



### Planning Proposal Site Specific Amendment to BBLEP 2013

1-3 Lord Street Botany NSW

Submitted to Bayside Council On Behalf of The Orth Botany Trust, The Fuz Botany Trust & The Hendrix Botany Trust

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### **Report Revision History**

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This document is preliminary unless approved by a Director of City Plan Strategy & Development

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#### CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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Appendix	Document	Prepared by
Appendix A	Urban Design Review/ Assessment (updated September 2018)	BuiltConsult Pty Ltd (Architects)
Appendix B	Draft Site Specific DCP	BuiltConsult Pty Ltd (Architects)
Appendix C	Economic Impacts Statement	AECgroup
Appendix C-1	Addendum to Economic Impacts Statement	AECgroup
Appendix D	Traffic and Parking Impacts Assessment	McLaren Traffic Engineering
Appendix D-1	Addendum to Traffic and Parking Impacts Assessment	McLaren Traffic Engineering
Appendix E	Heritage Impacts Statement	Tropman & Tropman Architects
Appendix F	Flood Advice	WMAwater
Appendix G	Site Survey	Crux Surveying Australia Pty Ltd
Appendix H	Table of SEPPs	City Plan
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### **Executive Summary**

This report constitutes a Planning Proposal request (PP) prepared by City Plan Strategy & Development (City Plan) on behalf of The Orth Botany Trust, The Fuz Botany Trust & The Hendrix Botany Trust. The PP seeks amendments to the Botany Bay Local Environmental Plan 2013 (BBLEP 2013). This PP is submitted to Bayside Council for assessment and determination under Part 3 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The intent of the PP is to facilitate increased commercial and industrial development capacity close to the Botany Town Centre and in close proximity to the major international trade gateways of Sydney Airport and Port Botany, consistent with current state and regional planning policies.

The proposal applies to land at 1-3 Lord Street, Botany (subject site). The site is legally described as Lot 2 in DP 593463 and Lot 4 in DP 593463. A site survey is provided at Appendix F. Refer Figure 1.



Figure 1 Location context of the subject site (Source: BuiltConsult Pty Ltd)

The intent of this PP is to seek amendments to the BBLEP 2013 to increase the maximum building height and floor space ratio applicable to the subject site. The intent of these amendments is to facilitate a commercial and industrial development that will support an increase in employment related land uses in a manner that is consistent with the BBLEP 2013 objectives for development in the existing B7 Business Park zone. The PP seeks the following specific amendments to the BBLEP 2013:

- An increase in the maximum height of building (HOB) limit from the current 10m under the height designation of 'K' to 16.5m under a new height designation of 'O'.
- An increase in the maximum floor space ratio (FSR) limit from the current 1:1 under the FSR designation of 'N', to 1.75:1 under a new FSR designation of S1.

This PP is supported by an Urban Design Review at Appendix A, which has informed the requested amendments to the BBLEP 2013 as well as providing an urban design strategy that demonstrates that a built form can be accommodated in accordance with the proposed controls that results in an acceptable level of impact on the surrounding locality, particularly in relation to the adjacent to the heritage listed St Matthew's church. A draft site-specific development control plan has been prepared as a means of implementing the intended outcomes of the Urban Design Review. This is provided as Appendix B.

This PP is supported by a Heritage Impacts Statement prepared by Tropman & Tropman Architects. This statement concludes the PP is both reasonable and positive as its design is respectful of the adjacent heritage listed St Matthew's Church with only minor impacts to its heritage significance.

Traffic and parking impacts assessment undertaken by McLaren Traffic Engineers concludes that the PP will not result in any unmanageable traffic impacts and is capable of accommodating the necessary parking for the intended use at the scale proposed.

The PP seeks to retain and make more efficient and effective use of the subject site's existing B7 Business Park land use zoning. This PP has been prepared with the purpose of amending the BBLEP 2013 to increase the maximum permissible building height and FSR. This will enable future employment and industrial land uses on the subject site that is of a scale consistent with the context of the site and its strategic location close to the Botany Town Centre, South Sydney employment lands, and major international trade gateways of Port Botany and Sydney Airport. In this regard, the PP is consistent with current state government strategic planning policy as demonstrated further in this PP.

As Sydney's population intensifies, the state government's strategic framework seeks to focus growth efficiently within existing urban areas and to protect and make better use of Sydney's strategically located employment lands. The subject site is ideally located close to the identified Sydney Airport and Port Botany trade gateways within the Greater Sydney Plan with ready access to the future WestConnex Motorway, which will duplicate the M5 and provide a link between Botany and the M4.

Continued strong economic growth in Sydney has provided significant benefits to Sydney and NSW through the increased volume of trade. Forecasted economic growth will only serve to increase the demand placed on Sydney's trade gateways in Port Botany and Sydney Airport. As a result, AEC's has confirmed there is a pressing need for land located near these trading gateways to support and complement business trade through the provision of warehousing and commercial land uses.

Land that is close to existing employment centres and public transport networks is scarce and valuable. As cities grow there is commensurate pressure on scarce lands to be developed to their fullest potential and for a variety of uses. The benefits of enabling more intensive use of land, which is a finite asset, are certain.

AEC has examined a variety of comparable employment areas and concludes that the Botany Precinct and its surrounds experienced very modest employment growth over the 2006-2016 period, averaging a mere 0.5% average annual growth compared to 1.5% to 3.4% in comparison areas. Employment growth in the Botany Precinct and its surrounds has been weak despite strong market demand and occupier interest.

AEC advises that in order to respond to this situation, opportunities to accommodate greater intensity of employment are needed. AEC's investigations highlight a lack of commercial floorspace opportunities in the Botany Precinct and broader South Sydney Region. Given the Botany Precinct's proximity to key centres and Trade Gateways, it is necessary to ensure commercial opportunities are available to attract new business but also facilitate growth and expansion in a diverse range of business activities.

In the case of the subject site, State government policy has focused equally on intensifying employment opportunities and accommodating changing requirements for businesses and how these businesses use land and floorspace. This PP seeks to meet these objectives by providing commercial opportunities for a range of business activity and importantly, maximising the economic intensity of the subject site. In doing so, the PP demonstrates alignment with the objectives and aspirations of overarching local and state planning policies and strategies.

AEC's Economic Impacts Statement at Appendix C has informed the preparation of this PP and concludes that it will result in a net positive economic impact and presents a compelling case for consideration in this regard.

Following its lodgement in July 2018, the PP was considered by Council's independent planning assessor Mecone. A further meeting with Council and its appointed independent planning assessor Mecone was held on 4 September 2018 to discuss an clarify preliminary issues identified. Formal feedback was provided in correspondence dated 4 September 2018. Matters raised related to urban design, heritage, flooding, traffic and economics. These matters have now been addressed in this updated PP and supporting documentation. In response to additional information requested, updates were made to the Urban Design Review at Appendix A, the Draft DCP at Appendix B. Flood advice has now being provided as Appendix F as well as addenda to the Economics and traffic inputs, provided as Appendix C-1 and Appendix D-1 respectively.

### 1. [Part 1] Objectives and Intended Outcomes

This PP seeks an amendment to the BBLEP 2013 that will enable higher commercial and industrial densities on land that is located within walking distance of a well-established and revitalising town centre, which is in in close proximity to the significant employment and trading hubs of Sydney Airport and Port Botany.

The PP seeks to amend the BBLEP 2013 to establish the necessary development controls that will facilitate the future development of a multi-storey commercial/ industrial building to deliver on the objectives of the subject site's B7 Business Park zone efficiently and effectively. Ultimately, the intended outcome of this PP is to provide the necessary development controls that will enable the future development of a building that will include:

- ground floor warehouse/commercial floorspace (621sqm);
- commercial floorspace (3,750sqm) on the upper levels; and
- a combination of basement and at-grade parking for 92 cars.

The intent of this PP is to provide more high-quality opportunities for commercial and industrial development in a highly strategic employment-oriented location. The site is located within an existing urban area that has the capacity to accommodate the needs of Sydney's growing population and maximise access to employment in existing urban areas with access to public transport, education, health and shops as well as a wide range of other services and facilities.

The site is currently zoned B7 Business Park, with a Floor Space Ratio (FSR) of 1:1 and a maximum building height of 10m within the BBLEP 2013. The PP seeks the following amendments to the BBLEP 2013:

- An increase in the maximum height of building (HOB) limit from the current 10m under the height designation of 'K' to 16.5m under a new height designation of 'O'.
- An increase in the maximum floor space ratio (FSR) limit from the current 1:1 under the FSR designation of 'N', to 1.75:1 under a new FSR designation of S1.

In doing so the PP would:

- provide an opportunity to develop and intensify existing employment lands to provide additional opportunities for warehousing and commercial uses adjacent to the Sydney Airport and Port Botany international trade gateways;
- result in net positive economic impacts by protecting and enabling a more efficient use of available employment lands to ensure commercial opportunities are available to attract new business but also facilitate growth and expansion in a diverse range of business activities;
- provide additional commercial/ industrial floor space to support the significant freight and logistics industries in the Eastern City District that will benefit from competitive advantages and efficiencies afforded by proximity to trade gateways and the District's four intermodal terminals;
- maximise opportunities to increase floor space available to support industrial and commercial uses, while acknowledging the site's location adjacent to a local heritage item, as well as neighbouring residential development;
- facilitate a building form that is respectful to the adjacent heritage listed St Matthew's Church with only minor impacts to its heritage significance;
- enable a future building on the site to be developed in a manner that minimises additional solar overshadowing on existing residential buildings adjacent to the site consistent with the objectives and principles of the Apartment Design Guide;
- result in acceptable and manageable traffic impacts on the local road network as well as enabling the development of a building that can provide sufficient car parking for the intended use; and
- result in acceptable and manageable flooding impacts in the local catchment.

### 2. [Part 2] Explanation of Provisions

#### 2.1.1 The Planning Proposal

This PP has been prepared in accordance with the requirements of Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and addresses the guidelines set out in 'A guide to preparing local environmental plans' and the subsequent 'A guide to preparing planning proposals'. These guidelines were prepared by the NSW Department of Planning and Environment (DPE) in 2016.

The PP has been prepared with the purpose of amending the BBLEP 2013 to increase maximum height and floor space ratio (FSR) controls for the subject site. No change to the existing B7 Business Park land use zoning for the site is proposed.

Table 1 summarises the amendments to the BBLEP 2013 requested by this PP.

	Existing	Proposed
LZN - Land use zone	B7 Business Park	No change
HOB - Height of Buildings	10 metres	16.5 metres
FSR – Floor Space Ratio	1:1	1.75:1

Table 1 Proposed Amendments to the BBLEP 2013

The above will require amendments to mapping within the BBLEP 2013.

This PP is supported by the following technical documentation:

- Urban Design Review/ Assessment prepared by BuiltConsult Pty Ltd (Architects) -Appendix A.
- Site Specific Draft DCP prepared by Built Consult Appendix B.
- Economic Impacts Statement by AECgroup Appendix C and addendum Appendix C-1.
- Traffic and Parking Impacts Assessment by McLaren Traffic Engineering Appendix D and addendum Appendix D-1.
- Heritage Impacts Statement prepared by Tropman & Tropman Architects Appendix E.
- Flooding Impacts Statement by WMAwater Appendix F
- Site Survey Appendix G.

The above studies confirm that the PP can be achieved with an acceptable level of impact and will in fact result in significant opportunities to establish more employment opportunities in a well-positioned and highly accessible location.

### 3. [Part 3] Justification

#### 3.1 Section A – Need for the Planning Proposal

3.1.1 Q1 - Is the planning proposal a result of any strategic study or report?

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- Consistent with a relevant local council strategy that has been endorsed by the Department; or
- 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.

The strategic merits of this PP have been demonstrated by a number of supporting technical studies. The Economic Impacts Statement prepared by AEC at Appendix C (supported by AEC's addendum at Appendix C-1) takes into account the site's location in close proximity to Sydney Airport and Port Botany and demonstrates significant strategic and economic benefits that will be brought into effect as a result of this PP. The Urban Design Review at Appendix A has been prepared as a key guide for determining the preferred FSR and height and the various urban design measures intended to ensure an appropriate response to local context and the adjacent heritage item, which is supported by the Heritage Impacts Statement at Appendix E.

The PP has been developed with consideration for state level and local strategic plans. The Botany Bay Planning Strategy 2031 was prepared in 2009 and sought to addresses the (then) Draft East Subregional Strategy dwelling and job targets and provides a framework for growth and development to 2031. The Botany Bay Planning Strategy 2031 also guided the preparation of the Botany Bay LEP 2013 (now implemented).

Since the preparation of Botany Bay Planning Strategy 2031, a new suite of state level strategic metropolitan and district plans has come into effect. These include:

- Greater Sydney Region Plan A Metropolis of Three Cities 2018; and
- Eastern City District Plan.

These new plans contain strategies and objectives that achieve alignment on many levels with the Botany Bay Planning Strategy 2031 and are addressed in detail in Section 3.2.1.

An economic analysis prepared by AEC and provided as Appendix C, demonstrates the need for employment land and supports the proposed increase in building height and FSR to achieve greater business/ industrial floorspace in this location. A summary of key strategic and economic matters taken into consideration in the preparation of this PP are outlined in commentary derived from AEC's Economic Impacts Statement below. The following confirms the specific strategic circumstances that warrant the need for this PP.

#### **Business and Industrial Activity**

A range of factors influence business activity and land uses in the immediate Lord Street Precinct and other areas in Sydney's inner ring. Some of these are central to the local area while many are not. Significant influences on business activity are driven at the global and national level. Understanding the broader context in which the business activity within the Lord Street Precinct operates is essential to understanding future demand and the nature of that demand for employment on the subject site.

Traditional manufacturing in Australia is rapidly changing in a bid to survive on the global market. Manufacturers are redefining their operations and the scope of their activities through the use of technology and knowledge. A structural shift in Australian business is affirmed by

historical declines in employment in traditional industry sectors and the rise of employment in the service sectors.

#### **Diversification of Function and Uses**

In order to remain competitive, businesses recognise the need to leverage technology and knowledge and embrace new ways of doing business.

Many high-tech and creative industrial businesses are located in the South Sydney area (specifically Alexandria, Zetland, Rosebery and Waterloo) where they are able to collocate various functions under one roof. This has led to a proliferation of new development types that combine factory and industrial space with commercial suites, high-tech industrial units and warehouse space.

The collocation of warehouse and office functions is an increasing trend observed across employment areas, particularly those close to Sydney's urban centres. This is in line with the clustering of multiple business functions within the same premises. Warehouses with floorspaces circa 300-700sqm have a notable presence in the Botany Precinct, which is notable given that contemporary requirements for occupants do not necessarily require large floorplates, but rather, smaller spaces to accommodate commercial showrooms and wholesalers, niche manufacturing and small-scale production, as well as retailers and sales support services.

This trend is emerging in the Botany Precinct and presents an opportunity for the subject site to facilitate more business activity and employment, also allowing tenants to combine a variety of functions under one roof.

#### Service Industry/Urban Services

As Sydney continues to grow, population growth will be a major driver of household and business consumption. In response to consumption growth it is likely that trend for growth of imports will continue, leading increasing local demand for warehousing, transport and logistics industries to service imports growth. Continued growth in e-commerce has implications for demand to accommodate time-critical supply chain logistics across metropolitan Sydney.

Many urban support services have time critical requirements for delivery to inner/middle ring locations. Owing to service delivery standards (particularly where there are cold storage requirements), this industry requires accommodation in easily accessible locations in proximity to key markets.

There are numerous service industry businesses within the Botany Precinct that service a local market. Many of these businesses are locally owned and operated as small businesses. AEC advises that there will always be a role for local service industry to play in the Botany area, given the proximity to Sydney CBD, Sydney Airport, Port Botany and its central locality to the rest of metropolitan Sydney.

#### Intensification of Commercial Floorspace

Over the years, the economic theory of agglomeration has been increasingly examined to understand the benefits that firms enjoy when collocating in areas with a higher density of economic and employment activity. Taking up premise in an area of dense economic activity encourages the flow of knowledge and spill-on effects, is more efficient in resource-matching and enables businesses to take advantage of economies of scale.

The Lord Street Precinct's proximity to key economic assets (Sydney CBD, Sydney Airport, Port Botany and populous catchments) and affordability make it a popular choice for businesses who need commercial floorspace but not a CBD location. The large commercial floorplates provide opportunities for a wide range of businesses to take up accommodation on the subject site. As businesses are increasingly preferring to locate their business functions in one location rather than dispersed in multiple smaller locations, more commercial floorspace opportunities are needed. Permitting a greater amount of commercial floorspace on the subject site, as proposed by this PP, will enable accommodation of mixed business activity and some industrial-type activity and will respond to occupier need.

#### b) Does the proposal have site-specific merit, having regard to the following:

#### the natural environment (including known significant environmental values, resources or hazards); and

There are no known natural hazards affecting the subject site The PP is for land in an existing urban commercial and industrial precinct and therefore the environment significance of the site is minimal. The site is currently built upon with a large-scale warehouse storage facility. While the PP will enable more intensive use of the site for existing permissible uses, it is not expected that the PP would result in any additional impacts on the natural environment.

#### the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and

The PP does not seek to amend the land use zoning for the subject site. It seeks to support increased employment related floor space consistent with the existing B7 Business Park zoning of the site in close proximity to the Sydney Airport and Port Botany international trade gateways. Given that local and state government policies are clear in seeking to retain existing strategic employment lands in existing urban areas such as Botany, the likelihood that the existing use of the surrounding precinct for business purposes will continue in the long term is without question.

In terms of its relationship with the immediate surrounding context, the subject site is part of a cluster of commercial, industrial, and warehousing land uses commensurate with the permissible uses in a B7 Business Park zone. This PP will maintain the site's existing zoning and establish building height and floor space ratio development controls that enable more effective and efficient use of available employment land whilst ensuring a compatible built form outcome in relation to existing and likely future surrounding land uses.

While the subject site is zoned for B7 Business Park uses, it is situated in a transitional location adjacent to R3 Medium Density Residential zoned land, which accommodates the St Mathews Church to the west and residential flat buildings to the south. This PP and supporting Urban Design Review at Appendix A is predicated on the assumption that the adjacent R3 Medium Density Residential will remain and that impacts of a future built form of the subject site will need to be appropriately managed to respond to those ongoing uses.

As this PP seeks an increase in building height and FSR is proposed adjacent to residential zoned land, the Urban Design Review at Appendix A seeks to demonstrate that a built form outcome that would result from applying the proposed development controls to maximum effect can be achieved with an acceptable and manageable level of impact on adjacent uses.

We note that the planning proposal does not seek approval for a specific built form on the site. It is intended that in seeking to amend height and FSR controls, the planning proposal will provide sufficient flexibility to allow for a number of different built form massing configurations to be considered as part of detailed design and development application processes.

A draft site specific DCP has been prepared to appropriately guide the future development of the site and is provided as Appendix B. The draft DCP seeks to establish design principles and criteria to manage impacts between a future built form on the subject site and the adjacent Church and residential buildings.

In relation to the Church, the DCP sets out design principles to ensure that a future built form on the site is sympathetic with the church as well as providing an appropriate backdrop and reinforcing its visual prominence.

In relation to the adjacent residential buildings, the draft DCP aims to facilitate appropriate levels of solar access for the adjacent residential buildings in accordance with Objective 3B-2 of the Apartment Design Guide. The solar analysis diagrams provided in the Urban Design Review demonstrate that a built form solution can be achieved that result in a similar levels

of solar overshadowing as that currently results from the existing warehouse building located on the subject site. This is achievable by applying the proposed development controls and with consideration of southern setbacks.

As provided for above, the site specific merits of the proposal are adequately demonstrated in the Urban Design Review at Appendix A, supported by a draft DCP which will ensure that the outcomes are implemented with an appropriate level of certainty and design quality.

#### 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.

The PP is for land in an existing metropolitan urban area, which is already serviced by the existing road network and serving infrastructure. The Traffic Impacts Statement at Appendix D and the addendum to the Traffic Study at Appendix D-1 demonstrates that the PP will not result in any unmanageable traffic impacts that would necessitate infrastructure upgrades.

The subject site presently has good access to the existing M1 and M5 motorways. The future development of the subject site will also benefit from planned WestConnex upgrades being in close proximity to the following major projects:

- New M5 from Beverley Hills to St Peters (planned to be open to traffic early 2020); and
- M4-M5 Link from Haberfield to St Peters (planned to be open to traffic in 2023).

The above projects will significantly increase the capacity of the metropolitan road network, which will further support the accessibility and operation of business/ industrial uses in the locality.

Specific infrastructure and servicing are more appropriately addressed as a part of a future development application process, when the servicing needs of a particular development outcome and any necessary infrastructure contribution requirements under s7.11 of the EP&A Act will be assessed and considered. Refer also to Section 3.4.1.

# 3.1.2 Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In this circumstance, where there is a suitable large-scale site under single ownership, that is located adjacent to two international trade gateways of Sydney Airport and Port Botany with limited available land to support business and industrial land uses, facilitating a more efficient and intensive use of the land represents an appropriate and logical approach to land use planning in a well-located business and employment area.

Given the overarching local and state government strategy is to retain business and industrial land in existing urban areas, making better use of the site's existing zoning is the best means of ensuring ongoing availability of employment opportunities.

Noise related constraints associated with development adjacent to a major airport render the subject site less suitable for sensitive residential uses. Intensifying the use of site under its existing zoning will ensure that the most appropriate land uses with the least sensitivity to noise to maintain ongoing operations in an existing business and industrial agglomeration.

Amending the building height and floor space ratio controls under the BBLEP 2013 is the only possible means to achieve the intended outcome of this PP.

It is therefore considered that amending the BBLEP 2013 to increase maximum allowable building height and FSR as proposed is the most appropriate, efficient and effective means of achieving the intended outcomes of the PP.

#### 3.2 Section B – Relationship to Strategic Planning Framework

3.2.1 Q3 - Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

#### Greater Sydney Region Plan - A Metropolis of Three Cities 2018

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the GSC and was adopted in March 2018. It is 20-year plan to manage growth and change and is built on a 40-year vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places. This vision is consistent with the 10 Directions established in the Directions for a Greater Sydney that are a set of common guiding principles that will assist in navigating Greater Sydney's future as follows:

A city supported by infrastructure.	A well connected city.
A collaborative city.	Jobs and skills for the city.
A city for people.	A city in its landscape.
Housing the city.	An efficient city.
A city of great places.	A resilient city.

Within the Greater Sydney Region Plan these Directions are presented via the three cities concept, with the cities being the Western Parkland City, Central River City and Eastern Harbour City. District Plans have also been developed to support the three cities concept at a more localised level.

The subject site is located in the Eastern Harbour City and is located in close proximity to Botany Town Centre, Port Botany and Sydney Airport, with the two latter being identified as major international trade gateways under the plan, as shown in Figure 2 below. The plan notes the importance of supporting trade and transport whilst enhancing connectivity and employment growth.



Figure 2 Metropolis of 3 Cities Vision to 2056 (Source: Greater Sydney Region Plan 2018)

The PP is consistent with the following objectives of the Plan:

**Objective 4 Infrastructure use is optimised** in that it provides for the intensification and efficient use of land by collocating employment and services in close proximity to Sydney's trade gateways. This will assist in achieving better utilisation of existing assets and infrastructure and minimise the need for additional infrastructure.

**Objective 13 Environmental heritage is identified, conserved and enhanced** in that the proposed development controls for the subject site have been developed to respond sympathetically to the form and scale of the adjacent heritage item as provided for in the Urban Design Review at Appendix A, draft DCP at Appendix B and Heritage Impacts Statement at Appendix E.

**Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities** in that it will intensify employment and business uses in a well-connected location in close proximity to existing residential areas, and soon to be enhanced arterial road network. This will assist in reducing the time people spend travelling, increasing people's access to jobs and business access to workers. As the subject site is in proximity to major trade gateways, it will also assist in supporting an internationally competitive freight and logistics sector.

**Objective 15: The Eastern, GPOP and Western Economic Corridors** in that it will strengthen economic activity in an economic corridor. Greater Sydney's Eastern Economic Corridor is a vital part of the economic ecosystem, with high concentrations of jobs and good road and transport links. The Greater Sydney Region Plan seeks to strengthen economic opportunities in existing and developing Economic Corridors, to optimise agglomeration

benefits and boost productivity with ongoing investment and new opportunities for businesses in the Eastern Harbour City. Major assets in the Eastern Economic Corridor include the emerging Green Square, Sydney Airport and Port Botany Trade Gateways. Trade Gateways are major ports and airports of national or State significance, which are supported by on-site industrial lands and in nearby areas. The subject site is situated close to Sydney Airport and Port Botany trade gateways. The PP will thereby make a significant contribution to accommodate businesses extending from the trade gateways within the freight and logistics network.

**Objective 16 Freight and logistics network is competitive and efficient** in that it will preserve and enhance employment land in the immediate environs of Port Botany and Sydney Airport creating opportunities to provide support services critical to operations. This objective seeks to retain industrial lands for port, intermodal and logistics uses. The growth of Port Botany and Sydney Airport requires the efficient use of nearby employment and light industrial lands to support freight and logistics from Sydney's trade gateways. The PP will increase the provision of available business and employment floor space in support of this objective.

**Objective 22 Investment and business activity in centres** in that it proposes a more efficient and intensive use of a presently underutilised site in proximity to the existing local Botany Town Centre and Sydney's trading centres and trade gateways, which are well connected with existing and improving arterial road infrastructure. The PP will assist in supporting local business by providing increased employment opportunities and therefore employment population in proximity to the revitalising Botany town centre.

**Objective 23 Industrial and urban services land is planned, retained and managed** in that B7 zoned land is managed in a manner which optimises for future development in close proximity to existing infrastructure and Sydney's trade gateways, which supports freight and logistical services. Industrial and urban services land refers to employment lands identified in the Employment Lands Development Monitor (DPE) and includes industrial zoned land and some business zoned land which permits a number of industrial uses. This land can include a range of activities from major freight and logistics and heavy manufacturing to light industry, urban services, integrated enterprises with a mix of administration, production, warehousing, research and development and new economy or creative uses. Employment lands in Botany are depicted in Figure 3.



Figure 3 Botany Employment Lands

**Objective 32 The Green Grid links parks, open spaces, bushland and walking and cycling paths** in that it will provide for increased employment opportunities on an identified Priority Green Grid Corridor where an existing track/ trail is available.

**Objective 33 A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change** in that the PP proposes improved building efficiency on a presently underutilised site in an existing urban area.

The Greater Sydney Region Plan states that management of industrial and urban services lands should evolve in response to changing business practices and needs and manage uses to allow sites to transition to higher-order employment activities to maximise business productivity, efficiency and competitiveness.

Factors considered in review of changing business practices and needs take into account the evolution in industries which impact the changing demand for land, the changing nature of industries, and current levels of industrial and urban services land supply. By enabling greater areas of floorspace to be achieved on an underutilised site, the PP will deliver on this Objective.

As demonstrated above, the PP will directly deliver on numerous Objectives outlined within the Greater Sydney Region Plan and is therefore consistent with its aims and directions.

#### Eastern City District Plan (March 2018)

As a part of Bayside Council, Botany is identified in the GSC's Eastern City District Plan which outlines a 20-year vision, priorities and actions for the Eastern District for LGAs, including Bayside.

The subject site is located in close proximity to Botany Town Centre, Port Botany and Sydney (Kingsford Smith) Airport and therefore has the ability to facilitate increased commercial density, given its location close to public transport infrastructure. In addition, broader scale objectives of this plan to maintain Sydney Airport and Port Botany as major trading gateways further emphasises the strategic impetus for increasing commercial density in this location.

Under the Eastern City District Plan, the subject site is identified as being in close proximity to the two major international trade gateways being Sydney Airport and Port Botany. Refer to Figure 4.



Figure 4 Eastern City District Plan (source GSC)

To respond to population growth and future planning challenges, the Eastern City District Plan focuses on a number of Planning Priorities. The PP is consistent with the Eastern City District Plan with respect to the following planning priority areas:

# Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs and services

This priority seeks to facilitate a higher quality of life, reduce commute time through collocation of housing, employment, services and public transport. Under this priority, the Plan recognises housing supply must be coordinated with local infrastructure to create liveable, walkable and cycle-friendly neighbourhoods with shops, services and public transport.

While this PP does not propose to create new housing opportunities near an employment zone, it seeks to intensify employment uses in close proximity to existing residential areas. The PP seeks to facilitate increased employment floorspace in close proximity to existing and emerging high density residential areas of Botany, Mascot, Green Square, Waterloo and

Zetland. The PP will protect and enhance opportunities for people to live in proximity to employment, community, civic, cultural residential and open space opportunities.

The PP is aligned with the Eastern City District Plan and will contribute to delivering its envisaged outcomes, by retaining the existing land use zoning and amending the BBLEP 2013 height and FSR controls to accommodate higher density employment land, which will assist Bayside Council in protecting and improving available employment lands. This will enhance the relationship between those land uses and nearby existing and future housing.

# *Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage*

The Eastern City District Plan recognises heritage as an important component of local identity and great places. It also notes that local heritage items and heritage streetscapes form part of the character of a particular locality. The Plan states:

"Sympathetic built form controls and adaptive re-use of heritage are an important way to manage the conservation of heritage significance. Respectfully combining history and heritage with modern design achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity. This is particularly important for transitional areas and places experiencing significant urban renewal, where it is necessary to take account of the cumulative impacts of development on heritage values. Improved public access and connection to heritage through innovative interpretation is also required."

The PP is consistent with this planning priority in that it seeks to a sympathetic response to heritage by improving the relationship between development on the subject site and the adjacent heritage listed St Matthew's church. As provided for in the Heritage Impact Statement at Appendix E, the proposed built form concept underpinning this PP takes advantage of the existing opportunities on site without compromising any existing views and vistas to and from the existing church building. The Urban Design Review at Appendix A demonstrates that the PP would enable an improved backdrop to the church building and a higher level of interaction and activation between the subject site and the church grounds to be achieved.

The proposed setback between the site and the church will establish a new laneway, which will provide access and thoroughfare through the site and church grounds, which is intended to provide an active interface with the adjacent church grounds. In addition, the building height proposed by this PP has been carefully and methodically considered to ensure its compatibility with the height of the church building's spire.

This interface between the church and a future development on the subject site will be guided through the principles and design criteria set out in the draft DCP in Appendix B.

#### Planning Priority E9: Growing international trade gateways

This priority recognises the role of Sydney Airport and Port Botany as Sydney's main trading gateways to Australia as well as internationally. These international trade 'trade gateways' generate significant opportunities for employment and industry as places that distribute business resources and freight across Sydney, NSW and interstate. More significantly, there are plans for these trade gateways to undergo rapid expansion. The Eastern City Plan forecasts container traffic at Port Botany projected to grow from 2.4 million to 8.4 million containers by 2050 and passenger trips at Sydney Airport forecast to grow from 39 million to 74 million passengers by 2033.

The Eastern City District Plan acknowledges that a significant freight and logistics industry will remain in the Eastern City District due to the competitive advantages and efficiencies afforded by proximity to these gateways and the District's four intermodal terminals.

To ensure the ongoing growth of these international trade gateways, the Eastern City District Plan seeks to retain and strengthen the role of existing employment land in the district. This PP is consistent with this aim in that it seeks to retain and intensify the existing B7 Business Park zoning that allows for business and industrial uses.

#### Planning Priority E12 Retaining and managing industrial and urban services land

Industrial and urban services land in the Eastern City District provides cost competitive and well-located land for industries and services that support businesses in the Harbour CBD, other centres and Greater Sydney's two existing international trade gateways of Port Botany and Sydney Airport.

Urban services include activities such as motor vehicle services, printing, waste management, courier services and concrete batching plants. These activities serve local communities and businesses across the Eastern City District.

Figure 5 shows the subject site in relation to Eastern City District's employment lands.



Figure 5 Eastern City District Employment Lands

Demand for urban services land will increase commensurate with population growth. Good local access to these services reduces the need to travel to other areas, minimising congestion on the transport system. Industrial and urban services land in the Eastern City District is highly constrained due to the development of residential dwellings and large-scale retail, which are higher-return land uses, and the lack of opportunities for new supply. There is strong competition for space from non-urban services industries that seek proximity to Sydney Airport, Port Botany, Sydney CBD and health and education precincts. While these businesses must be supported in a service-oriented modern economy, capacity for industrial and essential urban services must be retained.

Future employment growth across all industries and urban services will require additional floor space, additional land or both. Urban services are often less able to increase their floor space efficiency or locate in multi-storey buildings. Therefore, the retention, growth and enhancement of industrial and urban services lands in the Eastern City, as proposed by this PP, reflects both the city's needs and the subject site's local context.

The Eastern City District Plan states that Councils and relevant planning authorities have the responsibility to facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights.

The PP is consistent with this priority in that it will result in a more efficient, higher density use of existing industries and urban services land adjacent to the major international trade gateways of Port Botany and Sydney Airport.

### 3.2.2 Q4 - Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

#### **Botany Bay Planning Strategy 2031**

The Botany Bay Planning Strategy 2031 (Planning Strategy) for Botany Bay Council (now Bayside Council) was adopted in 2009 and identifies the long-term vision for the LGA to 2031. The Planning Strategy informed the preparation of the BBLEP 2013 and sets out the LGA's future through seven key strategic directions with their own goals as follows:

- 1. Enhancing Housing Choice and Liveability.
- 2. Revitalising Botany Road and Traditional Centres.
- 3. Managing Growth in the Eastern Centres.
- 4. Reviving the Local Economy.
- 5. Maintaining Sydney Airport as a Global Gateway.
- 6. Maintaining Port Botany as a Global Gateway.
- 7. Protecting the Natural Environment.

Specifically, the PP will make a direct contribution to the delivery of the following strategic directions and objectives:

#### 2 - Revitalising Botany Road and Traditional Centres:

This strategic direction seeks to:

- Reinforce the role of Botany Road as a major high amenity and activity spine through the LGA.
- Support and reinforce the centres along the Botany Road spine.
- Advocate for a light rail connection along Botany Road.

Identified objectives and actions to deliver the above outcomes include:

#### **Objective 2.2 Support and reinforce the centres along the Botany Road spine.**

With regard to the above objective, the strategy notes that Botany is deemed unsuitable for residential intensification (ANEF constrained) and will be more suited to employment intensification with a greater commercial and regional retail role. It notes that the concept of

this centre needs to be extended to include the Lord Street business park commercial activities to the north, and part of the Hale Street industrial area to the west, which can become a larger format retail cluster.

The strategy encourages links between the Lord Street business park activities and Botany centre, so that the centre provides the ancillary retail and service activities for the tenants of the business park. Accordingly, the strategy discourages significant ancillary retail in the business park area in favour of an interrelationship between town centre and business park uses.

The PP will result in increased density on existing employment lands in close proximity to the Botany Town Centre. In doing so it will assist in increasing the local population during business hours to support local businesses along the Botany Road spine and within the town centre. As the subject site's existing B7 Business Park zoning will be retained, the PP will only result in an intensification of uses already permissible in that zone.

#### 4 - Reviving the Local Economy

This strategic direction seeks to response to the decrease in local employment by:

- Focusing local light and service industry activities in existing industrial areas where these are currently the predominant uses (Botany South, Hale Street north, Baker Street and Hillsdale).
- Providing for additional retail and service activities in existing centres and a new retail area adjacent to Botany Centre.
- Promoting the Botany Road and Gardeners Road corridors as locations for new enterprise and commercial activities (in centres and in business areas south of Rosebery, north of Botany centre, in Botany South and west of Banksmeadow).

Identified objectives and actions to deliver the above outcomes include:

# Objective 4.1 Focus local light and service industry activities in existing industrial areas where these are currently the predominant uses (Botany South, Hale Street (north), Baker Street and Hillsdale).

The strategy recognises the need for employment lands in the Botany Bay LGA to accommodate the wider East Sub region's future land demand for both Local Light Industry and Urban Support and Urban Services activities. The strategy notes the capacity for intensification and economies of scale in these land use activities.

The PP is for land in the Botany locality and will assist in achieving this strategic direction by allowing for increased height and FSR to facilitate higher density commercial and residential mixed-use development, to enable more effective and efficient use of limited available commercial/ industrial land.

#### 5. Maintaining Sydney Airport as a Global Gateway

This strategic direction seeks to:

- Protect existing employment areas near the Airport for related activity.
- Support the development of new off-site employment locations near the Airport to accommodate the growth in demand for Airport related activity.
- Develop the Mascot Station precinct as a major retail and commercial centre.
- Develop O'Riordan Street precinct as a major City / Airport gateway.
- Ensure future expansion of Airport activities does not further compromise residential amenity.

Identified objectives and actions to deliver the above outcomes include:

#### **Objective 5.1 Protect existing employment areas near the Airport for related activity.**

### Objective 5.2 Support the development of new offsite employment locations near the Airport to accommodate the growth in demand for Airport-related activity.

Sites within one kilometre of Sydney Airport are preferred for accommodating Airport-related land demand.

It is noted that the above objectives are also aligned with the key directions of the Eastern City District Plan, which advocates for protection and more effective use of employment lands adjacent to the Sydney Airport 'International Trade Gateway'.

The PP is for land within 1 kilometre of Sydney Airport. The PP will make a direct contribution to achieving the above objectives by retaining the site's existing B7 Business Park land use zoning and enabling the intensification of already permissible uses on the subject site. The PP will allow for increased height and FSR to facilitate higher density commercial and industrial development, in an appropriate location adjacent to the Sydney Airport Global Gateway identified under this strategy.

#### 6. Maintaining Port Botany as a Global Gateway

This strategic direction seeks to:

- Ensure employment areas near the Port are protected and able to accommodate Port related activity and business.
- Ensure local and regional road networks are configured to support Port related activity.
- Ensure Port activities do not further compromise residential amenity.

Identified objectives and actions to deliver the above outcomes include:

### Objective 6.1 Ensure employment areas near the Port are protected and able to accommodate Port-related activity and business.

It is noted that this strategic direction is also aligned with the key directions of the Eastern City District Plan, which advocates for protection and more effective use of employment lands adjacent to the Port Botany 'International Trade Gateway'.

The PP will assist in achieving this by retaining and intensifying the site's existing B7 Business Park land use. The PP will allow for increased height and FSR to facilitate higher density commercial and industrial mixed-use development, in an appropriate location adjacent to the Sydney Airport and Port Botany trade gateways.

# 3.2.3 Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are no existing State Environmental Planning Policies (SEPPs) or known draft policies that would prohibit or restrict the PP. A summary table of relevant State Environmental Planning Policies (SEPPs) is provided at Appendix B, while an assessment against the key relevant SEPPs is provided below:

#### State Environmental Planning Policy No 55 - Remediation of Land

Clause 6 of SEPP 55 states:

6 Contamination and remediation to be considered in zoning or rezoning proposal

(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

The existing development on the sites comprises of light industrial/ commercial development. The PP does not seek to change the zoning of the sites from the existing B7 Business Park zone and therefore will not permit any additional sensitive land uses. Therefore, a site contamination report is not necessary in this circumstance.

If required by a Gateway determination a site contamination report can be prepared for the site. Otherwise any land contamination matters can be appropriately addressed as a part of a future development application as necessary.

# 3.2.4 Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The PP is consistent with all applicable Ministerial Directions. A summary table of the Ministerial Directions under Section 9.1 of the EP&A Act that are relevant for consideration as part of this PP is provided at Appendix C, while an assessment against the relevant Ministerial Directions is provided below:

#### S.9.1 Direction - 1.1 Business and Industrial Zones

The PP will affect land within an existing business zone being the B7 Business Park zone and therefore this Direction is applicable to the PP and must be considered as part of the strategic planning assessment.

Objectives

(1) The objectives of this direction are to:

(a) encourage employment growth in suitable locations,

(b) protect employment land in business and industrial zones, and

(c) support the viability of identified strategic centres.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

(a) give effect to the objectives of this direction,

(b) retain the areas and locations of existing business and industrial zones,

(c) not reduce the total potential floor space area for employment uses and related public services in business zones,

(d) not reduce the total potential floor space area for industrial uses in industrial zones, and

(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

#### Consistency

(5) 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 (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Direction - 1.1 aims to ensure the economic and efficient development of existing business areas and centres and related public services and in doing so, it encourages employment growth in suitable locations.

The PP is consistent with the objectives of this Direction as follows:

(a) encourage employment growth in suitable locations,

The subject site currently contains a freestanding warehouse, accommodating approximately 29 jobs. The PP envisages development of the subject site to accommodate: 3,750sqm of commercial floorspace and 621sqm of commercial/industrial floorspace. This floorspace combined will accommodate 196 jobs on Site, representing a net increase of 167 direct jobs.

(b) protect employment land in business and industrial zones, and

The amendment sought to the BBLEP 2013 would lead to an increase in land zoned for employment generating land uses in the Bayside LGA. The total number of jobs generated on the subject site is estimated at 196 jobs (representing an increase of 167 direct jobs).

(c) support the viability of identified strategic centres.

The subject site is not identified as a strategic centre, hence this Objective is of no direct relevance to this PP.

As demonstrated above, the PP is consistent with the objectives of Direction 1.1 given that it seeks to retain and intensify the existing B7 Business Park zone. By retaining the B7 Business Park zoning, the provision of employment opportunities in this strategic location is retained and improved. Therefore, consistency with this Direction is upheld.

#### S.9.1 Direction – 2.3 Heritage Conservation

The PP proposes to increase permissible building height and floor space ratio adjacent to a St Matthew's Anglican Church, which is identified as a Local Heritage Item according to the BBLEP 2013. The following extract outlines criteria for assessing consistency with this Direction.

#### Objective

(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

#### Consistency

(5) 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 (or an officer of the Department nominated by the Director-General) that:

(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or

(b) the provisions of the planning proposal that are inconsistent are of minor significance.

The subject site is not listed as a heritage item. The PP is does not propose to create remove any heritage listing of a heritage item. Therefore, the PP is not inconsistent with this Direction. Heritage impacts of the PP on the adjacent heritage are addressed at a later stage of this report and in the Heritage Impacts Statement at Appendix E.

#### S.9.1 Direction – 3.4 Integrating Land Use and Transport

The PP seeks to amend the height and FSR for land zoned for commercial purposes, which will facilitate an increase available employment related floor space in an existing urban area. Therefore, consideration has been given to this Direction.

#### Objectives

(1) 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:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and

(b) increasing the choice of available transport and reducing dependence on cars, and

(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

(d) supporting the efficient and viable operation of public transport services, and

(e) providing for the efficient movement of freight.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and

(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

#### Consistency

(5) 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 (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Improving Transport Choice – Guidelines for planning and development was prepared by the (then) Department of Urban Affairs and Planning in 2001 to provide guidelines, principles, initiatives and best practice examples for locating land uses and designing development that encourages viable and more sustainable transport modes than the private car such as public transport, walking and cycling.

The PP proposes to increase the height and FSR for land in an existing B7 Business Park zone. This will result in the more efficient use of land in an area already zoned for business and employment related uses. It does not propose to amend the land use zone or permissibility of land uses to be carried out in the existing B7 Business Park zone. Therefore, the PP is not inconsistent with this Direction.

#### S9.1 Direction - 3.5 Development Near Licensed Aerodromes

The subject site is located within the prescribed airspace for Sydney (Kingsford Smith) Airport. As the PP proposes to amend building height and FSR controls in the vicinity of a licenced aerodrome, this Direction applies.

### Based on the site survey provided as Appendix F

**Flood Advice** 

Appendix , the existing ground level of the subject site is in the order of 5.0m to 5.5m AHD. Considering the proposed 16.5 metre maximum high limit, this would result in an overall AHD of approximately 22m.

The provisions of this Direction are set out as follows:

#### Objectives

(1) The objectives of this direction are:

(a) to ensure the effective and safe operation of aerodromes, and

(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

(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.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

What a relevant planning authority must do if this direction applies

(4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:

(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,

(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,

(c) for land affected by the OLS:

(i) prepare appropriate development standards, such as height, and

(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome

(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.

(5) A planning proposal must not rezone land:

(a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or

(b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or

(c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.

(6) A planning proposal that rezones land:

(a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or

(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or

(c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

#### Consistency

(7) 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 (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

With consideration for the above Direction, the following matters are relevant to this PP:

#### **Obstacle Limitation Surfaces**

Figure 6 illustrates the location of the subject site in relation to Sydney Airport's Obstacle Limitation Surface (OLS). Sydney Airport Master Plan 2033 defines OLS as:

'a series of surfaces in the airspace surrounding an airport. The OLS defines the airspace to be protected for aircraft operating during the initial and final stages of flight, or manoeuvring in the vicinity of the airport.'

Figure 6 illustrates the subject site's location within the Inner Horizontal Surface on the OLS map, which is 51.0m AHD.

The PP proposes building heights that are within the prescribed Obstacle Limitation Surfaces (OLS) for Sydney Airport.



Figure 6 OLS Mapping for Sydney Airport

The overall AHD of 22m that would result from this PP is considerably lower than the 51m AHD OLS. Therefore, the PP will not result in any penetration of OLS surfaces and the objectives of this Direction in that regard are upheld.

#### Procedures for air navigation services – aircraft operations (PANS-OPS) surfaces

As illustrated in Figure 7, the subject site is identified in Procedures for Air Navigation Services Operations (PANS-OPS) surface mapping for Sydney Airport. The site is located adjacent to runway approaches where a horizontal plane of above 60-70 AHD applies. Permanent controlled activities are not permitted to penetrate the PAN-OPS component of the prescribed airspace. As provided for in the Botany Bay DCP 2013, 'a permanent controlled activity is considered to be any structure erected for a period of more than 3 months'. While this PP does not propose a specific development, it seeks to establish new height and FSR controls above those already permissible on the site.



Figure 7 PANS-OPS for Sydney Airport

The overall AHD of 22m that would result from this PP is considerably lower than the 60-70 AHD PANS-OPS. Therefore, the PP will not result in any penetration of PANS-OPS surfaces and the objectives of this Direction in that regard are upheld.

#### Noise Impacts – ANEF

SAMP 2033 considers that the Airports Act 1996 requires Sydney Airport to manage aircraft noise intrusion and mitigate noise impacts associated with airport traffic. SAMP 2033 states:

'Sydney Airport helps to achieve this outcome by preparing the ANEF, a process that involves engagement with the NSW and local governments (see Section 14.4). The ANEF, which is designed to create a land use planning tool to manage noise sensitive land uses around the airport, provides guidance for the NSW Department of Planning and Infrastructure (NSWDPI) and councils to make informed planning and development decisions. The system underpins Australian Standard AS2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction. The standard defines areas where construction of certain building types is "acceptable", "conditionally acceptable" and "unacceptable".'

The subject site is located in a zone between 25 and 30 ANEF, as illustrated in Figure 8.



Figure 8 ANEF Contours for Sydney Airport (SAMP 2033)

According to SAMP 2033 and the requirements of this Direction, any zone above 25 ANEF is unsuitable for residential purposes but is suitable for commercial and industrial land uses below 30 ANEF.

The PP does not propose to amend the site's existing land use zoning and therefore does not propose to introduce any additional or sensitive land uses beyond those already permissible on the subject site. In that regard, the objectives of this Direction are upheld.

Given the PP does not propose any penetration of the OLS or PANS-OPS surfaces and will not introduce any sensitive land uses on the subject site, the PP is considered to be consistent with this Direction.

Should a future Gateway determination consider there to be sufficient merit for the PP to proceed to exhibition, the PP would be referred to relevant aviation authorities for comment, including:

- Sydney Airport Authority.
- Civil Aviation Safety Authority (CASA).
- Commonwealth Department of Infrastructure and Regional Development (DIRD).

Should any aspect of this PP be considered to present a risk to aviation practices and procedures other than those identified in this report, the above authorities would advise of any potential safety concerns or mitigation measures via the referral process, following which further detailed investigations may be undertaken.

It is noted that referral to aviation authorities would also be undertaken as a part of a DA process if necessary.

#### S.9.1 Direction - 4.1 Acid Sulfate Soils

The subject site is identified on the BBLEP 2013 Acid Sulfate Soils map as being located in an area with an Acid Sulfate Soils classification of Class 4. Refer to Figure 9.



Figure 9 BBLEP 2013 Mapping - Acid Sulfate Soils

Under the BBLEP, Class 4 areas require development consent for works more than 2 metres below the ground level under BBLEP 2013 section 6.1 Acid Sulfate Soils.

The relevant objectives and requirements set out under this Direction are provided for as per the following extract:

#### Objective

(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Where this direction applies

(2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

What a relevant planning authority must do if this direction applies

(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:
(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or

(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).

#### Consistency

(8) 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 (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(b) of minor significance.

This Direction has been considered as the PP involves an increase in FSR and height for the purpose of enabling a development form that is intended to include basement car parking, which may involve excavation below 2 metres below ground level. Note that this PP does not propose an actual built form, rather the applicable controls that will enable a built form to occur.

While paragraph (6) of this Direction requires that an acid sulfate soils study be undertaken to demonstrate the appropriateness of the change of land use (in this case, not a change of use but an intensification of the existing land use), the PP is not of such a significant scale to warrant such investigations being undertaken at this strategic stage of the planning process. While the intent of this PP is to establish controls that allow for a single level of basement parking in a future built form on the site, this is an outcome that could potentially occur under the current controls provided that the impacts on acid sulfate soils are appropriately addressed as part of a future development application process.

As outlined in paragraph (8) of this Direction, a PP is permitted to be inconsistent with this direction where the provisions of the PP that are inconsistent are of minor significance.

Given that a single level of basement car parking is already a possible to achieve under the current controls, it is reasonable for investigations relating to acid sulfate soils to be undertaken as part of a future detailed design and development application process at which point the specific impacts can be better assessed at a stage of the process where the actual depth of excavation is known.

Given the above, the PP is justifiably inconsistent with this Direction as the PP is of minor significance in terms of impacts relating to acid sulfate soil impacts. Further investigation of

acid sulfate soils and mitigation measures are more appropriately addressed as part of a detailed design phase when such matters can be specifically and directly addressed to an appropriate level of resolution.

If required by a Gateway determination, an acid sulfate soils study can be prepared for the site. Otherwise any acid sulfate soil related matters can be appropriately addressed as a part of a future development application as necessary.

#### S.9.1 Direction - 4.3 Flood Prone Land

The subject site is not identified on BBLEP 2013 mapping or within Council's DCP as being located within a flood planning area. It is understood that Council is in the process of preparing a flood management study and that the findings of this study may result in amendment to the BBLEP 2013 to identify land that is flood affected. Council has provided preliminary advice in relation to the subject site, which indicates that the subject site is identified as flood affected, albeit to a minor extent.

The PP proposes to amend building height and FSR controls in a manner intended to facilitate the future redevelopment of flood affected land as defined by Direction 4.3. As such this Direction applies and has been given due consideration in the preparation of this PP.

Investigations into flooding affecting the site were undertaken by WMAwater and their advice is provided as Appendix F.

WMAwater confirms that a sag point exists on Lord Street in the vicinity of the site. This causes water to pond on the road and extend into properties north and south of the road in events as frequent as a 5 year Average Recurrence Interval (ARI). The subject site is affected by this ponded water to depths of 0.5 m in the 1% Annual Exceedance Probability (AEP) event and 0.8 m in the Probable Maximum Flood (PMF) event.

In the 1% AEP event, the front 8 m - 15 m along the subject site's boundary is flood affected to varying depths. The remainder of the lot is largely flood free, with the exception of some shallow ponding on the western boundary (less than 150 mm deep). It is noted that the shallow ponding on the western site boundary is not expected to form a major constraint, as it is classified as 'flood fringe' in the 1% AEP event, however this area would need to be taken into account during a detailed design phase, and would possibly require confirmation via a flood impact assessment depending on the proposed footprint.

Parts of the site, mainly at the front of the site, are classified as 'flood storage', indicating that if an obstruction is placed in this area it is likely to cause flood impacts elsewhere.

WMAwater advises that where a setback from the front boundary of between 8-15m cannot be achieved so as to locate a future built form outside of the 'flood storage' area, an engineering solution to prevent flood level impacts is possible. This may occur through the use of pier-footings for construction, or solutions relating to at-grade open carparking and landscaping.

WMAwater concludes that it would be possible to design a building footprint that does not impact on flood behaviour outside of site. In response to WMA's advice at Appendix F, a future detailed design and development application would be prepared in conjunction with the preparation of a flood impact assessment. This would ensure that any future built form and engineering solution would be tested in terms of proposed site configuration (i.e. building envelope, open space/landscaping and access), site levels and construction methods to determine whether the building envelope is likely to change flood behaviour. This would confirm whether any special design considerations are required and provide a design and engineering solution that contains the flood behaviour within the subject site.

As matters relating to detailed design would be addressed through a later development application process and WMAwater have confirmed that it is possible to achieve an appropriate engineering solution through proper site planning, the objectives and requirements of this Direction should not preclude this PP from proceeding to the Gateway for determination.

#### S.9.1 Direction - 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the standard environmental planning instrument.

#### Objective

(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

What a relevant planning authority must do if this direction applies

(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

#### Consistency

(6) 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 (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

The PP does not seek to unnecessarily restrict the subject site, instead it seeks to enhance the capacity and development opportunities. The PP is consistent with paragraph (4) of this s9.1 Direction in that it:

- seeks to retain existing land use zoning on the site; and
- proposes to amend only a height and FSR standard via the PP, which is a development standard commonly used throughout NSW.

The PP does not contain or refer to drawings that show details of the development proposal. Any detailed design guidance is intended to be provided via a site-specific development control plan as provided for in Appendix B. This is an appropriate mechanism for providing detailed guidance for site planning and built form on a site-specific level and is a primary means of providing such guidance across NSW.

As outlined above, the PP is consistent with this Direction.

#### S.9.1 Direction - 7.1 Implementation of A Plan for Growing Sydney

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.

In March 2018, A Plan for Growing Sydney was superceded by the Greater Sydney Region Plan - A Metropolis of Three Cities, which is given affect via Part 3 of the Environmental Planning and Assessment Act 1979.

Discussions with the Department of Planning on 9 April 2018 confirmed the redundancy of s9.1 Direction - 7.1 Implementation of A Plan for Growing Sydney. At the time of writing this report, Direction 7.1 had yet to be revoked and as such has been addressed in this PP.

### 3.3 Section C – Environmental, Social and Economic Impact

3.3.1 Q7 - 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?

No. Given the site's urban locality and both past and existing developments, there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the PP and its proposed BBLEP 2013 amendments.

# 3.3.2 Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no direct environmental effects as a result of this PP, especially given it is for land that is situated in an existing urban context and the site is currently developed for warehousing purposes. This PP proposes to amend the BBLEP 2013 to increase maximum height and FSR to enable future development to occur in a manner that is consistent with the existing objectives of the B7 Business Park zone. The potential environmental impacts and mitigation measures have been demonstrated in the Urban Design Review at Appendix A and the Heritage Impact Study at Appendix E.

The key impacts that have been considered and addressed in this planning proposal are discussed as follows:

#### Visual impact and interface with adjacent heritage building

The Urban Design Review at Appendix A utilises a number of urban design measures to demonstrate that a built form can be accommodated on the site that achieves an appropriate level of integration with surrounding land uses, particularly with respect minimising visual, and physical impacts of building bulk on the adjacent heritage listed St Matthew's church. This is further supported by the site specific DCP at Appendix B and the Heritage Impact Statement at Appendix E.

Specifically, the Urban Design review includes a number of urban design initiatives that have been thoughtfully and methodically considered by BuiltConsult to respond appropriately to and mitigate impacts on the adjacent heritage listed St Matthew's Church. These are outlined as follows:

• Limiting the height of the building on the subject site to the height of the church spire of 16.5m. This is illustrated as Figure 10.

- Providing architectural articulation, especially to the western façade facing the church grounds, to establish a high quality visual backdrop for the heritage item. This is illustrated as Figure 11 and Figure 13.
- Orienting the future built form on the site to face toward both Lord Street and the St Matthew's Church grounds and providing a pedestrian laneway along the western edge of the site to enable an interrelationship between the future development on the site and the church grounds to occur.
- Activating the new pedestrian laneway along western boundary with commercial uses (e.g café) and building entrances. This is illustrated as Figure 12 and Figure 10.



Figure 10 Proposed Building Height



Figure 11 Establishing a visual backdrop (BuiltConsult)



Figure 12 Building siting and orientation (BuiltConsult)



Figure 13 Activation of Lord Street and the pedestrian lane (BuiltConsult)

The Heritage Impacts Statement at Appendix E notes that the proposed setback between the existing church and the proposed building has created an opportunity for the activation of the existing street frontage to Lord Street as well as the new pedestrian laneway. The setback also preserves existing light and amenities to the church. Careful consideration for the placement of complementary land uses that will facilitate ground floor activation will further enhance this zone in addition to the thoroughfare created for public access. The proposed spaces on the ground floor will create a positive impact to the surrounding public amenities (church, multi-function centre and neighbourhood). Refer Figure 14 and Figure 15, which illustrate proposed setbacks to ground floor and upper levels. It is proposed that these setbacks be guided via a site specific DCP, a draft of which is provided as Appendix B.



Figure 14 Ground Floor Setbacks (BuiltConsult)

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As articulated in the Heritage Impacts Statement at Appendix E, the PP and proposed design concept appropriately considers the heritage significance of the church in relation to its form and massing. The careful articulation of the proposed form, spatial planning of the building envelope and intended rationale for its detailed design seeks to create a form that is sympathetic and respectful to the heritage significance of the church and its surroundings. The following summary provides an overview of conclusions reached within the Heritage Impacts Statement:

- The proposed development is reasonable and positive as its design is respectful to the adjacent church with only minor impacts to its heritage significance.
- The intended built form is consistent with the existing neighbourhood and contributes to the public interaction at ground level between the church, the multipurpose building and neighbourhood.
- The intended built form outcome is not conjectural and is identifiable as contemporary in accordance with the Burra Charter.
- The PP could generally be achieved in compliance with the Botany Bay DCP 2013 and the requirements of the Botany Bay LEP 2013 (pending the requested LEP amendments).
- The PP and supporting urban design review has provided a well-considered design rationale for the intended built form.

As qualified heritage specialists, in its Heritage Impacts Study at Appendix E, Tropman & Tropman Architects confirm that the approach adheres to the Burra Charter principals.

As such the PP will have minimal impact to the heritage significance of the church and will in fact improve the visual quality of the local environs in the immediate vicinity of the church. In their Heritage Impacts Statement, Tropman & Tropman supports the PP on heritage grounds and have identified no heritage matters that may otherwise preclude the PP from proceeding to Gateway for determination.

#### **Building Height**

The PP seeks an increase in permissible building height on the subject site. The proposed maximum building height has been nominated based on analysis of nearby building form and its compatibility with the neighbouring context.

The Heritage Impacts Statement at Appendix E notes the following key points with respect to the proposed building height:

- The PP is based on an indicative development concept that proposes a form that is 'non-dominating'.
- The proposed building height does not exceed existing church height of 16.5m.
- Size and mass of intended built form outcome reflected in the Urban Design Review at Appendix A does not compromise light, views and amenities to and from the church and its grounds.

Figure 16 demonstrates the subject site and proposed height of 16.5m in relation to the building height of the surrounding local area. As illustrated in Figure 16, the proposed heights are compatible with the nearby 16 metre commercial building and 10 metre residential built form.



Figure 16 Building Height Context (source Built Consult)

The PP is supported by an urban design review that has carefully considered the context of the intended built form outcome. To assist with better understanding the potential impact of height, consideration has been given to the PP in relation to the objectives outlined under BBLEP 2013 Clause 4.3 Building Height. Refer Table 2.

Table 2 Assessment of the PP against cl 4.3 Building Height Objectives

Clause 4.3 Objective	PP Justification
(a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,	The PP proposes to amend building height controls to allow 16.5m, a height that is compatible in scale with the surrounding commercial and medium density residential precinct.
(b) to ensure that taller buildings are appropriately located,	The proposed amendments to building height controls have been considered in conjunction with the surrounding local context and will result in a compatible built form in relation to the local building height context, especially the adjacent heritage item.

Clause 4.3 Objective	PP Justification
(c) to ensure that building height is consistent with the desired future character of an area,	The proposed building height is consistent with nearby 16 metre high commercial buildings and reflects the height of the spire of the adjacent heritage item. Therefore, the proposed building height is consistent with the desired future character of the locality.
(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,	The proposed increase in height and intended massing elements as outlined in the Urban Design Review at Appendix A demonstrates that the proposed massing will not result in detrimental impacts to existing neighbouring residential development. Shadow diagrams demonstrate that within the proposed building height and FSR controls, a design solution can be achieved is capable of resulting in a similar level of solar overshadowing to adjacent residential development as currently results from the existing warehouse building on the site. Detailed design considerations at DA stage can further address this, which will be supported by the design principles and criteria set out in the draft DCP at Appendix B.
(e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.	The proposed increase in height and intended massing elements as outlined in the Urban Design Review at Appendix A demonstrates that the PP will result in an outcome that improves the visual outlook particularly in relation to the adjacent heritage item. This heritage item is situated within an open space setting and is visually prominent particularly as viewed from the Botany Road frontage. The draft DCP at Appendix B will provide appropriate guidance for a future built form on the subject site to establish a well design backdrop to the church that maintains its visual prominence.

### Building Bulk and Density

To assist with better understanding the potential impact of bulk and scale, consideration has been given to the objectives outlined under BBLEP 2013 Clause 4.4 Floor Space Ratio. Refer Table 3.

Table 3 Assessment against cl 4.4 Floor Space Ratio Objectives

Clause 4.4 Objective	PP Justification
(a) to establish standards for the maximum development density and intensity of land use,	The FSR increase has been based upon a carefully considered built form analysis to propose a suitable FSR for the subject site within its context. The PP proposes to increase the maximum FSR controls applicable to the site. It does not seek to remove any FSR standard and therefore is consistent with this objective.
(b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,	The achievable bulk as illustrated in the Urban Design Review at Appendix A is consistent with many of the existing commercial buildings in the locality. Particular consideration has been given to the relationship with the adjoining heritage listed church.
(c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that	The intended built form outcome as illustrated in the Urban Design Review at Appendix A has been methodically considered in terms of its relationship with adjacent built form, particularly the adjacent heritage item which is likely

Clause 4.4 Objective	PP Justification
are not undergoing, and are not likely to undergo, a substantial transformation,	to remain a permanent feature of the locality. The draft DCP at Appendix B will provide appropriate guidance for a future built form on the subject site to ensure a compatible relationship between a future development on the subject site and adjacent church and residential buildings. This includes managing setbacks, overshadowing, articulation and materials to facilitate land use compatibility and an appropriate response to solar access and heritage values of the adjacent sites.
(d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,	The proposed building height and mass has been considered to respond to the height of the church and considers the visual quality of the backdrop to this important heritage item as viewed from the church grounds. The design of facades of the intended built form have been considered in the Urban Design Review at Appendix A to establish an appropriate relationship to the open grounds of the adjacent heritage item. This is further reinforced via the draft DCP at Appendix B, which is intended to ensure that any development on the site provide an appropriate backdrop to the church as viewed from Botany Road.
(e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,	The proposed built form massing will not impact on the usability of the adjacent public realm. The PP will enable the development of a built form that better defines and interfaces with the adjacent church grounds enhancing its visual quality and useability. In terms of the enjoyment of adjacent residential properties, the Urban Design Review at Appendix A and draft DCP at Appendix B provide guidance for southern setbacks to the adjacent residential buildings. The Urban Design Review demonstrates that within the proposed development controls, a design solution can be achieved that result s in an equivalent impact on adjacent properties and therefore is capable of achieving consistency with Objective 3B-2 of the Apartment Design Guide.
(f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,	The PP proposes to increase industrial/ commercial FSR on the site, to an extent where impacts can be appropriately managed in relation to neighbouring properties. The site planning and urban design measures considered to mitigate impacts of the PP are outlined in the Urban Design Review at Appendix A and intended to be facilitated via the draft DCP. The proposed FSR is appropriate for the proposed use of the site for commercial/ industrial purposes. Design measures relating to the transition between business and residential uses are reflected in the draft DCP and seek to establish an active interface between the subject site and adjacent church.
(g) to facilitate development that contributes to the economic growth of Botany Bay.	The PP proposes to increase FSR on the site, which will allow for increased commercial/ industrial floorspace and a more efficient use of a presently underutilised site to accommodate greater employment opportunities adjacent to the Port Botany and Sydney Airport International Trade Gateways.

The Heritage Impacts Statement at Appendix E notes the following key points with respect to the proposed building massing:

- The proposed design considers the heritage significance of the church in relation to its form and massing.
- The careful articulation of the proposed form and spatial planning of the intended built form outcome and site seeks to respect and complement the siting and the expression of the design is sympathetic to the surroundings.

The Heritage Impacts Statement acknowledges that the massing of the intended built form outcome comprises three main elements that correspond with the context and proportion of the church. This approach works to visually reduce the mass of the intended built form outcome to complement the massing of the adjacent church. This is illustrated in Figure 17 and within the Urban Design Review at Appendix A.



Figure 17 Indicative Building Articulation (BuiltConsult)

As such, the PP and intended built form outcome will have minimal impact to the heritage significance of the church and will result in improved visual environs that will more appropriately frame the church building and define its grounds. It will also provide an opportunity for the necessary changes to occur in the precinct to enable greater integration and interaction between the various existing and potential land uses envisaged for the site.

The draft DCP seeks to facilitate the desired level of articulation, which will be further considered and implemented via later detailed design and DA processes.

#### Traffic and parking

As the PP proposes to increase the maximum allowable building height and FSR, this will enable greater commercial floorspace to be accommodated on the site. As such the car parking and traffic implications of the increased floorspace have been considered in the Traffic and Parking Impacts Assessment undertaken by McLaren Traffic Engineering and provided as Appendix D. An addendum to the traffic study is provided as Appendix D-1.

In summary, the Traffic and Parking Impacts Assessment concludes that that the subject site is capable of accommodating the necessary car parking requirements for the intended development form, which would generate the need for 85 car parking spaces. As confirmed by the Urban Design Review at Appendix A, a total of 92 car parking spaces is achievable comprising up to 74 spaces in a single basement level plus 18 at-grade spaces. McLaren Traffic Engineering further concludes that the PP will not result in any unmanageable or detrimental traffic impacts.

The addendum to the traffic study at Appendix D-1 provides additional clarification relating to the underpinning the nominated car parking demand assumptions.

It is noted that assumed car parking demand differs to the required car parking rates that would be required under strict application of the DCP. McLaren advises the following:

"it is reasonable to assume that the on-site parking demand for the commercial areas of the site will be similar to or in the range of one space per 48m2 to one space per 84m2. The applied rate of 1 space per 55m2 for the upper floors of the development is therefore appropriate and commensurate with the context. The use of a higher rate of parking demand for the ground floor commercial floor area provides some flexibility for future development applications on the site and, if it were confined purely to office area, would have a similar 1 space per 55m2 parking demand."

As per the above discussion, car parking and traffic issues for a development of the intended scale can be appropriately addressed as a part of a future detailed design and development application process and should not preclude the PP from proceeding.

# 3.3.3 Q9 - How has the planning proposal adequately addressed any social and economic effects?

Social and economic considerations relating to this PP have been integrated into previous sections of this PP. This proposal is to increase the maximum height and FSR controls and allow for increased business and employment related floor space. As the subject site is located adjacent to Port Botany and Sydney Airport interactions trade gateways, the PP will directly facilitate an increase in potential employment opportunities in a highly strategic location.

#### Assessment of Economic Impacts

The following sections examine the estimated economic activity supported through the operations of businesses locating to the Site if it was redeveloped under proposal compared to if it remained in its existing use.

Base Case: assumes the subject site continues its current operations accommodated in the existing improvements and assesses the economic impacts should the Site remain in its existing use.

Proposal Case: assumes the subject site is redeveloped under the Proposal's amended planning controls to facilitate higher intensification use on site, with increased height and commercial floorspace.

The economic impacts have been assessed at the Bayside Local Government Area (LGA) level.

#### Economic Impacts During Construction

The construction phase associated with the PP is expected to support the following economic activity for the Bayside LGA, including businesses and workers through direct and flow-on impacts (over the course of the construction phase):

- \$10.4 million in output (including \$4.8 million in direct activity).
- \$3.9 million contribution to GRP (including \$1.2 million in direct activity).
- \$2.1 million in incomes and salaries paid to households.
- 28 FTE jobs (including seven directly employed in the construction activity).

#### Net Economic Activity During Operations

The economic impacts/contribution of the PP can be traced through the economic system via:

- Direct Impacts, which are the first round of effects from direct operational expenditure on goods and services.
- Indirect Impacts (Flow-on Impacts), which comprise the second and subsequent round effects of increased purchases by suppliers in response to increased sales.

The PP is anticipated to result in a net increase in economic activity compared to what the existing improvements support in the Base Case through the direct and flow-on impacts associated (per annum):

- \$117.9 million in output (including \$47.5 million in direct activity).
- \$52.6 million contribution to GRP (including \$18.7 million in direct activity).
- \$30.6 million in incomes and salaries paid to households.
- 439 FTE jobs (including 167 additional jobs directly related to activity on the subject site).

Table 4 summarises the outcomes in the Base Case and Proposal Case.

Impact	Output (\$M)	Gross Regional Product (\$M)	Incomes (\$M)	Employment (FTEs)							
Base Case											
Direct	\$11.4	\$5.1	\$2.9	29							
Type I Flow-On	\$3.2	\$1.5	\$0.8	10							
Type II Flow-On	\$6.9	\$3.7	\$2.0	30							
Total	\$21.5	\$10.3	\$5.7	69							
Proposal Case											
Direct	\$58.9	58.9 \$23.8 \$14.8		196							
Type I Flow-On	\$36.6	\$15.4	\$8.9	120							
Type II Flow-On	\$43.9	\$23.7	\$12.6	192							
Total	\$139.5	\$62.9	\$36.3	509							
Net Increase in I	Economic Act	ivity									
Direct	\$47.5	\$18.7	\$11.9	167							
Type I Flow-On	\$33.4	\$13.9	\$8.1	110							
Type II Flow-On	\$37.0	\$20.0	\$10.6	162							
Total	\$117.9	\$52.6	\$52.6 \$30.6								

Table 4 Economic Activity, Base Case v Proposal Case

Source: AEC

Land that is close to existing employment centres and public transport networks is scarce and valuable. As cities grow there is commensurate pressure on scarce lands to be developed for a variety of uses. The benefits of enabling more intensive use of land which is a finite asset are therefore obvious.

In comparison to the other employment areas examined, the Botany Precinct and its surrounds experienced very modest employment growth over the 2006-2016 period, averaging a lacklustre 0.5% average annual growth compared to 1.5% to 3.4% in comparison areas. Employment growth in the Botany Precinct and its surrounds has been weak despite strong market demand and occupier interest.

Opportunities to accommodate greater intensity of employment are needed. Investigations suggest a lack of commercial floorspace opportunities in the Botany Precinct and broader South Sydney Region. Given the Botany Precinct's proximity to key centres and Trade

Gateways, it is necessary to ensure commercial opportunities are available to attract new business but also facilitate growth and expansion in a diverse range of business activities.

In the case of the subject site, state government policy has focused equally on intensifying employment opportunities and accommodating businesses' changing requirements for how they use land and floorspace. The PP seeks to meet these objectives by providing commercial opportunities for a range of business activity and importantly, maximising the economic intensity of the Subject Site. The PP demonstrates alignment with the objectives and aspirations of state planning policies and strategies.

The PP is intended to be a catalyst for positive change in the local business environment provides for new business opportunities that will support economic growth and sustainability within Sydney's existing urban footprint.

The PP will result in a net community benefit as it will allow future development to take full advantage of its location in close proximity to transport infrastructure and trade gateways, which has wider benefits than that of the immediate local community. The proposal to increase the density of existing business zoned land will facilitate a more efficient use of available commercial land for business and employment uses.

AEC advises that the economic considerations are favourable with the future development of the site providing improved and revitalised facilities for business. The amendments to the BBLEP 2013 Height of Buildings and FSR development standards on the site would deliver a number of positive of community benefits with a particular focus on increasing employment opportunities and efficient use of available business lands.

#### Net Community Benefit

As provided for in AEC's Economic Impacts Statement, Table 5 identifies the economic impacts and derives a total score for PP using the Base Case as the starting point of '0'. The higher the positive score the greater the net positive economic impact from a community perspective, the lower the score the greater the adverse economic impact.

Impact	Base Case	Rating	Proposal Case	Rating							
Employment & Economic Impact											
Output (\$M)	\$21.5	+1	\$139.5	+3							
GRP (\$M)	\$10.3	+1	\$62.9	+3							
Incomes (\$M)	\$5.7	+1	\$36.3	+3							
Employment (FTE)	69	+1	509	+3							
Construction											
Output (\$M)	n.a.	0	\$10.4	+3							
GRP (\$M)	n.a.	0	\$3.9	+3							
Incomes (\$M)	n.a	0	\$2.1	+3							
Employment (FTE)	n.a	0	28	+3							
Total		4		24							

Table 5 Economic Impact, Base Case v Proposal Case

Source: AEC

As demonstrated above and in AEC's Economic Impacts Statement at Appendix C, in comparison to the Base Case, the Proposal Case (i.e. PP) clearly exhibits a positive economic impact. As the Lord Street business park precinct continues to evolve in response to industry trends, the economic impact identified in this Assessment would be even more pronounced.

The above is discussed in greater detail in the Economic Impacts Assessment at Appendix C and further supported by the addendum prepared by AEC at Appendix C-1, which considers the economic impact of the PP to be net positive and thereby presenting a compelling case for consideration.

### 3.4 Section D – State and Commonwealth Interests

#### 3.4.1 Q10 - Is there adequate public infrastructure for the planning proposal?

The site is currently used for urban purposes and is connected to existing infrastructure services. More detailed engineering studies and plans for public utilities and infrastructure connections would be carried out as part of a future development application for detailed design and construction of development and any requirements for infrastructure contributions considered in accordance with s7.11 of the EP&A Act as necessary.

As demonstrated in the traffic impacts statement at Appendix D, the site has access to existing public transport services. The subject site will benefit from planned WestConnex upgrades being located in close proximity to the following major projects:

- New M5 from Beverley Hills to St Peters (planned to be open to traffic early 2020);
- M4-M5 Link from Haberfield to St Peters (planned to be open to traffic in 2023).

The above projects will significantly increase the capacity of the metropolitan road network, which will further support the operation of business uses, particularly for freight and logistics operations in the locality. This PP provides an opportunity for enhanced business operations in a well-connected urban locality.

# 3.4.2 Q11 - What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No State or Commonwealth authorities have been consulted yet by the proponent of the PP. It is anticipated that the planning authorities in Bayside Council and Department of Planning and Environment will consult relevant public authorities in accordance with the provisions of the EP&A Act and Regulations and any specific requirements of the Gateway Determination.

## 4. [Part 4] Mapping

### 4.1 The Site

#### 4.1.1 Site Location

The site is located at 1-3 Lord Street Botany. The site is situated in southern Sydney to the north of the Botany Town Centre and is approximately 50m to the east of Botany Road. A two-storey building containing warehouses, a loading dock, sales centre and offices for Marine Product Marketing is currently located on the subject site.

The site has an area of approximately 2,555.7m<sup>2</sup> in area and has a frontage to Lord Street to the north and the church building and grounds of the St Matthews Anglican Church to the west.

The subject site is accessible via major arterial roads including Botany Road and the M1 Motorway.

#### 4.1.2 Legal Description

The site is legally described as Lot 2 in DP 593463 and Lot 4 in DP 593463. A site survey is provided at Appendix F. The cadastral setting of the site is further described in Figure 18.



Figure 18 Cadastral setting of the site (Source: Spatial Information Exchange (SIX) Maps)

### 4.2 Context

The subject site is on the western-most of fringe of the Lord Street B7 Business Park Zone and borders an R3 Medium Residential zone. It is situated between St. Matthew's Anglican church, and Service NSW on Lord Street.

#### 4.2.1 Site Features and Existing Development

A two storey (3 storeys in bulk) warehouse is currently located on the subject site. The subject site has a frontage and has vehicular access to Lord Street to the north. The adjacent church also owns the two lots to the west of the site existing development and uses located on the sites differ in nature and are outlined below.

It is noted that the existing warehouse facility presently provides minimal setback to the church building, which significantly impacts on access to light to windows on the eastern façade of the church.



The key features are demonstrated in Figure 19 below.

Figure 19 Existing warehouse on the site and heritage church in the background.

#### 4.2.2 Surrounding Land Use Context

The site is located approximately 100m north of the Botany Town Centre, which is a linear centre extending along both sides of Botany Road between Daphne Street to the north and Hastings Street to the south. The centre is generally focused around the intersection of Banksia Street and Botany Road, with two storey terraced shop top housing being the predominant built form in the town centre. Examples of contemporary apartment development in the centre provides evidence of the Botany Town Centre's ongoing revitalisation.

Botany Road is the predominant road linking the town centre with its surrounds, which are predominately low density residential to the south east of the site, whilst general and light industrial uses are located south and east beyond the town centre. The subject site is located in a wider area of B7 zoned land, with both sides of Lord Street carrying this zoning towards the east. The suburb of Botany is demarcated from Mascot with the M1 freeway and Kingsford Smith Airport to the north of the site.

The site is located in an existing urban area in proximity to a range of convenience, community and educational services such as those listed below:

Botany Town Centre (various);

- Botany Public School;
- St Bernard's Catholic Primary School;
- Botanic Aquatic Centre;
- Botany Town Hall; and
- St Matthews Anglican Church.

A variety of open space opportunities are located within short walking distance of the sites, Booralee Park, located approximately 200m to the east of the subject site along Lord Street, is the main recreational area for Botany.

Figure 20 to Figure 25 below illustrate the land uses and development that surround the sites.



Figure 20 The St Matthews Church is heritage listed and provides a strong character reference in the locality. The existing warehouse on the subject site can be seen in the background.



Figure 21 Residential development on Botany Road adjacent to the St Matthews Church site. Source Google



Figure 22 Business park uses opposite the site on Lord Street. Source Google



Figure 23 Service NSW operations opposite the subject site. Source Google



Figure 24 Residential Development on Daphne Street. Source Google



Figure 25 Large Scale warehousing on Lords Street. Source Google

Lord Street accommodates a wide range of businesses and activity, predominantly contained within two business parks, the Lakes Business Park and Sir Joseph Banks Corporate Park. The presence of these prominent business park complexes on Lord Street contributes to elevating the area's profile as a key employment area in the South Sydney region. Figure 26

shows the Lakes Business Park and Sir Joseph Banks Corporate Park with respect to the subject site. Commentary relating to these precincts below is extracted from AEC's Economic Impacts Statement at Appendix C.



Figure 26 Lord Street Major Business Park Complexes (source AEC)

#### Lakes Business Park

Commercial and warehouse floorspace along Lord Street is dominated by the Lakes Business Park (2-13 Lord Street), an eight-hectare business park containing approximately 44,000m<sup>2</sup> in net lettable area (NLA) of commercial and warehouse floorspace across seven freestanding buildings. The business park is bisected by Lord Street, forming a north precinct (approximately 29,000m<sup>2</sup> NLA) and south precinct (14,000m<sup>2</sup> NLA) on either side of Lord Street, with the majority of businesses located in the north precinct.

Dexus secured planning approval for partial redevelopment of the north precinct which will increase commercial floorspace to 44,000m<sup>2</sup> across seven 6 storey buildings (Urbis, 2015). Subsequent to this, rezoning approval was obtained to facilitate redevelopment of the south precinct into a mixed use creative hub, Botany Quarter to incorporate creative office suites, high-tech industrial units, storage units, and retail facilities.

The business park accommodates a broad range of businesses: freight and logistics companies, warehousing, small-scale manufacturers, distributors, and providers of corporate services. Utilisation of floorspace is divided between warehousing and commercial uses. The warehousing component is utilised for distribution of goods, and general storage whilst commercial uses provide space for general offices and meeting and/or training rooms.

#### Sir Joseph Banks Corporate Park

Sir Joseph Banks Corporate Park is situated at the eastern end of Lord Street (28-30 Lord Street). The corporate park comprises in the order of 31,700m<sup>2</sup> of commercial and warehouse floorspace across three buildings. Major businesses include Schindler Lifts Australia (lifts manufacturers and maintenance), Konami Australia (computer and arcades manufacturer), and Sims Metal Management (metal collection and processing).

#### 4.2.3 District Context

1-3 Lord Street Botany (the Site) is located approximately 12 kilometres south of the Sydney CBD. It is situated in close proximity to critical economic infrastructure (Port Botany and Sydney Airport) and the major employment region of South Sydney. The subject site's location in relation to its district context is illustrated in Figure 27.



Figure 27 District context of the subject site (Source: Google/ AEC)

#### Port Botany and Sydney Airport

Port Botany is located approximately 6 kilometres south-east of the subject site and is accessible via Botany Road and Foreshore Road. Port Botany accommodates Sydney's largest port, and is a major employment area, forming a vital part of logistics and supply chain network in NSW. In addition to housing NSW's largest container facility it is also the NSW's primary bulk liquid and gas port, and Australia's largest dedicated common user facility of this type.

Facilities at Port Botany include: three independently operated container vessels, liquids and gas facilities, and eight kilometres of road network, warehousing, container packing and unpacking facilities, Customs facilities and container packing and unpacking facilities. Port Botany operates 24 hours a day, seven days a week (NSW Ports).

Sydney Airport is approximately two kilometres west of the subject site and is one of the longest continuously operated commercial airports internationally (Sydney Airport, 2018). Sydney Airport has a total of four terminals, three passenger terminals and one freight terminal, dedicated to international freight operations.

#### South Sydney Employment Region

The South Sydney employment region is the economic engine that provides critical support to Sydney Airport and Port Botany, servicing population and businesses across metropolitan Sydney. Significant intensification over the last decade is observed across the South Sydney region in line with business requirements and utilisation trends.

#### 4.2.4 Accessibility and Transport

#### **Road Network**

The sites are well connected to the regional road network with Botany Road to the west of the site, which links Port Botany to the south with Kingsford Smith Airport to the north west and the CBD to the north. Botany Road also provides a good connection to the M1/Southern Cross Drive, which forms part of the Sydney Orbital freeway network. The M1 provides ready access to the M5 Motorway, General Holmes Drive and the A38/Princes Highway.

As previously mentioned the subject site will benefit from major upgrades to Sydney's motorway network providing better connectivity to the M4 and M5 motorways.

#### Public Transport

The site is well located to public transport as it is located within close proximity to Botany Road, a major regional road in Sydney's south with regular and frequent bus services. The nearest bus services run along Botany Road in both directions with the nearest stops located on either side of the road within 250m walking distance of the site. Bus routes M20, 309, 310, L09, X09 and X10 provide services from Matraville or East Gardens to Central Station. The bus routes connect well with the wider public transport network at East Gardens bus interchange, Green Square Railway Station and multiple CBD railway stations.

Metrobus are high frequency and high capacity bus routes that link key employment and growth centres throughout Sydney. In the case of the M20, this route links Botany with Mascot, Green Square, Sydney CBD and North Sydney. Metrobuses have a frequency of one bus every 10 minutes during peak periods, 15 minutes during off-peak weekday periods, and 20 minutes on weekends. Other bus routes link the subject site with other surrounding areas in the Eastern Suburbs such as Eastgardens, Matraville and Port Botany.

The location of the site relative to the surrounding public transport infrastructure is shown in Figure 28.



Figure 28 Public Transport Routes (TfNSW/ McLaren)

#### Active Transport

A search of Roads and Maritime Services (RMS) web-based 'cycleway finder' confirms that the subject site is located in close proximity to a variety of cycleways of varying degrees of ease and difficulty. These cycleways and routes provide active transport options for commuters to the subject site and local employment precincts. An extract of the 'cycleway finder' is provided as Figure 29.



Figure 29 Local Cycling Routes (RMS)

Refer to Appendix D and Appendix D-1 for further information pertaining to traffic and transport.

### 4.3 Current Planning Provisions

The BBLEP 2013 is a statutory planning document that sets the standards for development in the Botany Bay LGA. The BBLEP 2013 applies to the subject site and its current provisions are set out below.

#### 4.3.1 Land Use

In accordance with the BBLEP 2013 the site is zoned B7 Business Park. Figure 30 below illustrates the land use zones that apply to the sites under the BBLEP 2013. The following objectives and land use permissibility apply within the B7 Business Park zone:

Zone B7 Business Park

- 1 Objectives of zone
- To provide a range of office and light industrial uses.
- To encourage employment opportunities.

• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

- To encourage uses in the arts, technology, production and design sectors.
- 2 Permitted without consent

Home occupations

3 Permitted with consent

Centre-based child care facilities; Dwelling houses; Food and drink premises; Garden centres; Hardware and building supplies; Home industries; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres: Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation: Resource recovery facilities: Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

Warehousing for commercial uses is permissible with consent on the site as land zoned B7 Business Park as it is not specified in items 2 or 4 of the above extracts. Figure 30 illustrates the sites and the respective Land Use Zone mapping. No change to the site's land use zoning is proposed by this PP.



Figure 30 BBLEP 2013 Land Use Zoning Map extract (Source: NSW Legislation)

### 4.3.2 Building Height

The BBLEP 2013 designates a maximum building height of 10 metres for the subject site. Figure 31 is an extract of the Height of Buildings Map from BBLEP 2013.



Figure 31 BBLEP 2013 Height of Buildings Map extract (Source: NSW Legislation)

#### 4.3.3 Floor Space Ratio

The BBLEP 2013 designates a maximum FSR of 1:1 for the subject site under the BBLEP 2013. Figure 32 is an extract of the Floor Space Ratio Map from BBLEP 2013.



Figure 32 BBLEP 2013 FSR Map extract (Source: NSW Legislation)

## 4.4 Proposed Planning Provisions

This PP seeks to amend the planning controls in the BBLEP 2013 for the subject site. The PP seeks to revise the allowable maximum building height and FSR commensurate with the subject site's planning and urban design context to allow for the development of warehousing for commercial use. This PP specifically proposes to amend the BBLEP 2013 as follows:

#### 4.4.1 Proposed Building Height

This PP seeks to amend the BBLEP 2013 maximum height map 001 to set a maximum height of 16.5m under a new height designation of 'O'. Refer Figure 33.



Figure 33 Proposed amendment to the BBLEP 2013 Height of Buildings Map (Source: NSW Legislation/City Plan)

#### 4.4.2 Proposed Floor Space Ratio

This PP seeks to amend the BBLEP 2013 maximum FSR map 001 to set a maximum FSR of 1.75:1 under a new FSR designation of S1. Refer Figure 34.



Figure 34 Proposed amendment to the BBLEP 2013 FSR Map (Source: NSW Legislation/ City Plan)

## 5. [Part 5] Community Consultation

It is anticipated that the planning authorities in Botany Bay Council and Greater Sydney Commission will conduct community consultation in accordance with the relevant provisions of the EP&A Act and Regulation which includes newspaper advertisement, public exhibition at Council offices and on Council's website and notification letters to adjacent property owners.

It is noted that confirmation of the public exhibition period and requirements for the PP will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the sites would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comments on the proposal.

A meeting was undertaken on 1 March 2018 with Bayside Council's planning officers to discuss the proposal, its intended outcomes and impacts. The purpose of this meeting was to enable Council to provide feedback prior to the preparation and lodgement of a PP for the site.

Feedback from Council was generally positive. Feedback provided has been addressed in the preparation of this PP, as well as supporting concepts and technical studies.

Following its lodgement, the PP was considered by Council's independent planning assessor Mecone. A further meeting with Council and its appointed independent planning assessor Mecone was held on 4 September 2018 to discuss an clarify preliminary issues identified. Formal feedback was provided in correspondence dated 4 September 2018. Matters raised related to urban design, heritage, flooding, traffic and economics. These matters have now been addressed in this updated PP and supporting documentation. In response to additional information requested, updates were made to the Urban Design Review at Appendix A, the Draft DCP at Appendix B. Flood advice has now being provided as Appendix F as well as addenda to the Economics and traffic inputs, provided as Appendix C-1 and Appendix D-1 respectively.

## 6. [Part 6] Project Timeline

The following project timeline is provided in accordance with 'A guide to preparing planning proposals' prepared by the Department of Planning and Environment (2012).

		2	0	1	9					2	0	2	0			
Month	J	Α	S	0	Ν	D	J	F	М	Α	М	J	J	Α	S	ο
Council Endorsement																
DPE Assessment																
Gateway Determination																
Agency Consultation																
Community Consultation																
Consideration of Proposal Post Exhibition								•								
Council Assessment																
Submission to DP&E to finalise LEP																
DPE Assessment																
Plan Making																

## 7. Conclusion

The Planning Proposal is considered to have strategic planning merit and is justified as it:

- is consistent with the Botany Bay Planning Strategy 2031 in that it will enable the more efficient and effective use of employment land in proximity to two major international trade gateways of Sydney Airport and Port Botany;
- is considered the best means of achieving the objectives and intended outcomes as it proposes planning controls that allow for increased business and employment capacity on the site within the site's current land use zoning;
- is consistent with the Greater Sydney Region Plan and the Eastern City District Plan priorities, including in particular protecting and making better use of business and employment land in strategic locations;
- meets the requirements of relevant s9.1 Ministerial Directions including those numbered 1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.4 Integrating Land Use and Transport; 3.5 Development Near Licensed Aerodromes; 4.1 Acid Sulfate Soils; and 4.3 Flood Prone Land; 6.3 Site Specific Provisions; and 7.1 Implementation of A Plan for Growing Sydney;
- is consistent with the desired future scale and character and of built form in the locality
  as demonstrated within the Urban Design Review at Appendix A and is compatible
  with surrounding land uses;
- is respectful of the adjacent heritage listed St Matthew's Church with only minor impacts to its heritage significance;
- be a catalyst for positive change in the local business environment provides for new business opportunities that will support economic growth and sustainability within Sydney's existing urban footprint;
- will result in a net increase in economic activity in an existing employment precinct that is strategically located in close proximity to Sydney's two key international trade gateways through direct and flow-on impacts (over the course of the construction phase):
  - \$10.4 million in output (including \$4.8 million in direct activity).
  - \$3.9 million contribution to GRP (including \$1.2 million in direct activity).
  - \$2.1 million in incomes and salaries paid to households.
  - 28 FTE jobs (including seven directly employed in the construction activity).
- provides a well-considered design rationale that appropriately responds to its heritage context and adheres to the Burra Charter principals as demonstrated in Appendix E;
- is in a location where transport and utility infrastructure are available, and there will be no public infrastructure cost on the community; and
- is in a location where environmental planning issues and potential impacts are not of such significance as to preclude the proposal, and can be managed in the planning and design of future Development Applications.

Given the above strategic planning merit and justification, it is requested that Council proceed in forwarding this planning proposal to the Minister or his delegate for a Gateway determination under section 3.34 of the EP&A Act to enable the proposal to be exhibited for public, community and stakeholder input. Appendix A

**Urban Design Review/ Assessment** 

Appendix B

Draft Site Specific DCP

## Appendix C

**Economic Impacts Statement** 

Appendix C-1

Addendum to Economic Impacts Statement

## Appendix D

Traffic and Parking Impacts Assessment

Appendix D-1

Addendum to Traffic and Parking Impacts Assessment

## Appendix E

Heritage Impacts Statement

Appendix F Flood Advice Appendix G Site Survey Appendix H Table of SEPPs

SEPP	Not Relevant	Justifiably Inconsistent	Consistent
SEPP 1 - Development Standards			$\checkmark$
SEPP 19 - Bushland in Urban Areas	×		
SEPP 21 - Caravan Parks (formerly Movable Dwellings)	×		
SEPP 30 - Intensive Agriculture	✓		
SEPP 33 - Hazardous and Offensive Development	×		
SEPP 36 - Manufactured Home Estates	~		
SEPP 44 - Koala Habitat Protection	~		
SEPP 47 - Moore Park Showground	~		
SEPP 50 - Canal Estates	✓		
SEPP 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	✓		
SEPP 55 - Remediation of Land			✓
SEPP 62 - Sustainable Aquaculture	~		
SEPP 64 - Advertising and Signage	✓		
SEPP 65 - Design Quality of Residential Flat Development	~		
SEPP 70 - Affordable Housing (Revised Schemes)	~		
SEPP (Affordable Rental Housing) – 2009	✓		
SEPP (Building Sustainability Index: BASIX) 2004	~		
SEPP (Coastal Management) 2018	×		
SEPP (Educational Establishments and Child Care Facilities) 2017	~		
SEPP (Exempt and Complying Development Codes) 2008	~		
SEPP (Housing for Seniors or People with a Disability) 2004	~		
SEPP (Infrastructure) 2007			✓
SEPP (Integration and Repeals) 2016	✓		
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	~		

SEPP	Not Relevant	Justifiably Inconsistent	Consistent
SEPP (Kurnell Peninsula) 1989	✓		
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	*		
SEPP (Miscellaneous Consent Provisions) 2007	✓		
SEPP (Penrith Lakes Scheme) 1989	✓		
SEPP (Rural Lands) 2008	✓		
SEPP (State and Regional Development) 2011	✓		
SEPP (Sydney Drinking Water Catchment) 2011	✓		
SEPP (Sydney Region Growth Centres) 2006	✓		
SEPP (Three Ports) 2013	✓		
SEPP (Urban Renewal) 2010	✓		
SEPP (Western Sydney Employment Area) 2009	✓		
SEPP (Western Sydney Parklands) 2009	✓		

Appendix I

Table of s9.1 Directions

	Ministerial Direction	Not Relevant	Justifiably Inconsistent	Consistent
1.	Employment & Resources			
1.1	Business and Industrial Zones			✓
1.2	Rural Zones	~		
1.3	Mining, Petroleum Production and Extractive Industries	~		
1.4	Oyster Aquaculture	✓		
1.5	Rural Lands	✓		
2	Environment & Heritage			
2.1	Environmental Protection Zones	✓		
2.2	Coastal Protection	✓		
2.3	Heritage Conservation	✓		
2.4	Recreation Vehicle Areas	✓		
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	*		
3	Housing, Infrastructure and Urban Development			
3.1	Residential Zones	✓		
3.2	Caravan Parks and Manufactured Home Estates	✓		
3.3	Home Occupations	✓		
3.4	Integrating Land Use and Transport			✓
3.5	Development Near Licensed Aerodromes			✓
3.6	Shooting Ranges	✓		
4	Hazard and Risk			
4.1	Acid Sulfate Soils		$\checkmark$	
4.2	Mine Subsidence and Unstable Land	<b>√</b>		
4.3	Flood Prone Land			✓
4.4	Planning for Bushfire Protection	✓		
5	Regional Planning			
5.1	(Revoked 17 October 2017)	<b>√</b>		
5.2	Sydney Drinking Water Catchments	✓		

	Ministerial Direction	Not Relevant	Justifiably Inconsistent	Consistent
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	*		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	√		
5.5	(Revoked 18 June 2010)	✓		
5.6	(Revoked 10 July 2008)	✓		
5.7	(Revoked 10 July 2008)	✓		
5.8	Second Sydney Airport: Badgerys Creek	✓		
5.9	North West Rail Link Corridor Strategy	✓		
5.10	(Revoked 17 October 2017)	✓		
6	Local Plan Making			
6.1	Approval and Referral Requirements	✓		
6.2	Reserving Land for Public Purposes	✓		
6.3	Site Specific Provisions			✓
7	Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney	Superceded		
7.2	Implementation of Greater Macarthur Land Release Investigation	✓		
7.3	Parramatta Road Corridor Urban Transformation Strategy	✓		
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	~		
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	V		
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	V		
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✓		