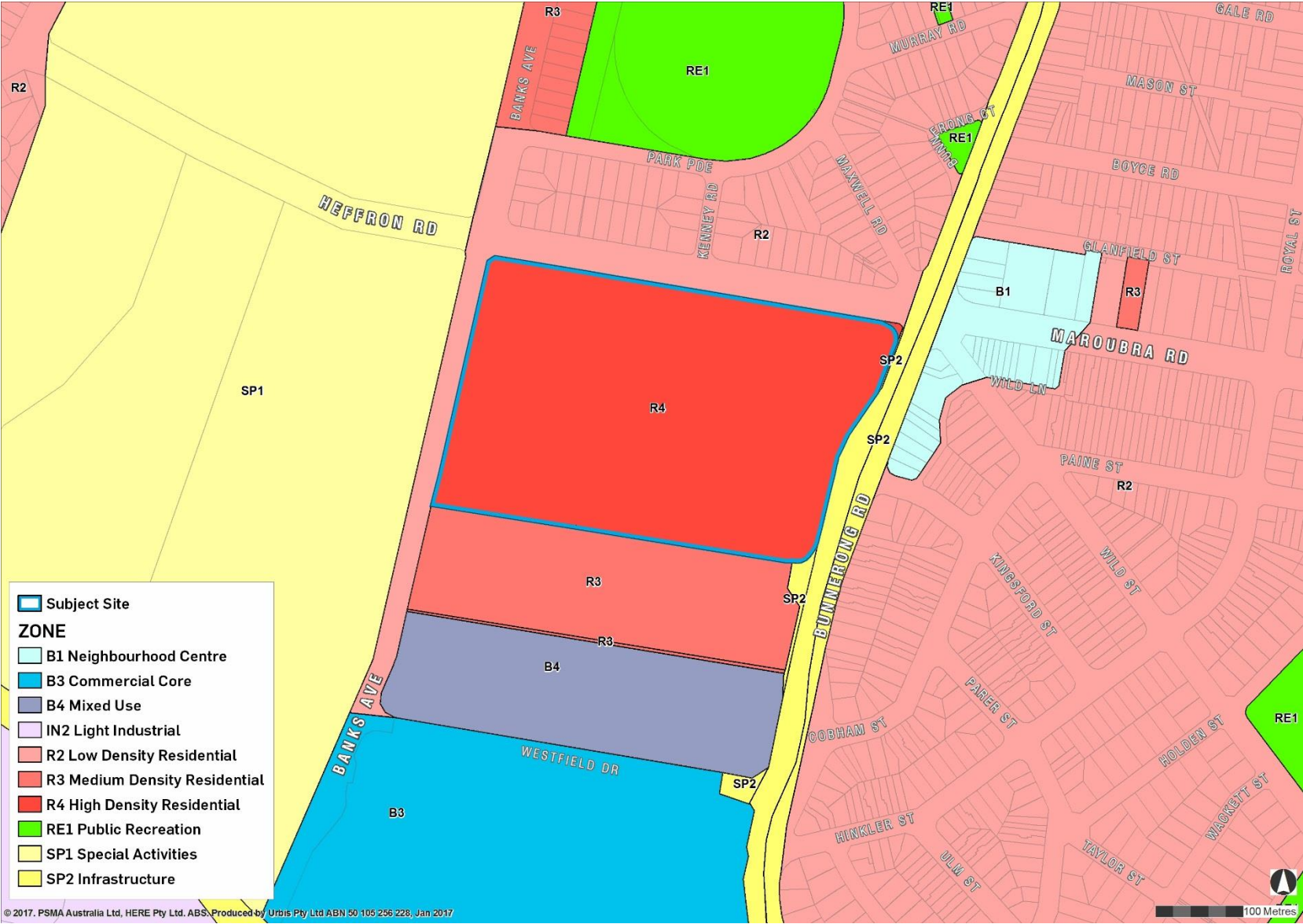
9. PART 4 – MAPPING

Three maps contained within the BBLEP 2013 are proposed to be amended:

- Land Use Zoning Map 4 and Map 5.
- Floor Space Ratio Map 4 and Map 5.
- Height of Buildings Map 4 and Map 5.

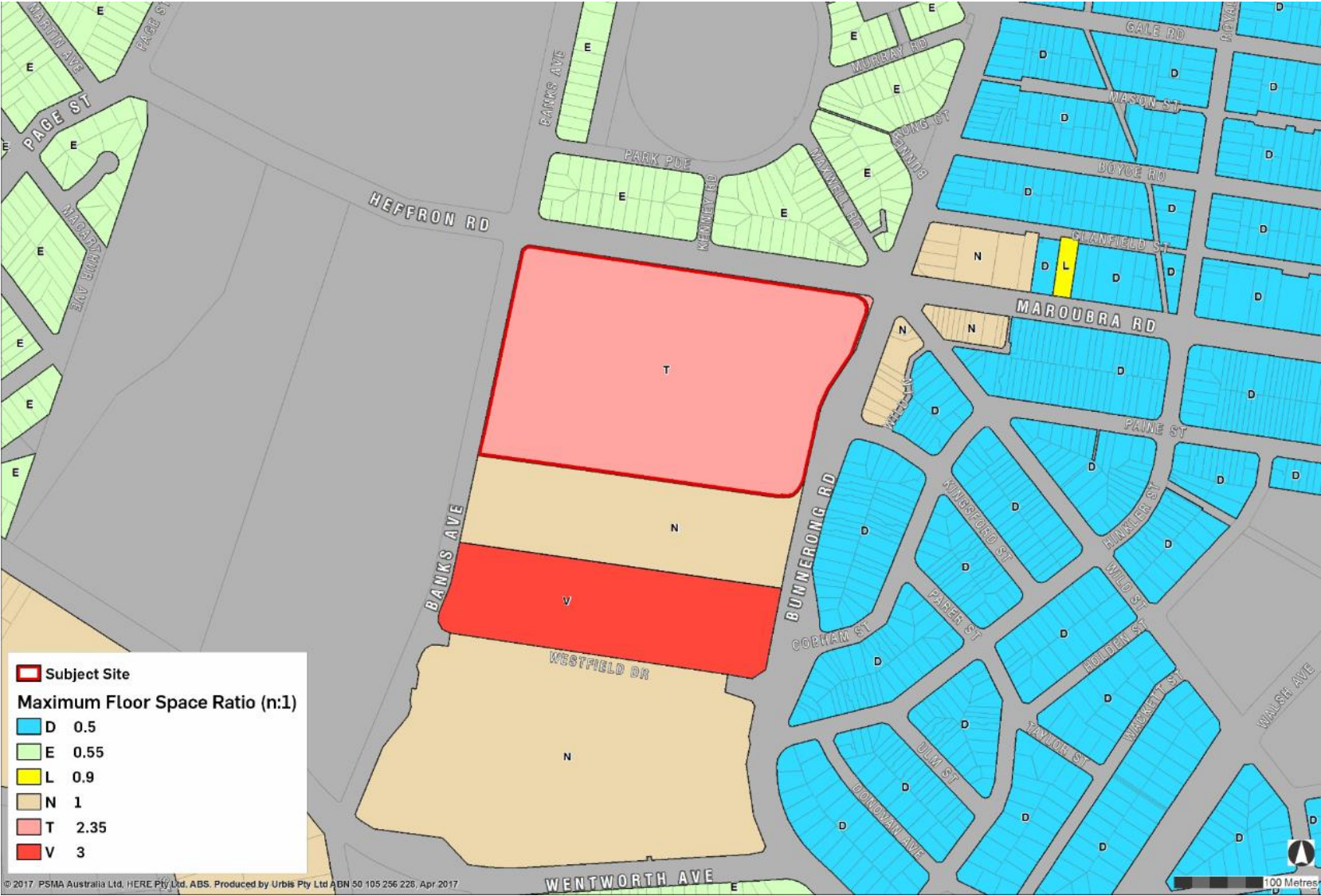
These proposed map amendments are provided in Figures 12 to 14 and also found at **Appendix L**.

Figure 19 – Proposed Amendments to BBLEP 2013 Zoning Maps



Source: Urbis

Figure 20 – Proposed Amendments to BBLEP 2013 FSR Maps



Source: Urbis

Figure 21 – Proposed Amendment to BBLEP 2013 Height of Buildings Maps



Source: Urbis

10. PART 5 – COMMUNITY CONSULTATION

Clause 57 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the DPE guidelines *A Guide to Preparing Local Environmental Plans* and dependent on the outcome of the Gateway determination.

It is anticipated that the public exhibition would be notified by way of:

- A public notice in the local newspaper(s).
- A notice on the Council website.
- Written correspondence to adjoining and surrounding landowners.

The gateway determination and Planning Proposal would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

11. PART 6 – PROJECT TIMELINE

This Planning Proposal represents the first step in initiating the rezoning process and deals with high level planning issues in the first instance. Should the proposal proceed to a positive “Gateway” determination, more detailed technical investigations are likely to be required prior to a draft LEP amendment instrument being publicly exhibited. These have been discussed throughout the report.

The proposed indicative timeline for the project is summarised in the following table.

Table 7 – Proposed Indicative Project Timeline

Project Milestone	Proposed Project Timeline
Anticipated commencement date (date of Gateway determination)	Q2/Q3 2017
Anticipated timeframe for the completion of technical information if required by Gateway.	Q3 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Q3 2017
Commencement and completion dates for public exhibition period	Q3 2017 – 28 days
Dates for public hearing (if required)	Not proposed to be required.
Timeframe for consideration of submissions	Q4 2017
Timeframe for the consideration of a proposal post exhibition	Q4 2017
Date of submission to the Department to finalise the LEP	Q4 2017
Anticipated date RPA will make the plan (if delegated)	Q4 2017
Anticipated date RPA will forward to the Department for notification.	Q4 2017

12. CONCLUSION

Botany Bay Council's 2031 Strategy foreshadowed in 2009 a significant "gap" in the ability to provide sufficient suitable land to accommodate its forecast need for housing. That gap was based partly on BATA maintaining a full operational presence across both Lots 1 and 2.

Since 2009:

- BATA initially scaled back its operation and in 2015 vacated the site completely.
- The entire site of some 16.5ha of land is now under the single ownership of Meriton.
- Lot 2 has been rezoned and is now under development.
- Lot 1 is currently occupied by small scale industrial tenants on short term leases to Meriton.
- The Metropolitan Planning Strategy was released in 2014 placing the site in the Global Economic Corridor.
- The Draft Central District Plan has been released reflective of updated and increased population forecasts for the District and incorporating the site in the proposed Eastgardens – Maroubra Junction District Centre.
- Proposals for enhanced public transport connections to the proposed Centre have advanced, with the potential to extend the CBD and South East light rail corridor onto the site highlighted.
- No other significant lands have been rezoned in the former Botany Bay LGA area to support forecast housing targets.

The factors combined paint a compelling picture of the strategic merit to advance rezoning of the site in the manner proposed.

The Planning Proposal Request has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It sets out the justification for the proposed LEP amendments applicable to the site to allow for a high-density residential development.

The proposal provides for an intended outcome that will contribute to meeting future housing targets in the LGA and Central District more broadly. The proposal is of a similar scale to, and will complement, the urban renewal occurring to the south of the site and provides for a cohesive and well connected redevelopment across the broader BATA site. The proposed massing of development has also considered the local context, including the established, low-density community to the north and historic building fabric within the site.

The Planning Proposal successfully achieves a balance between good urban design whilst also recognising the benefits of facilitating high-density development adjacent to the recently designated Eastgardens-Maroubra Junction District Centre. **This change in circumstance together with BATA ceasing operations (which has been anticipated for some time by Council) at the site ensures that there is site specific merit.**

The proposal will result in a number of important public benefits as demonstrated within this report. In summary, the Planning Proposal will:

- Enable new dwellings to be accommodated within a designated district centre, thereby contributing to future housing needs in the area.
- Contribute to the range of housing available within the LGA increasing housing choice and diversity.
- Facilitate the delivery of over 26,000sqm of open space and proposes the dedication of non-listed heritage buildings to Council for community and leisure opportunities.
- Provide an opportunity to replace an underutilised industrial site with a high-quality urban design outcome that responds to its context and will enhance the surrounding public domain.

- Create a significant number of new jobs during construction and via permanent retail uses, child care and community facilities as well as ongoing management of residential buildings (strata management and building maintenance). The additional residential population is also able to support and strengthen the economic activities and employment base of the district centre.

Overall, it is considered that the Planning Proposal has strategic merit and will result in a significant net community benefit by facilitating the redevelopment of underutilised industrial land into a vibrant urban renewal area. It is therefore requested that Bayside Council take the necessary steps to enable it to proceed to Gateway Determination under Section 56 of the EP&A Act.

DISCLAIMER

This report is dated April 2017 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Meriton (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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