

Planning and Assessment

IRF19/5094

Gateway determination report

LGA	Bayside
PPA	Bayside Council
NAME	Proposal to amend FSR and height controls under the Botany Bay Local Environmental Plan 2013 to increase development standards at 1-3 Lord Street, Botany
NUMBER	PP_2019_BSIDE_004_00
LEP TO BE AMENDED	Botany Bay Local Environmental Plan 2013
ADDRESS	1-3 Lord Street, Botany
DESCRIPTION	Lots 2 and 4, DP 593463
RECEIVED	12 July 2019
FILE NO.	IRF19/5094
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend the Botany Bay LEP 2013 in the following manner:

- increase the maximum Floor Space Ratio (FSR) from 1:1 to 1.75:1, and
- increase the maximum height from 10m to 16.5m.

No change is proposed to the current B7 Business Park zone under the Botany Bay LEP 2013.

A concept design of four storey commercial building has been submitted with the proposal. The key aspects of the concept are shown in **Table 1**:

Table 1: Details of the proposal

Component	Detail
Zoning	B7 Business Park (No change proposed)
FSR	1.75:1
Height	16.5m
Parking	Total 92 spaces

	<ul style="list-style-type: none"> • Basement: 74 spaces • Ground Level: 18 spaces
Floor space Ground	Total: 4,471 sqm <ul style="list-style-type: none"> • Commercial/warehouse: 522 sqm • Lobby: 100 sqm • Retail/Café: 99 sqm
Level 1	<ul style="list-style-type: none"> • Commercial: 1,350 m²
Level 2	<ul style="list-style-type: none"> • Commercial: 1,250 m²
Level 3	<ul style="list-style-type: none"> • Commercial: 1,150 m²
Employment	167 additional jobs directly related to the use on site

The planning proposal states that it 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 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 guide the future development of the site (**Attachment F**) and its interface with St Matthew's Church.



Figure 1: Indicative view from Botany Road (Source: Planning Proposal & BuiltConsult Pty Ltd)

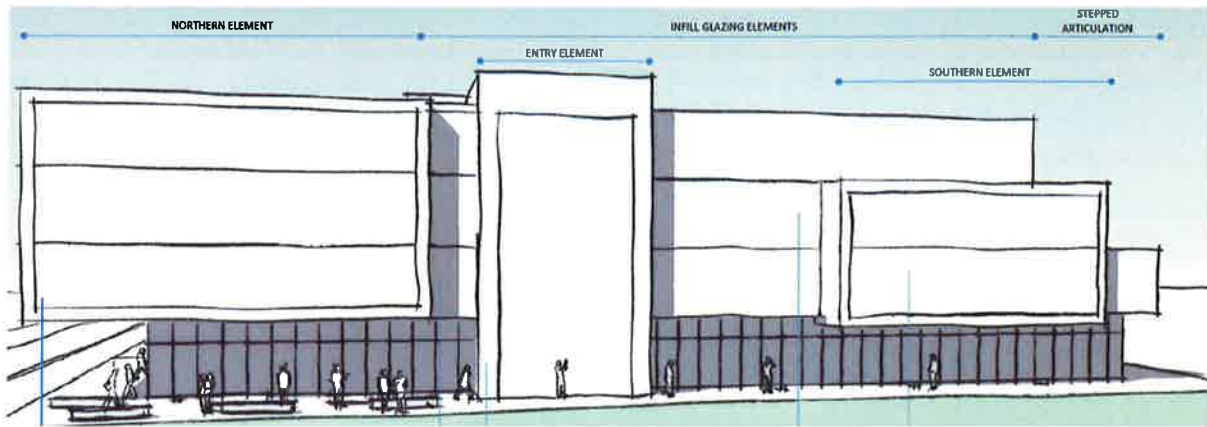


Figure 2: Indicative western facade facing St Matthew's Church and Botany Road (Source: Planning Proposal & BuiltConsult Pty Ltd)

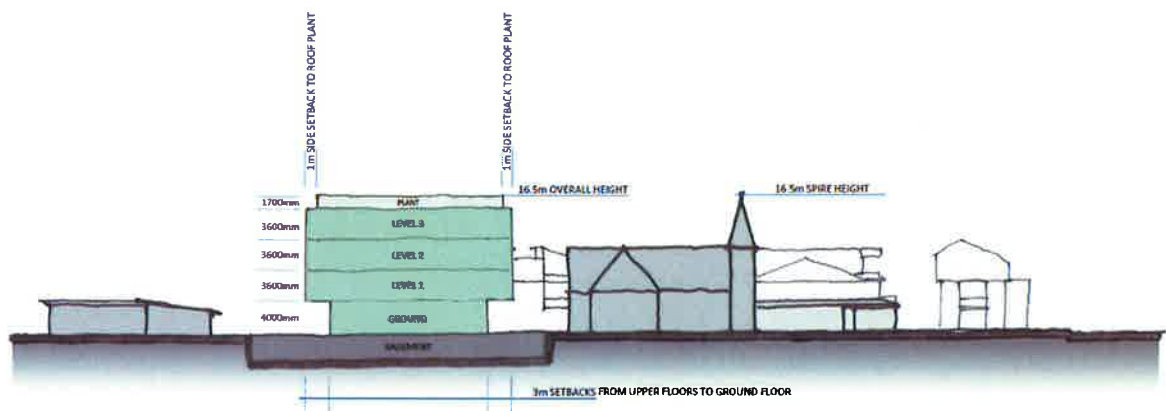


Figure 3: Indicative concept of the interface between the building envelope and St Matthew's Church) (Source: Planning Proposal & BuiltConsult Pty Ltd)

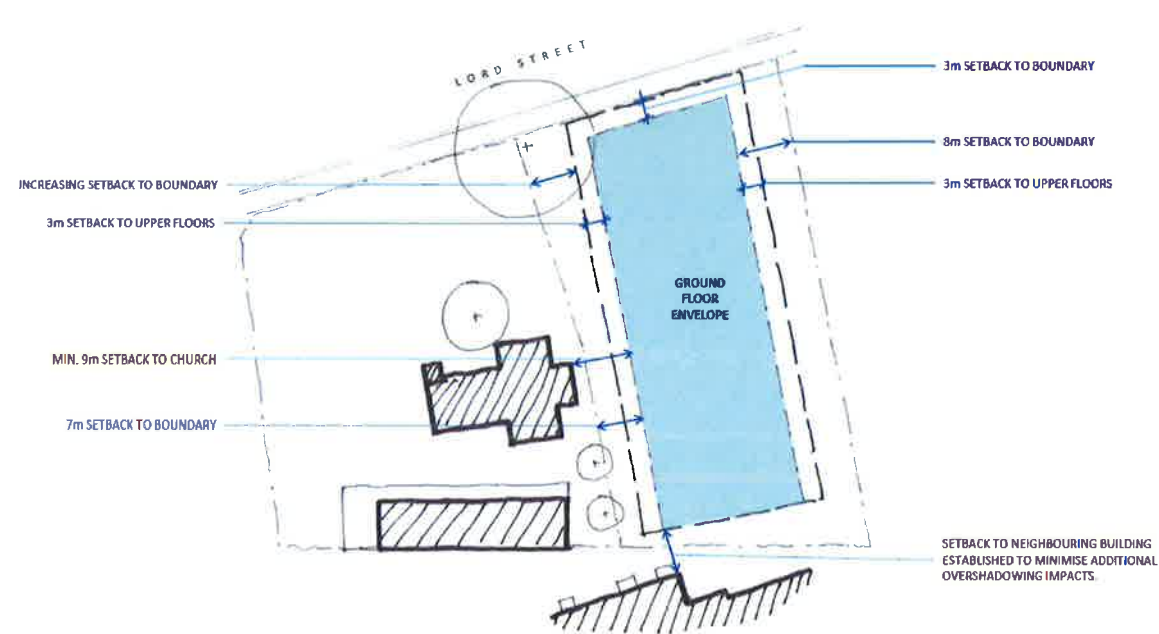


Figure 4: Indicative building envelope and setback – Ground floor (Source: Planning Proposal & BuiltConsult Pty Ltd)

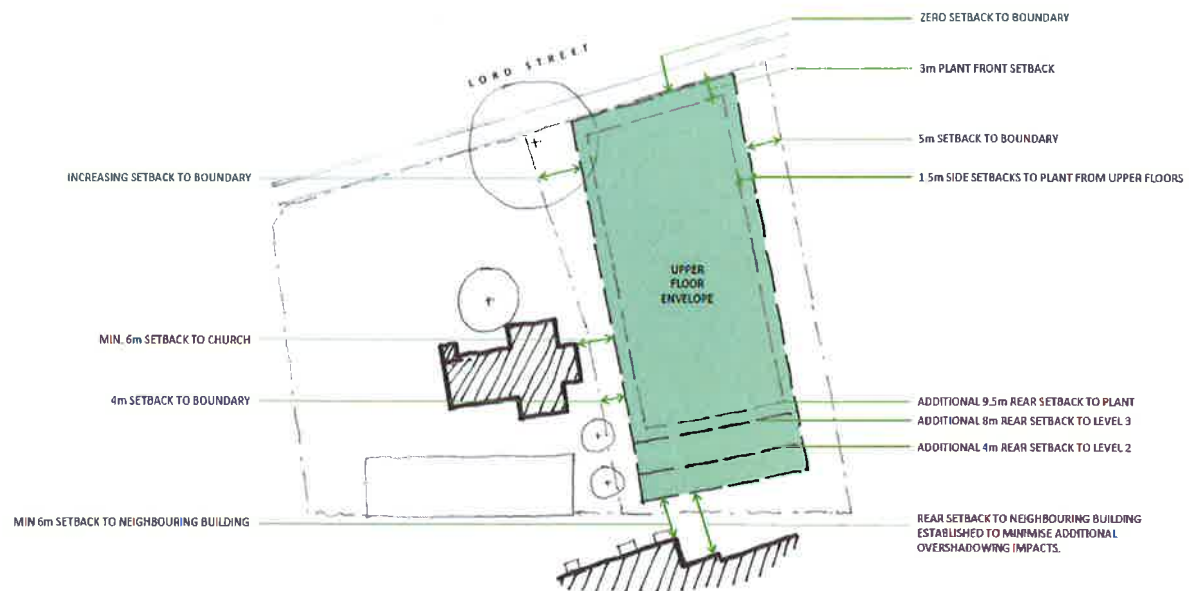


Figure 5: Indicative building envelope and setback – Upper floors (Source: Planning Proposal & BuiltConsult Pty Ltd)

1.2 Site description

The site at 1-3 Lord Street, Botany is legally known as Lot 2 DP 593463 and Lot 4 DP 593463. The site comprises of two irregular shaped lots, with a total area of approximately 2,555m² (**Figure 6**). The site is on the southern side of Lord Street and has a 40m frontage to Lord Street.

There is an existing two storey commercial warehouse on the site. The connects to the M1 and M5 motorways through Botany Road.



Figure 6: The site location (in red) and surrounding area (Source: Nearmap)



Figure 7: Existing warehouse building facing south from Lord Street (Source: Nearmap)

1.3 Existing planning controls

The site is zoned B7 Business Park (**Figure 8**) and is subject to the following development standards under the Botany Bay LEP 2013:

- Maximum floor space ratio: 1:1 (**Figure 9**); and
- Maximum height of building: 10m (**Figure 10**).

The site is also identified under clause 6.1 of the Botany Bay LEP 2013 as being affected being Class 4 Acid Sulfate Soils (**Figure 11**).

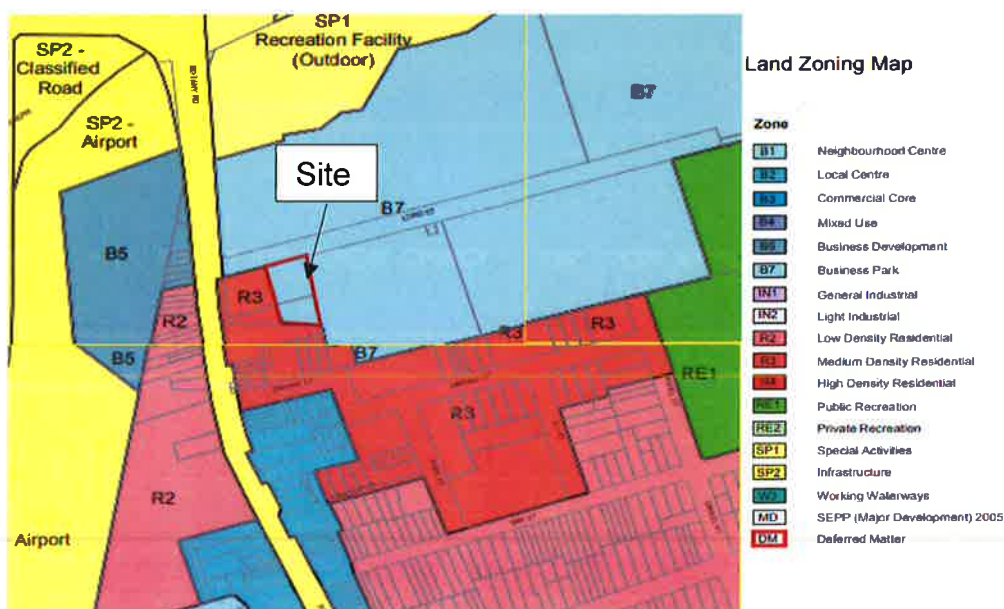


Figure 8: Existing Land Zoning Map (Source: Botany Bay LEP 2013)

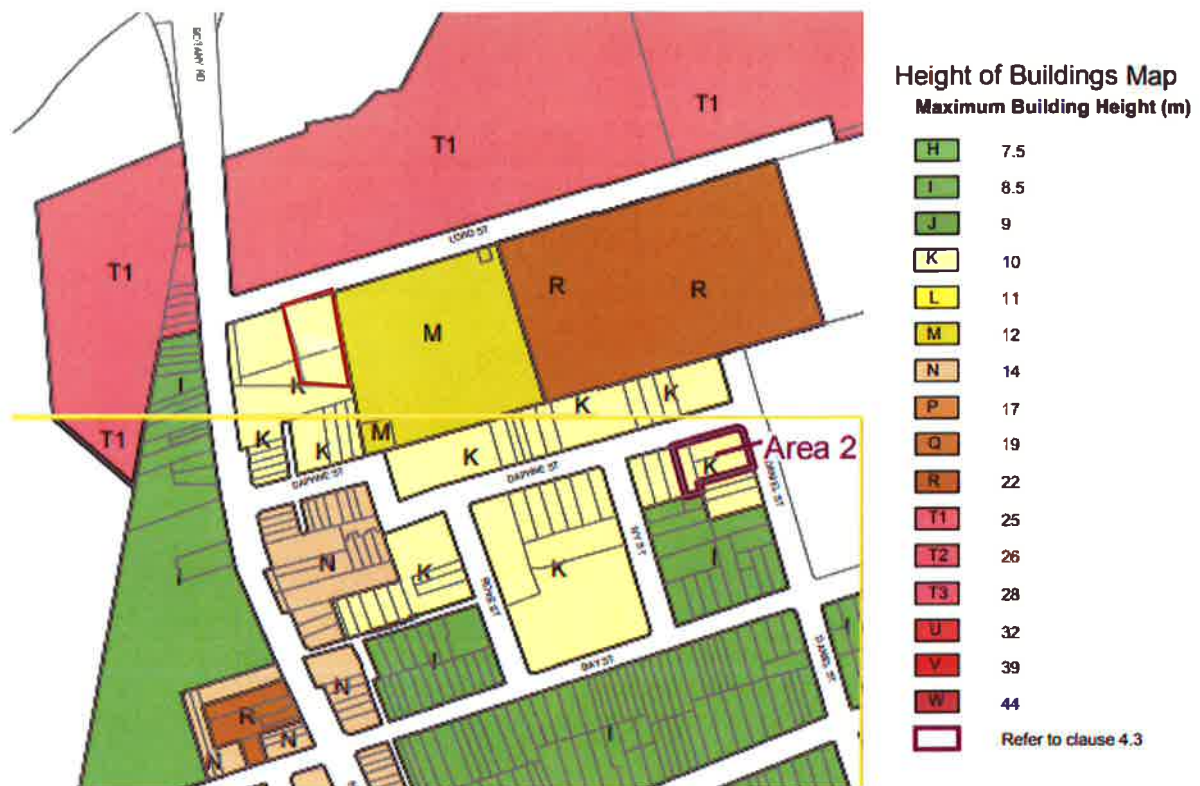


Figure 9: Existing Height of Building Map (Source: Botany Bay LEP 2013)

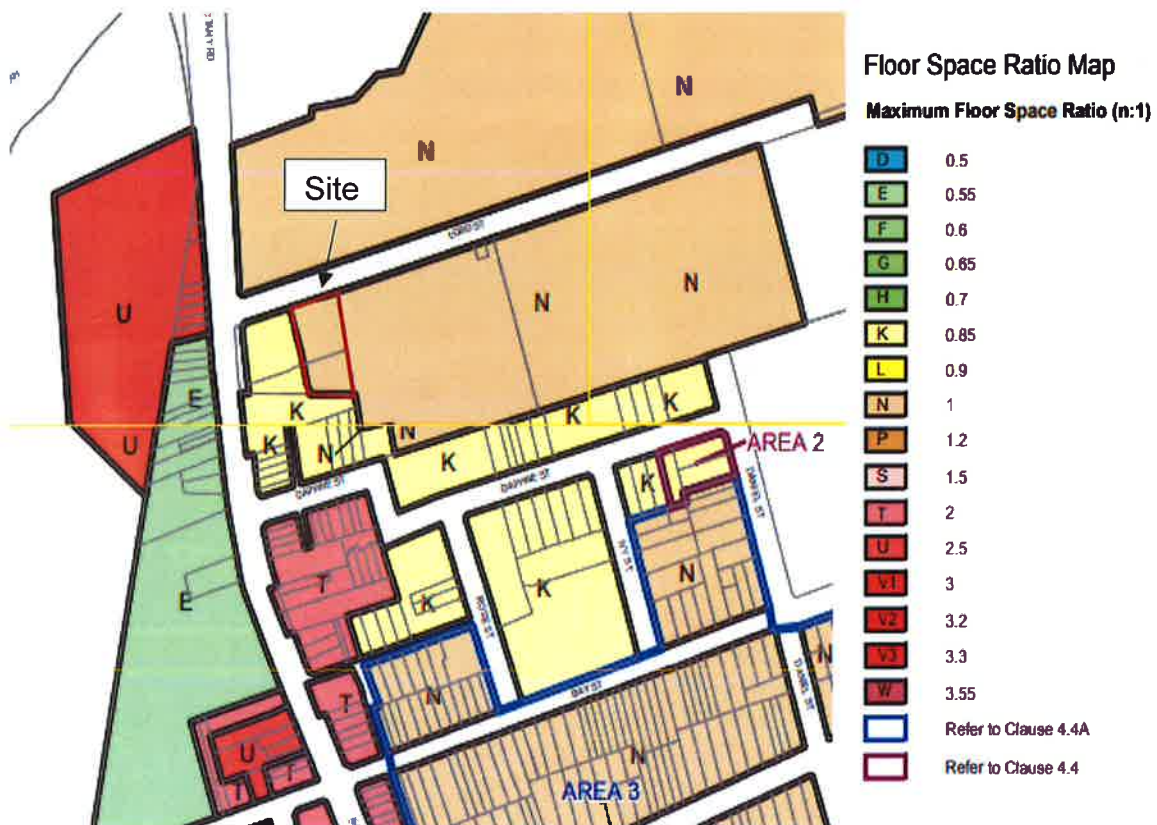


Figure 10: Existing Floor Space Ratio Map (Source: Botany Bay LEP 2013)

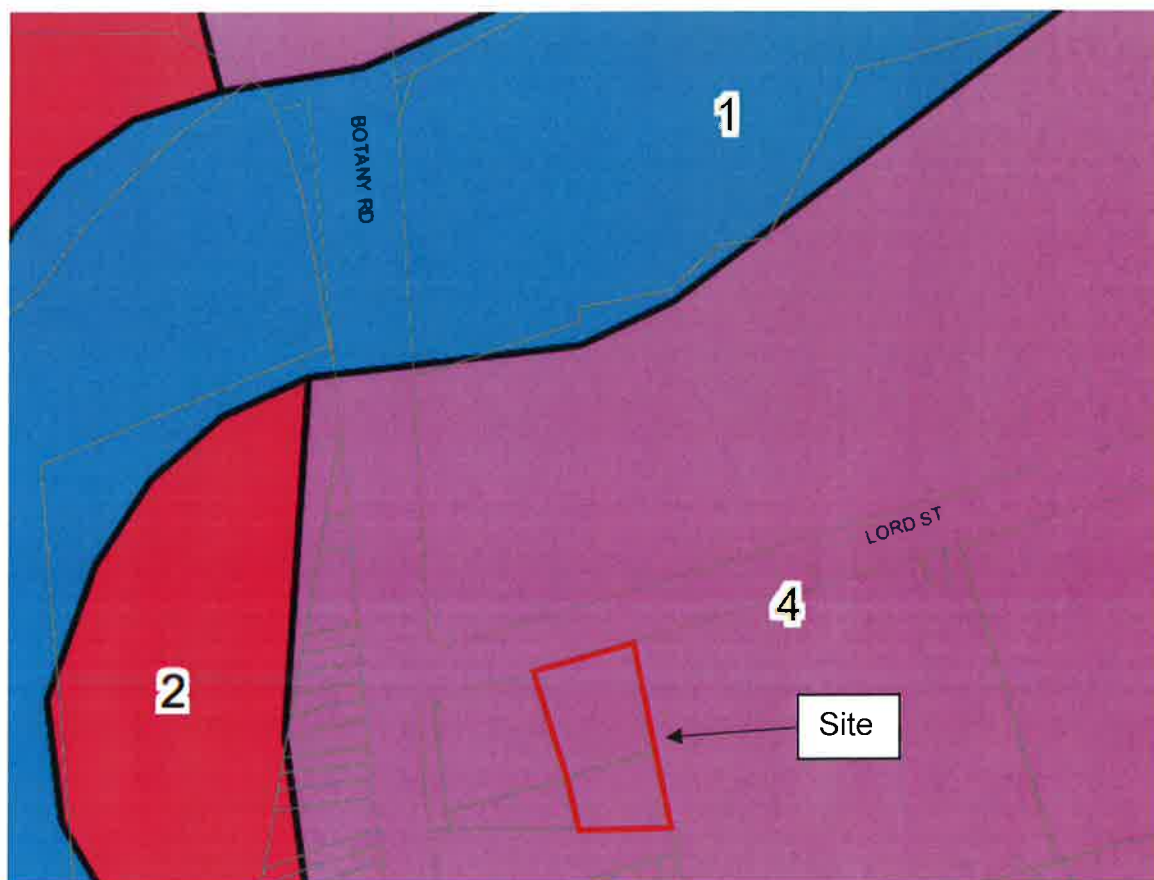


Figure 11: Existing Acid Sulfate Soils Map (Source: Botany Bay LEP 2013)

1.4 Surrounding area

The site and its context of the surrounding area are shown in **Figure 12**. Lord Street is also known as Lord Street Business Park and there are a series of industrial and commercial developments with one to four storeys buildings occupying the area.

The site is bounded by the business and commercial developments. Lakes Business Park is directly to the north and east of the site and Sir Joseph Banks Corporate Park is further north eastern side of Lord Street. To the south, there are medium density residential developments comprises two storey town houses and terraces, and to the west is a heritage listed St Matthew's Church and Botany Road. The site is also adjacent to the Botany Township Heritage Conservation Area. The site is not a heritage listed item nor within the heritage conservation area (**Figure 13**).

The Botany Town Centre is approximately 200m to the south along Botany Road and provides services for local residents and workers. The site is in a convenient location accessed by a bus network that connects between Sydney CBD and Port Botany.

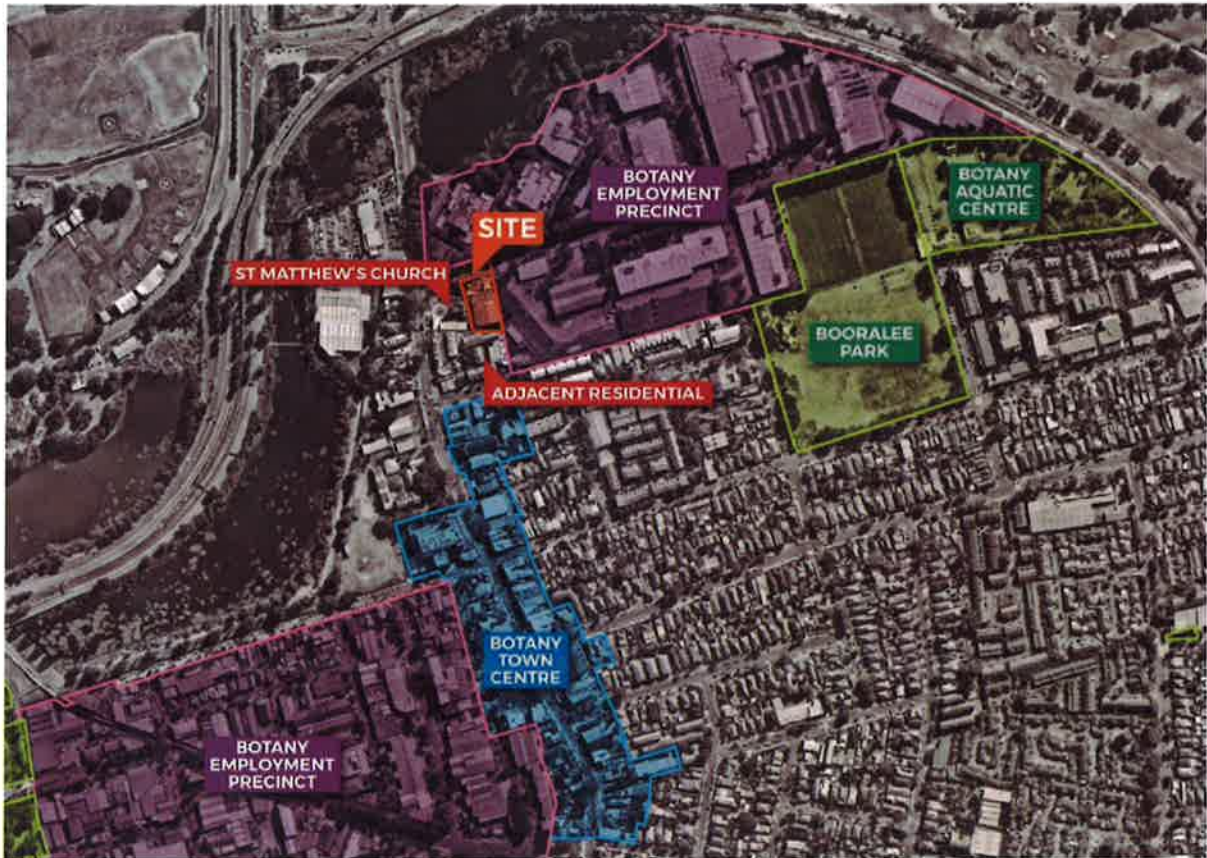


Figure 12: The site and surrounding uses (source: Bayside Council)



Figure 13: Existing Heritage Map (Source: Botany Bay LEP 2013)

1.5 Summary of recommendation

The planning proposal has merit and should proceed because it:

- is consistent with the Eastern City District Plan;
- is consistent with relevant section 9.1 Ministerial Directions and State Environmental Planning Policies;
- will retain and enhances the use of the employment land as commercial and industrial;
- will increase the number of jobs, commercial and industrial use and business capacity at a strategic location;
- considers the heritage significance of St Matthew's Church and the indicative concept design is aiming to reduce impact onto the church and on the streetscape.

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal intends to amend the Botany Bay LEP 2013 to facilitate a commercial and industrial development that is close to the major international trade gateways of Sydney Airport and Port Botany.

The proposal intends to provide increased employment opportunities in a strategically well located site within Lord Street Business Park Precinct and close to the Botany Town Centre.

The proposal is accompanied by an indicative concept plan for the development (**Attachment E**).

2.2 Explanation of provisions

The proposal intends to amend the Botany Bay LEP 2013 by:

- amending the Height of Building map (HOB_001) to increase the maximum building height from 10m to 16.5m; and
- amending the Floor Space of Ratio map (FSR_001) to increase the maximum FSR from 1:1 to 1.75:1.

No change to the existing B7 Business Park land use zoning is proposed.

2.3 Mapping

The proposed amendment of FSR and HOB controls require amendments to the corresponding Botany Bay LEP 2013 maps.

The planning proposal includes mapping showing the proposed changes to the height in buildings and FSR maps as shown in the **Figures 13 and 14**, over the page.

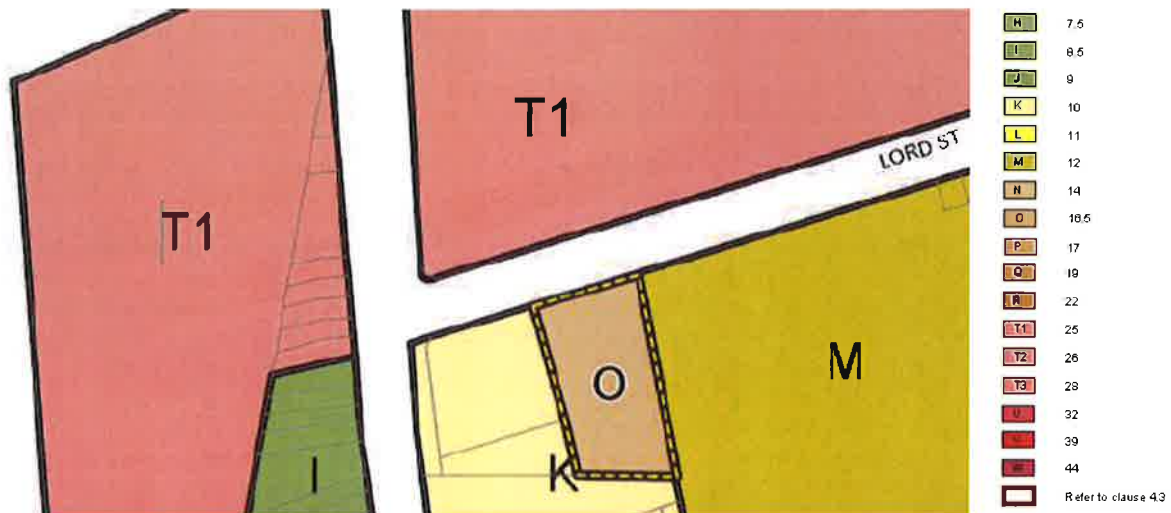
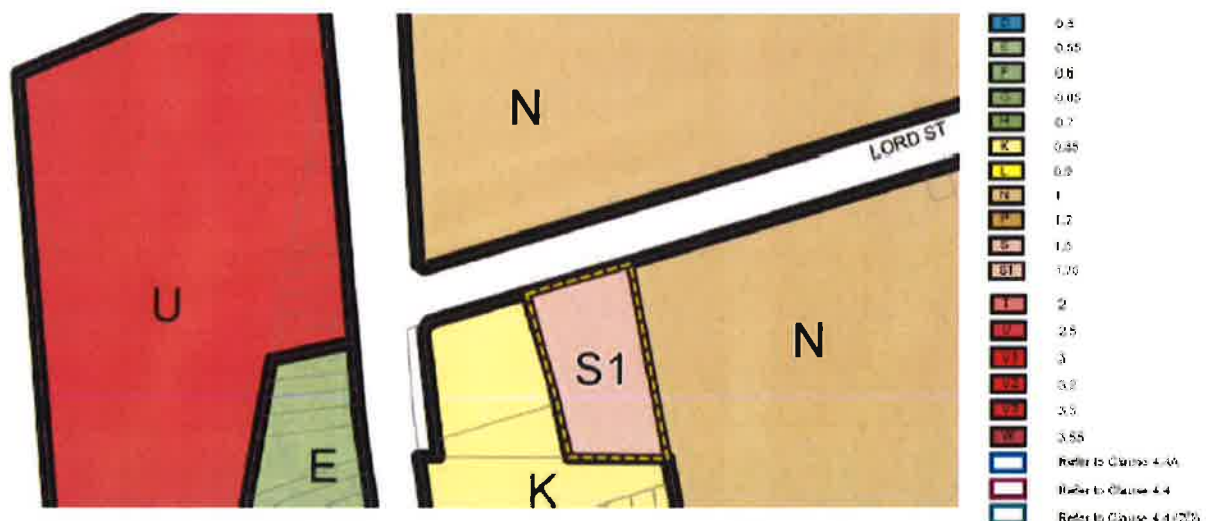


Figure 13: Proposed Height of Buildings Map (Source: Planning Proposal)



The planning proposal seeks to implement specific LEP provisions. There are no other mechanisms other than a planning proposal to amend planning controls to facilitate the intended outcomes.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Eastern City District Plan

The Eastern City District Plan was released on 18 March 2018. The plan contains 22 planning priorities and associated actions to guide the growth of the Eastern City District while improving the district's social, economic and environmental assets. Consistency with these directions is important to achieving a liveable, productive and sustainable future for the district, including the alignment of infrastructure with growth.

The planning proposal is consistent with the following relevant planning priorities of the plan as demonstrated in **Table 2** below.

Table 2: Planning priorities

Planning Priorities	Department Comments
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	The planning proposal aligns with this priority as it seeks to improve the relationship between the development on the subject site and the heritage listed St Matthew's church by applying a sympathetic design response to minimise the visual impact and views from the church building.
Planning Priority E9: Growing international trade gateways	The planning proposal aligns with this priority as it seeks to provide an opportunity to develop and intensify existing employment lands to provide additional opportunities for warehousing and commercial uses next to the Sydney Airport and Port Botany international trade gateways.
Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres	The planning proposal aligns with this priority as it seeks to further strengthen the economic opportunities in the Eastern Economic Corridor.
Planning Priority E12: Retaining and managing industrial and urban services land	The planning proposal aligns with this priority as it seeks to protect and enable 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.
Planning Priority E13: Supporting growth of targeted industry sectors	The planning proposal aligns with this priority as it seeks to provide additional commercial/industrial floor space to support

Planning Priorities	Department Comments
	the significant freight and logistics industries in that will benefit from competitive advantages and efficiencies afforded proximity to trade gateways and the District four intermodal terminals.

4.2 Local

Botany Bay Planning Strategy 2031

Council's Botany Bay Planning Strategy 2031 was prepared for the development of a comprehensive LEP in 2009 which sets out the vision for Botany Bay area for 20 years and in line with the Metropolitan Strategy and the then draft East Subregional Strategy.

The planning proposal is consistent with key strategy directions as demonstrated in **Table 3** below:

Table 3: Strategy directions and outcomes

Strategy Directions	Outcomes
Direction 1. Enhancing housing choice and liveability	The planning proposal is consistent with this direction as it will protect the valued characteristics of Botany Bay centres and suburbs and minimise the impact from industrial areas and activities.
Direction 2. Revitalising Botany Road and Traditional Centres	The planning proposal is consistent with this direction as it will support and reinforce the centres along the Botany Road spine.
Direction 4. Reviving the local economy	The planning proposal is consistent with this direction as it will: <ol style="list-style-type: none"> 1. focus local light and service industry activities in existing industrial areas where these are currently the predominant uses in Botany. 2. provide for additional retail and service activities on site which is close to Botany Centre. 3. promote the Botany Road corridor as locations for new enterprise and commercial activities.
Direction 5 & 6. Maintaining Sydney Airport and Port Botany as a Global Gateway	The planning proposal is consistent with this direction as it will: <ul style="list-style-type: none"> • protect existing employment areas near the Airport and port for related activity and business. • support the development of new off-site employment locations near the Airport to accommodate the growth in demand for Airport related activity. • ensure future expansion of Airport and port activities does not further compromise residential amenity.

Strategy Directions	Outcomes
	<ul style="list-style-type: none"> ensure local and regional road networks are configured to support the Airport and port related activities.

4.4 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

The objective of this direction is to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.

The proposal is consistent with this direction as it seeks to retain the existing zoning B7 Business Park and will provide the potential for additional employment opportunities by an increase in commercial/industrial floor space.

Direction 2.3 Heritage Conservation

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

The accompanying Heritage Impact Statement considers that the design concept supporting the proposal is respectful to the adjacent church, which is achieved through:

- providing architectural articulation, especially to the western façade facing the church grounds, to establish a high quality visual backdrop for the heritage item;
- 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; and
- activating the new pedestrian laneway along western boundary with commercial uses (e.g. Café) and building entrances.

Any development application would also need consider clause 5.10 of the Botany Bay LEP 2013 which seeks to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, consideration of heritage impacts.

Finally, it is proposed to consult with Heritage, Department of Premier and Cabinet.

Therefore, it is considered that the planning proposal is consistent with this direction as it aims to provide a high quality built form that is sympathetic and complementary to the adjoining heritage listed church and heritage conservation area.

Direction 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure the built form improves access to housing, jobs and services by walking, cycling or public transport use and providing for the efficient movement of freight.

The planning proposal is consistent with this direction as it will provide additional commercial and industrial activities close to housing, public transport and existing services.

Direction 3.5 Development Near Regulated Airports and Defence Airfields

The proposal is consistent with the Direction. The objectives of this direction is to ensure that the proposal addresses the affective and safe operation of regulated airports and also their operation is not compromised by development that constitutes an obstruction, hazard to aircraft flying in the vicinity.

The proposal addresses the airport's Obstacle Limitation Surface (OLS) as the maximum height of the proposed built form is 16.5m and the existing ground level is 5.0m to 5.5m AHD, it will result an overall Australian Height Datum (AHD) of 22m which is below the prescribed OLS for Sydney Airport for the site. The site's location is within the Inner Horizontal Surface which shows as 51m AHD on the OLS map.

The endorsed Australian Noise Exposure Forecast (ANEF) for Sydney Airport for 2039 indicate the site is within the ANEF 25-30 contour level and commercial and industrial uses are suitable below ANEF 30.

Due to the proposal's proximity to Sydney Airport, a core regulated airport, it is recommended that consultation occur in accordance with this direction. As such, the proposal should be referred to Department of Infrastructure, Transport, Cities and Regional Development, CASA, and SACL.

Direction 4.1 Acid Sulfate Soils

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

The subject site is identified as the land with an Acid Sulfate Soils Class 4 in the BBLEP 2013 and requires a relevant study at development application stage if the building work is more than 2 metres below the ground level.

The planning proposal provides only a concept plan and the built form in the concept proposes to accommodate basement car parking.

The subject planning proposal does not seek to alter the existing zoning of the land and will not create the opportunity for additional land uses. The Botany Bay LEP 2013 contains existing provisions to ensure the consideration of acid sulphate soils during development assessment. As adequate provisions already exist and the nature of the proposal, it is considered any inconsistency with this direction is justified as being of minor significance.

Direction 4.3 Flood Prone Land

The objective of this direction is to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. Though the Botany Bay LEP 2013 does not include a flood planning clause, the subject site has been identified as flood prone by Council Officers.

A flooding analysis has been provided with the application which identifies a sag point on Lord Street in the vicinity of the site. This causes water to pond on the road and extent into the properties north and south of the road in events as frequent as a 5 year Average Recurrence Interval (ARI). The front of the site is affected by the ponded water to depths of 0.5m in the 1% Annual Exceedance Probability (AEP) event. Whilst the entirety of the site is affected by the Probable Maximum Flood (PMF) event to a depth of 0.8m.

The flooding advice states that engineering solutions are capable of being designed through proper site planning to address any flooding concerns. Sufficient information has been provided to address the direction and guide public and agency consultation. A Gateway condition requires the planning proposal to be referred to Environment, Energy and Science Group for comment.

In light of the advice provided and the planning proposal not altering any land uses, any inconsistency with this direction is considered to be of minor significance.

4.5 State environmental planning policies (SEPPs)

State Environmental Planning Policy 55 – Remediation of Land

The planning proposal considers the requirements of clause 6 in SEPP 55. This clause requires that the planning authority consider whether the land is contaminated and the suitability of the land for the proposed use under the planning proposal.

The proposal does not seek to change the zoning of B7 Business Park and continue to use the site as predominantly commercial and industrial. As the planning proposal does not seek to permit any additional sensitive land uses, no further information is necessary to be provided as part of this assessment. Should further testing be required, this can be undertaken as part of any future development application.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposal seeks to provide opportunities for additional employment in the area that is accessible to public transport. It also seeks to activate the site at street level by providing retail/commercial uses at ground level. It will provide an outdoor space that aims to create the opportunity to connect with the church grounds and enhance the visibility and accessibility from the street. This has the potential to provide for an improved public interaction at ground level.

5.2 Environmental

Natural environment

Though the Botany Bay LEP 2013 does not include a flood planning clause, the subject site is flood prone land as defined in the NSW Flood Planning Manual 2005. As previously discussed, a flooding analysis has been provided with the planning proposal. The flooding advice states that engineering solutions are capable of being designed through proper site planning to address any flooding concerns. Sufficient information has been provided to address the direction and guide public and agency consultation. A Gateway condition requires the planning proposal to be referred to Environment, Energy and Science Group for comment.

The site is located on an existing urban commercial and industrial setting which minimises the potential for any additional impacts on the natural environment.

Height, built form and heritage

As discussed, the site adjoins St Matthews Anglican Church which is identified as a local heritage item. A prominent view of the site is provided from the corner of Botany Road and Lord Street. St Matthews Church is set back from the street with its Church Grounds providing significant visibility to the site.

The planning proposal is supported by an Urban Design Review which includes a development concept scheme (**Attachment E**). Due to the sites adjoining a heritage item and heritage conservation area, a HIS has been prepared which considers the heritage impacts of the proposal (**Attachment H**).

The urban design review includes a number of design principles (**Figures 15 to 17**), being:

- limiting the height of the building on the subject site to the height of the church spire of 16.6m;
- providing architectural articulation, especially to the western façade facing the church grounds, to establish a high quality visual backdrop for the heritage item;
- 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; and
- activating the new pedestrian laneway along western boundary with commercial uses (eg. Café) and building entrances.

These design principles were considered as part of the HIS, which concluded that the concept scheme has considered the heritage significance of the church with the built form appropriately responding to the site's and surround's heritage significance. This is justified by:

- the retention of the unobstructed vistas to the church from Botany Road and Lord Street (**Figure 15**);
- ground floor activation of the proposed development can contribute to the churches' setting (**Figure 15**); and
- utilising simplistic architectural expressions with vertical and horizontal elements to complement the significance of the church and its grounds (**Figure 17**).

To further ensure an appropriate response to the surrounding area, a Site Specific Draft DCP is included to support the proposal (**Attachments F**). This DCP establishes design principles and development controls to assist in managing future built form on the site and St Matthews Church and surrounding buildings. This includes a proposed 5m side setback along the eastern boundary for Levels 1-3 to provide separation to the church.

The Department considers that the increased height and density of the planning proposal can be accommodated on the site and achieve a suitable built form if designed appropriately. The concept and the Site Specific DCP seek to establish a high quality interface between any future built form on site and the adjoining church and its open space. The additional setback on the western side of the site between the existing church intends to preserve the light and amenities to the church. It will activate the existing street frontage to Lord Street from Botany Road as the proposal incorporates retail activities on the ground floor level.

A Gateway condition is included requiring consultation with Heritage, Department of Premier and Cabinet.

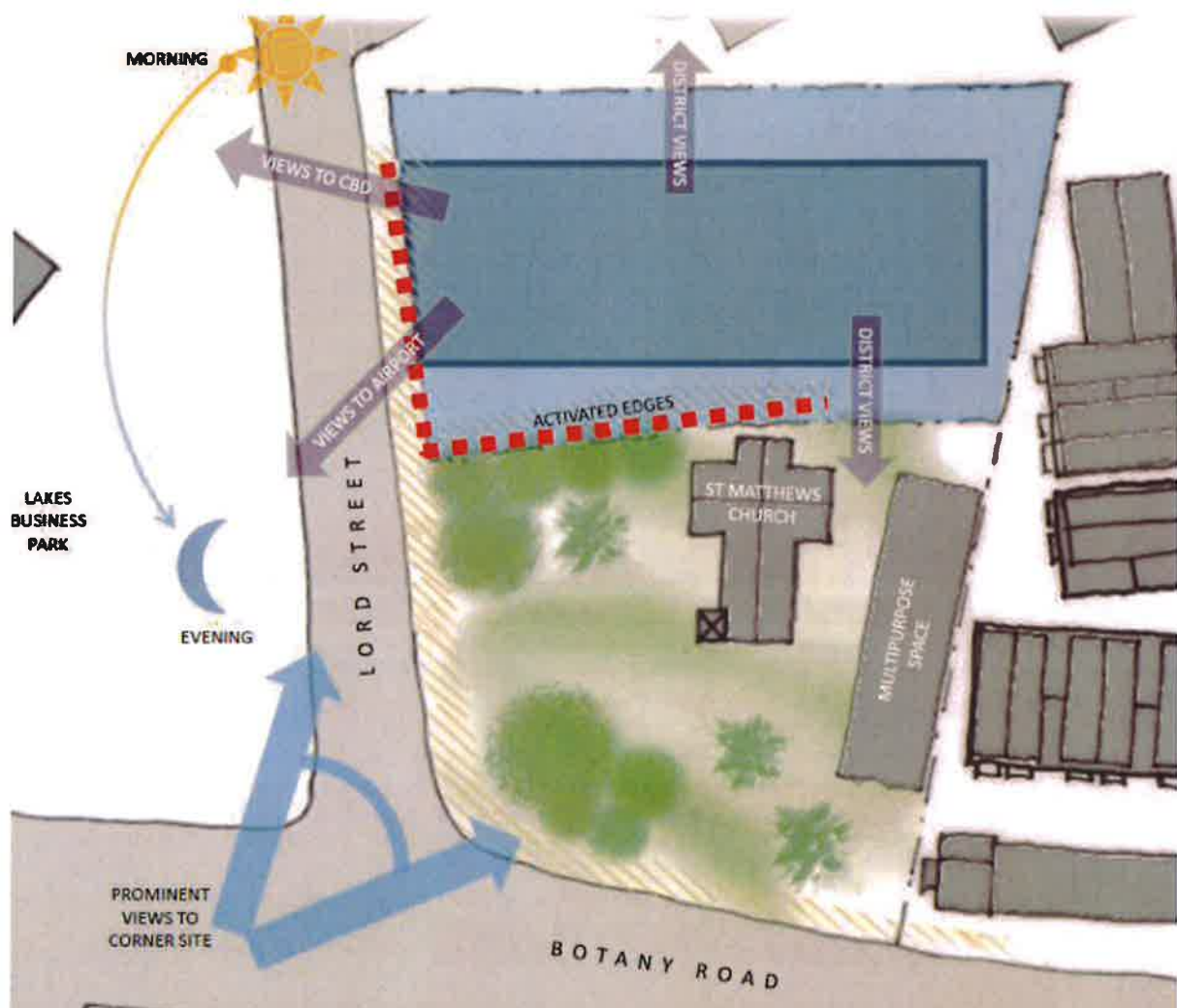


Figure 15: Context plan (Source: Planning Proposal & BuiltConsult Pty Ltd)

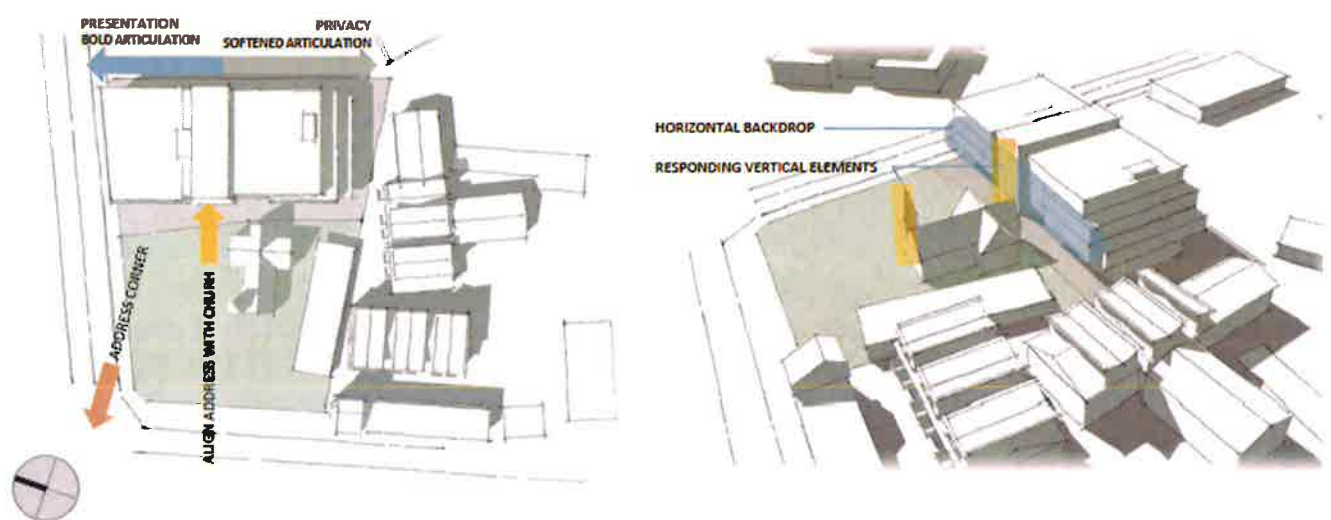


Figure 16: Presentation to St Matthew's Church (Source: Planning Proposal & BuiltConsult Pty Ltd)

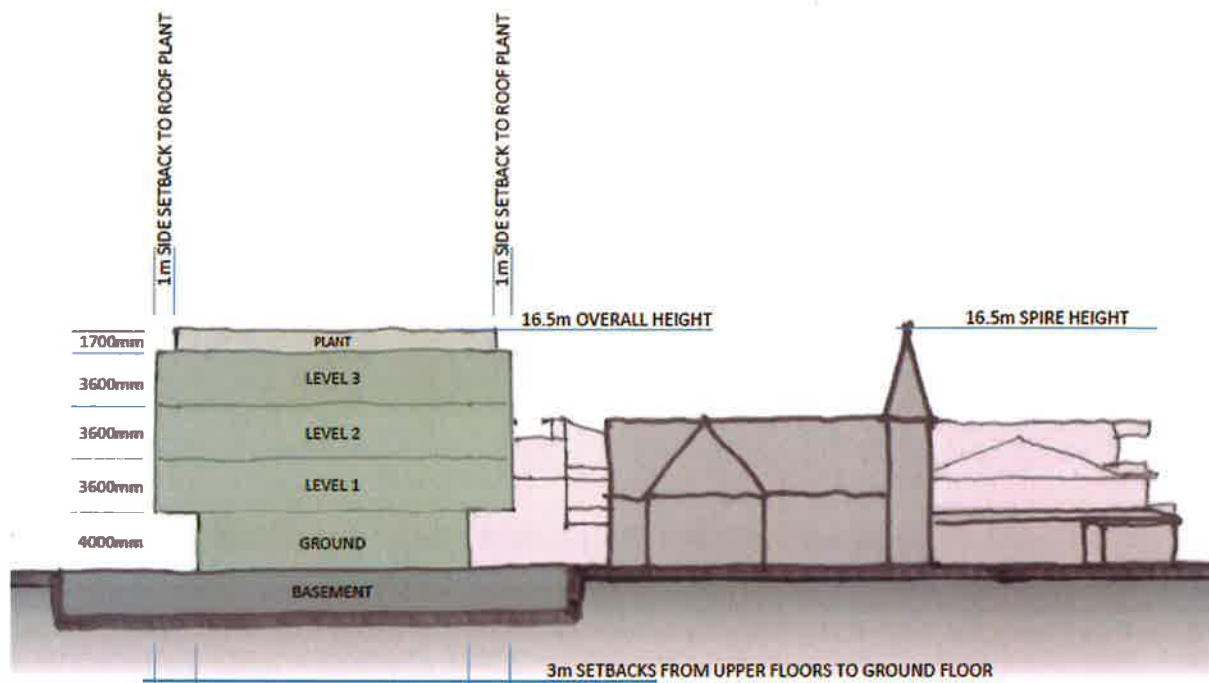


Figure 17: Proposed envelope and setback viewed from Lord Street (Source: Planning Proposal & BuiltConsult Pty Ltd)

Overshadowing

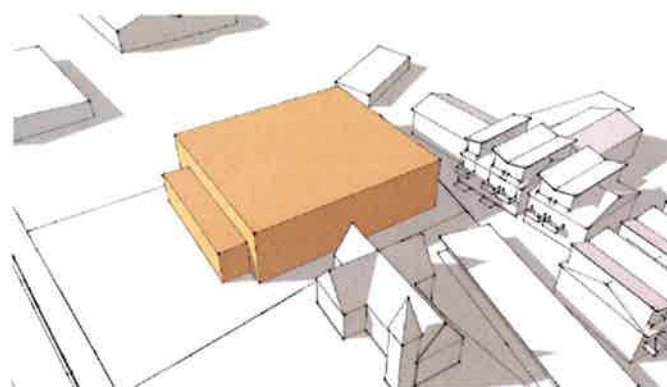
The proposal includes overshadowing diagrams (**Attachment E**) to demonstrate the impact on surrounding properties. These diagrams indicate that solar access during both morning and afternoon will be retained to similar levels to surrounding residential properties as the existing warehouse building (**Figure 18**, over the page). The diagrams demonstrate:

- a minor improvement in solar access to residential development will be achieved during the morning (between 9am and 11am); and
- a minor decrease in solar access to residential development will be achieved in the afternoon (between 2pm and 3pm).

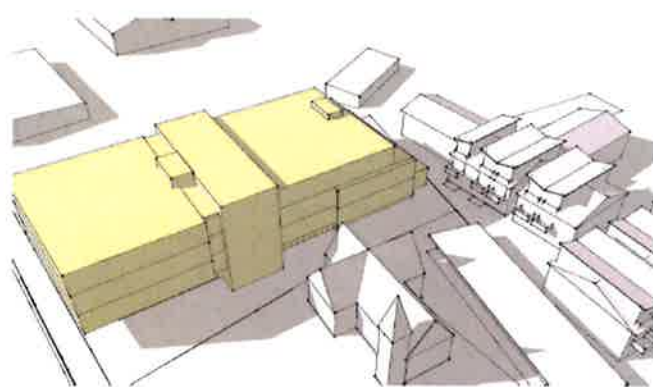
The accompanying site specific DCP also seeks to minimise overshadowing impacts to adjacent residential development through setback controls.

Further to this, the development concept seeks to increase the side setback to the neighbouring Church building to minimise additional overshadowing impacts to the church. Additional overshadowing will be experienced to part of the church grounds in the morning (between 9am and 11am). Despite this, no additional overshadowing will occur in the afternoon.

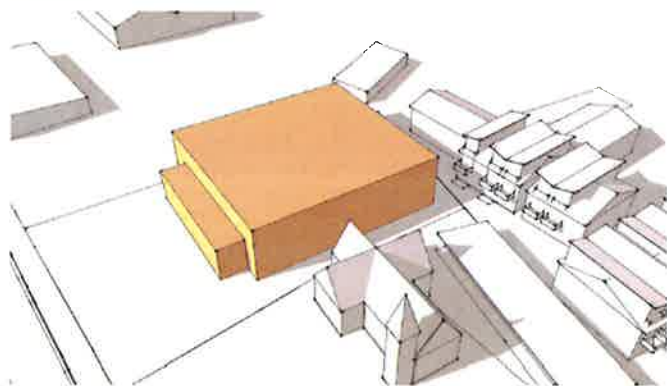
The shadow diagrams are satisfactory for the purposes of community consultation.



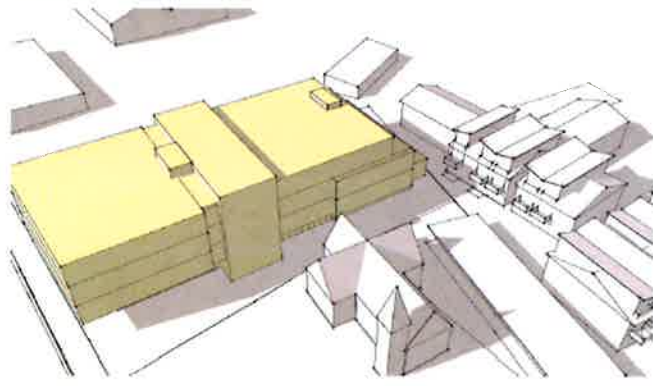
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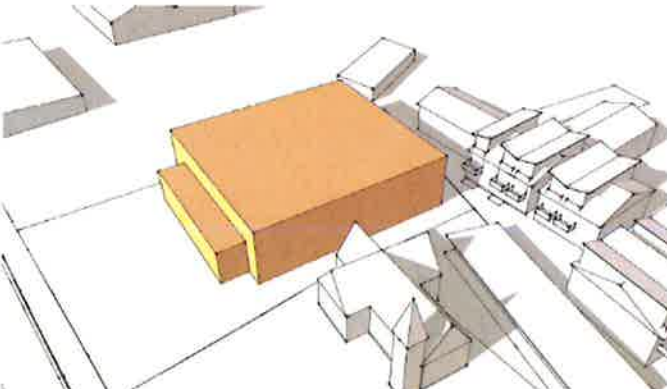
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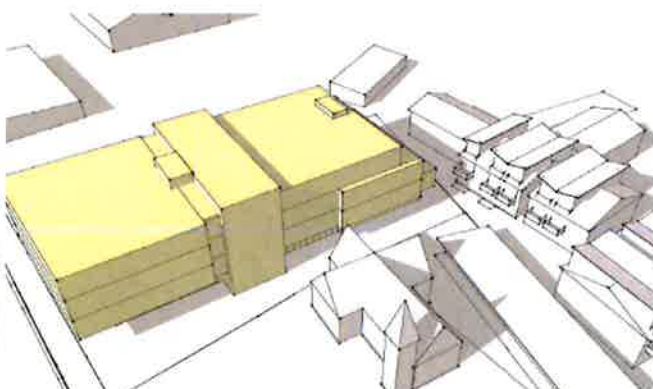
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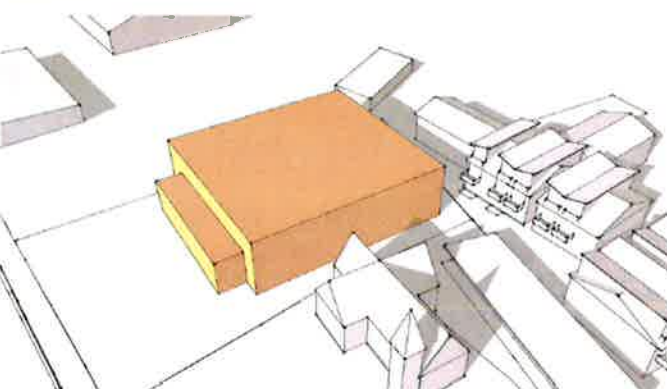
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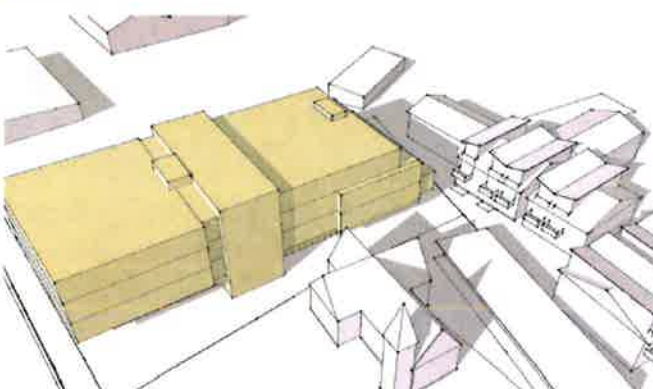
EXISTING 1300



PROPOSED 1300



EXISTING 1400



PROPOSED 1400

Figure 18: Shadow comparison of existing (orange) and proposed building (yellow) between 9am and 2pm on June 21 (Source: Planning Proposal & BuiltConsult Pty Ltd)

Visual Privacy

The proposal seeks to address visual and privacy impacts on the residential developments at the rear of the site. The proposal states that the intended built form illustrated in the Urban Design Review (**Attachment E**) has considered its relationship with the adjacent built form. The draft DCP (**Attachment F**) seeks to provide appropriate guidance for future built form on the site to ensure a compatible relationship between a future development and the church and surrounding residential buildings.

Traffic & Parking

The Traffic and Parking Impacts Assessment by McLaren Traffic Engineering (**Attachment H**) provides car parking demands and assumptions for the proposal. It indicates that the proposal will require 85 car parking spaces for the intended development. The Urban Design Review further indicates that a total of 92 car parking spaces is achievable with the proposal.

The site is well located with the local and regional traffic networks and next to a frequently operating bus route for connectivity to wider public transport networks.

The traffic generation and parking assumptions made for the proposal has been compared to two of the commercial sites in other areas in Sydney, with similar public transport access to the sites and are likely to be similar in terms of on-site parking demand.

The Traffic and Parking Impacts Assessment states that the intersection capacity analysis shows there is spare capacity at the intersection of Lord Street and Botany Road to accommodate the change with minimal increase to delays and capacity.

As the site is within 90m of a classified road (Botany Road) and proposes over 2,500m² of commercial floor space (Schedule 3 of the Infrastructure SEPP), a Gateway condition is included requiring consultation with Roads and Maritime Services.

5.3 Economic

The planning proposal states that the Lord Street Precinct has significant influences on business and commercial activities. It provides employment opportunities in Sydney's inner ring that is in a strategic location.

An Economic Impact Statement prepared by AEC (**Attachment G**) has been included as part of the planning proposal. It suggests there is a lack of commercial floorspace opportunities in the Botany Precinct and broader South Sydney Region. As the site is in a key centre and Trade Gateways, the planning proposal considers that the site offers commercial opportunities that can attract new business which will facilitate growth and expansion in a diverse range of business activities.

The AEC Economic Impact Statement examines the estimated economic activity supported through the operations of business locating to the site under the proposed planning controls. It compares this with if the site remained under its existing state providing a base case and proposal case.

The findings shows a net increase in economic activity under the proposed case compared to the Base Case scenario (assumes the subject site continues its current operation as it is) as follows:

- \$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 Full Time Employment (FTE) jobs (including 167 additional jobs directly related to activity on the subject site).

The Economic Impact Statement states that the Botany Precinct and its surrounding areas experienced very modest employment growth over the 2006-2016 period, averaging 0.5% average annual growth compared to 1.5% to 3.4% in comparison areas. In comparison to other employment areas, the employment growth in the Botany Precinct and surrounding area has been weak despite strong market demand and interest. The statement suggests this is due to lack of commercial floorspace opportunities in the Botany Precinct and broader South Sydney Region.

The proposal seeks to provide increased commercial opportunities for a range of business activities and maximise the economic intensity of the site.

5.4 Infrastructure

The site has good access to public transport infrastructure, particularly bus services along Botany Road to Redfern and Central. The site is in a convenient location which has good access to the M1 and M5 motorways. It will benefit from WestConnex upgrades for new M5 from Beverly Hills to St Peters and M4-M5 link from Haberfield to St Peters.

The site's development potential arising from this proposal is likely to create additional infrastructure demands. It is expected that these services would be upgraded by a developer, where required, to support the proposed development. A Gateway condition is included requiring consultation with utility providers.

6. CONSULTATION

6.1 Community

The planning proposal states that the proposal will be publicly exhibited for a period of 28 days. This timeframe is considered acceptable and is reflected in the Gateway conditions.

6.2 Agencies

Consultation is required with the following public authorities:

- Road and Maritime Services;
- Sydney Airport Authority;
- Civil Aviation Safety Authority;
- Department of Infrastructure, Transport, Cities and Regional Development;
- Heritage, Department of Premier and Cabinet; and
- Environment, Energy and Science Group.

7. TIME FRAME

The planning proposal includes a project timeline with finalisation anticipated for November 2019. A time frame of 12 months is considered appropriate and this does not prevent the proposal from being finalised sooner.

A Gateway condition is included requiring an updated project timeline.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested a delegation to exercise its functions as a Local Plan-Making authority.

As the planning proposal is considered to be a local matter, Council should be the Local Plan-Making authority.

9. CONCLUSION

The planning proposal has merit and should proceed subject to conditions as:

- it is consistent with the Greater Sydney Region Plan, the Eastern City District Plan and the relevant section 9.1 Ministerial Directions and state environmental planning policies;
- it is consistent with the character, built form and surrounding land uses in the locality;
- it considers the heritage significance of the adjoining heritage listed St Matthew's Church and responds to its context with a sympathetic design solution and minimising visual and amenity impact;
- it has an intention to make better use of existing business and employment land in a strategic location;
- it will retain and provide additional employment, business opportunities and support economic growth.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:


1. agree that any inconsistencies with section 9.1 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are minor or justified.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated with a new project timeline.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Road and Maritime Services;
 - Sydney Airport Authority;
 - Civil Aviation Safety Authority;

- Department of Infrastructure, Transport, Cities and Regional Development;
 - Heritage, Department of Premier and Cabinet; and
 - Environment, Energy and Science Group.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
 5. Given the nature of the planning proposal, Council should be the local plan-making authority.

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