

## Council Meeting

12/08/2020

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Item No	8.3
Subject	<b>Post-Exhibition Report Planning Proposal: 1-3 Lord Street, Botany</b>
Report by	Phoebe Mikhiel, Acting Director City Futures
File	F18/712

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## Summary

On 23 July 2018, The Orth Botany Trust, The Fuz Botany Trust & The Hendrix Botany Trust (the proponent) submitted a Draft Planning Proposal to Bayside Council (**Attachment 1**). The Draft Planning Proposal requests that Council initiate an amendment to the Botany Bay Local Environmental Plan (BBLEP) 2013 in relation to 1-3 Lord Street, Botany (the subject site). The Draft Planning Proposal seeks to amend the maximum Floor Space Ratio (currently 1:1) and the maximum Height of Building (currently 10 metres) for the subject site as follows:

- Apply a maximum Floor Space Ratio development standard of 1.75:1, and
- Apply a maximum Height of Building development standard of 16.5 metres.

A site-specific draft Development Control Plan (DCP) has been provided (see Appendix B of **Attachment 1**) as part of the Draft Planning Proposal.

The Draft Planning Proposal would enable additional floor space on the site for the purposes of employment uses, and provides an opportunity for the site to facilitate additional development to deliver on the objectives of the B7 Business Park zone under the *Botany Bay Local Environmental Plan 2013*, and the strategic directions for industrial land under the *Eastern City District Plan*.

On 19 February 2019, the Bayside Local Planning Panel considered the Draft Planning Proposal, and made the recommendations (**Attachment 2**) that were addressed in the report to Council.

Council resolved on 10 July 2019 to support the Planning Proposal and for it to be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway Determination (**Attachment 3**).

Council staff contacted the DPIE on 12 July 2019 to request a Gateway Determination for the Planning Proposal, which was received on 7 November 2019 (see **Attachment 4**). The Gateway Determination stated that Council had been given delegation to be the local plan-making authority.

In accordance with the Gateway Determination, the Planning Proposal and supporting documentation were publicly exhibited for 29 days from Wednesday 15 January 2020 until Wednesday 12 February 2020.

On 17 June 2020, the Bayside Local Planning Panel considered the Draft Planning Proposal, and made recommendations (**Attachment 5**) that have been responded to by the proponent (**Attachment 6**) and addressed in this report.

This report provides Council with a summary of the submissions received. The officer's response to the submissions is also provided along with a recommendation to Council as to how to proceed.

## Officer Recommendation

- 1 That Council acknowledges the submissions received during the Public Exhibition of the Planning Proposal, and the officer's response to them.
- 2 That Council, in accordance with Section 3.36(1) of the NSW Environmental Planning & Assessment Act 1979:
  - (i) forwards a copy of the Planning Proposal and relevant supporting information to the Department of Planning, Infrastructure and Environment (the DPIE); and
  - (ii) liaises with Parliamentary Counsel to enable the draft Local Environmental Plan to be finalised and notified.
- 3 That, in accordance with Clause 21 of the NSW Environmental Planning and Assessment Regulation 2000, Council approves the site-specific Draft Development Control Plan, with the post-exhibition changes identified in this report.

## Background

### Applicant:

The Orth Botany Trust, The Fuz Botany Trust & The Hendrix Botany Trust.

### Site Description:

Lots subject to the Draft Planning Proposal are shown in Table 1, below:

**Table 1:** Lots subject to Draft Planning Proposal

Lot	DP	Address	Current zoning
2	593463	1-3 Lord Street, Botany	B7 Business Park
4	593463	1-3 Lord Street, Botany	B7 Business Park

The subject site is legally known as Lot 2 DP 593463 and Lot 4 DP 593463 and is located on the southern side of Lord Street, near Botany Road to the west. The 2,555 square metre site is an irregular shape, with only a short section of the site's boundaries running in parallel. The subject site currently accommodates a two-storey building containing warehouses, a loading dock, sales centre, and offices for Marine Product Marketing. The site is accessed via Lord Street. It is reported that the site currently houses 29 full-time equivalent jobs.

An aerial photo (**Figure 1**), and surrounding uses and district context (**Figure 2**), for the site are provided below.



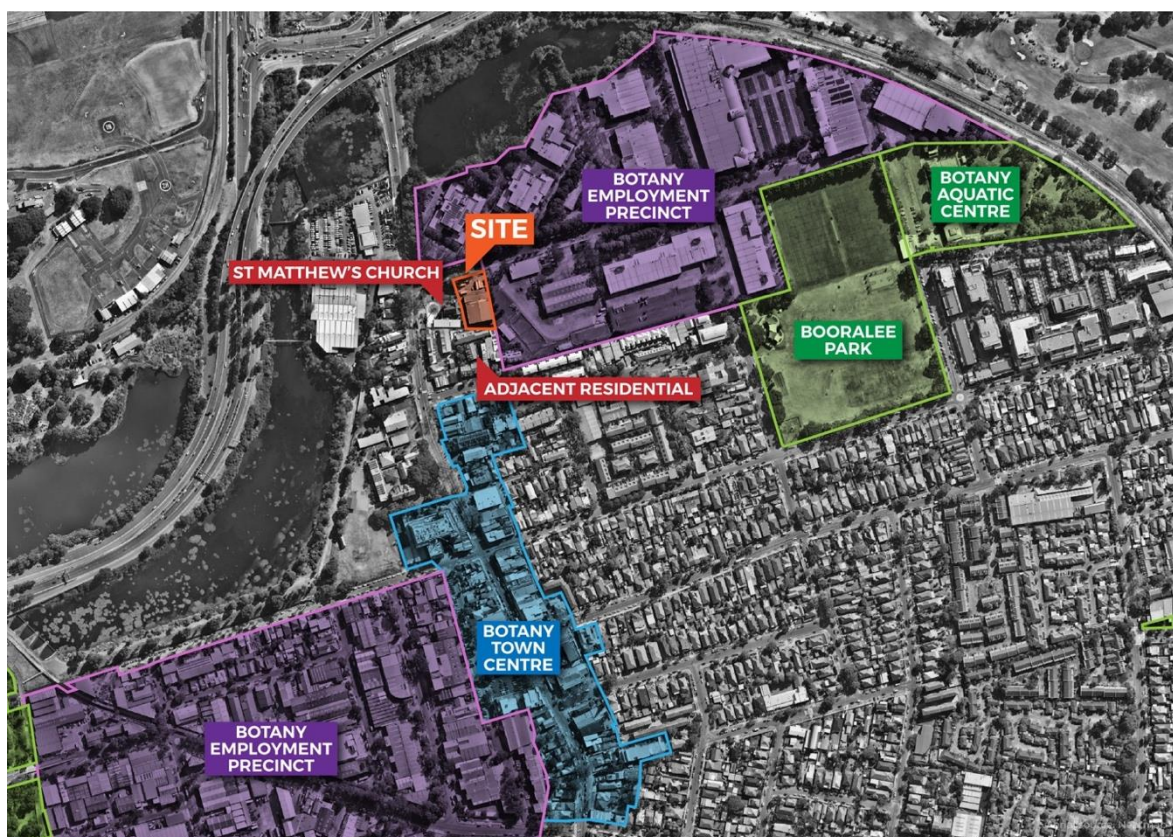
**Figure 1 – Aerial photograph**  
(Source: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au), modified by Mecone)

#### Site Context:

The site is adjacent to an employment precinct referred to by the Department of Planning, Industry and Environment's (DPIE) Employment Lands Development Monitor as the Botany Precinct. This precinct contains two clusters of employment lands as outlined in **Figure 2**. The part of the Botany Precinct adjacent to the site contains land zoned B7 Business Park. Within this precinct is a series of low rise industrial and Business Park style developments ranging from one to three storeys in height.

Adjacent to the southern boundary of the site is land zoned R3 Medium Density Residential. This land comprises two storey town houses and terraces that are accessed via Daphne Lane.





**Figure 2 – Surrounding Uses**  
(Source: Land & Property Information [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

To the west of the site is St Matthews Anglican Church. The Church is a heritage item listed in BBLEP 2013. The Church building itself sits close to the common property boundary with 1-3 Lord Street.

### Planning Proposal

A Draft Planning Proposal was lodged with Bayside Council on 23 July 2018 for land at 1-3 Lord Street Botany. The Draft Planning Proposal seeks to amend the following provisions of the BBLEP 2013:

- Increase the Floor Space Ratio (FSR) control from 1:1 to 1.75:1
- Increase the Height of Building control from 10m of 16.5m

The proponent states that the Draft Planning Proposal would enable the development of a four storey commercial building comprised of 3,750sqm of commercial floor space and 621sqm of commercial/industrial floor space, with the potential to accommodate 167 additional jobs onsite.

A copy of the Draft Planning Proposal is included as **Attachment 1**.

A comparison of the existing and proposed development standards for the site, under the BBLEP 2013, is provided in Table 2 below:



**Table 2:** Current and proposed development standards

Development Standard	Existing	Proposed
Zoning	B7 Business Park	No change
Floor Space Ratio	1:1	1.75:1
Height of Building	10 metres	16.5 metres

The Draft Planning Proposal is accompanied by a site-specific Draft Development Control Plan (Appendix B of **Attachment 1**). An offer of a Voluntary Planning Agreement has not been included with the Draft Planning Proposal.

### Council Resolution and Gateway Determination

Council resolved on 10 July 2019 to support the Planning Proposal and for it to be forwarded to DPIE for Gateway Determination (**Attachment 3**).

Council received a Gateway Determination for the Planning Proposal on 7 November 2019 (see **Attachment 4**). The following conditions were attached to the Gateway Determination:

1. *The Planning Proposal is to be amended prior to community consultation as follows:*
  - a) *update the project timeline.*

To satisfy Condition 1, the proponent submitted an updated Planning Proposal, which formed part of the exhibition materials.

2. *Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*
  - a) *the Planning Proposal must be made publicly available for a minimum of **28 days**; and*
  - b) *the Planning Proposal authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with the Planning Proposals as identified in... A guide to preparing local environmental plans (Department of Planning and Environment 2016).*

The Planning Proposal and supporting documentation, including the Gateway Determination, were publicly exhibited for 29 days from Wednesday 15 January 2020 until Wednesday 12 February 2020, in accordance with the requirements of Condition 2 of the Gateway Determination.

Notification letters were sent to surrounding land owners, and the Planning Proposal was also exhibited on the 'Have Your Say' page of Council's website.

The Planning Proposal was advertised in the St George and Sutherland Shire Leader, and the Southern Courier, on Wednesday 15 January 2020, and was made available for inspection at Council's Customer Service Centres at Rockdale and Eastgardens, and Mascot Library.

All of the above steps meet the public exhibition requirements as laid out in the relevant section of 'A Guide to Preparing Local Environmental Plans'.

### Community Submissions

One submission was received from the local community. The comments comprised the following:

- *Object to the Planning Proposal because of its overshadowing impacts on the eastern and north-eastern sides of the old church building (St Matthew's Anglican Church),*
- *The overshadowing impacts, in the morning, will have an unacceptable adverse heritage impact on the significance of St Matthew's.*

#### Council Response:

This submission is responded to in further detail below, under 'Bayside Local Planning Panel'.

### Agency Submissions

In accordance with Condition 3 of the Gateway Determination, the Planning Proposal was referred to the following agencies for comment:

- Roads and Maritime Services (now Transport for NSW);
- Sydney Airport Authority;
- Civil Aviation Safety Authority;
- Department of Infrastructure, Transport, Cities and Regional Development;
- Heritage NSW, Department of Premier & Cabinet; and
- Environment, Energy and Science Group.

No objections were raised by the agencies to the Planning Proposal. Some comments and recommendations were made in response to the exhibition of the Planning Proposal, however it is considered that these comments are either addressed by existing controls contained in Botany Bay DCP 2013, or can be addressed at DA stage. A summary and response to each government agency submission is attached to this report (**Attachment 7**).

### Bayside Local Planning Panel

The Planning Proposal was reported post-exhibition to the Bayside Local Planning Panel on 17 June 2020. In response to the community submission received regarding St Matthew's Anglican Church (Church), the BLPP has made certain recommendations to amend the site-specific DCP in relation to the interface between the western boundary of the subject site and the adjacent heritage listed Church, specifically relating to access to natural light to the east facing church windows. The minutes of the BLPP meeting, including the recommendations are attached to this report (**Attachment 5**).

The proponent has provided a detailed response to the recommendations of the BLPP (**Attachment 6**) including additional provisions in the amended Draft DCP (Appendix B to **Attachment 1**).

A summary of the BLPP recommended amendments to the site-specific DCP and the proponents responses are provided below:

BLPP Recommendation:

*'Site Context' - Additional sentences to be added to the last paragraph:*

*The interface between any proposed building and the adjoining historic church is of paramount importance. To this end the objectives in this DCP must be carefully incorporated into any design.*

*Reason: To ensure that the importance of this interface is highlighted in the DCP*

Proponent Response:

*"DCP amended as recommended."*

BLPP Recommendation:

*'Table 1 – Building Setback' - Change setback for upper levels on west from 4m to 5.5m*

*Reason: A reduced eastern setback is appropriate to provide an increased setback and improved interface with the church to the west.*

Proponent Response:

*"... The Planning Proposal and DCP are working hard to address a legacy subdivision issue that has resulted in minimal setback between the church and the shared boundary to the subject site. As demonstrated in the indicative diagrams provided below, the church site was at least up until 1943 surrounded by more open space. While the date of the subdivision and sale of land east of the church is not known, the current subdivision boundary between the church and the subject site now provides only 1.5 metres setback. The proposed setback of 4 metres exceeds the 3 metre setback already permitted under the current DCP. Given the minimal church setback, and other boundary constraints such as the residential development to the south, placing the onus on the subject site to achieve greater building separation results in an unreasonable burden on the subject site..."*

*"...BuiltConsult has undertaken further solar impacts analysis investigations in relation to the overshadowing impacts of a future building on the subject site in relation to the east facing stained-glass windows of the Church. The analysis demonstrates that maintaining a 4 metre setback with carefully designed architectural articulation on the western façade will achieve a similar, and slightly improved outcome in terms of access to natural light for the stained glass windows as would a building that is set back at 5.5 metres, as recommended by the BLPP..."*

*...Suitable provisions in the DCP will enable Council to facilitate a merit-based development outcome at detailed design stage, which provides for the required articulation that will ensure natural light reaches the church's stained glass windows. Any loss in floorspace as a result of increased articulation to the western façade could be gained through relaxation of setback controls to the eastern boundary.*

*It is proposed that the 4 metre western setback and 3.5 metre eastern setback remain. This will be supported by the following setback provision to provide suitable flexibility that would promote increased setbacks adjacent to the church and suitable flexibility that would enable a commensurate reduction in setbacks to be achieved adjacent to the eastern opposite boundary.*

*Where a setback is increased to the western boundary for the purpose of providing careful articulation of upper levels that improves access to natural light to the east facing church*



*windows, a commensurate reduction may be permitted at any point along the eastern setback to a maximum setback reduction of 0.5m. A merit based assessment in accordance with the above provision would result in the eastern façade being set back no closer to the boundary than the 3 metres currently permitted to the eastern boundary of the subject site. The above provisions are supported by the strengthened objectives for the western façade to ensure that articulation is provided in a manner that enhances access to natural light to the stained glass windows of the church...”*

BLPP Recommendation:

*'4.3.1 – West Façade Objectives' - Add objectives along following lines:*

*To ensure the appropriate access to light is provided to maintain the significance of the stained glass windows of the adjoining historic church, through careful consideration of the setback, colours and design of façade and roof elements.*

*The west façade is to incorporate articulation through building design and variable setbacks. Consideration should be given to incorporating an atrium on this façade and varied roof design to provide an appropriate elevation to the historic church when viewed from Botany Road.*

*Reason: To ensure appropriate light conditions are created for the stained glass windows to the east.*

Proponent Response:

*“In relation to the recommended objective relating to access to natural light to the stained glass windows of the church, the following additional objective has been included in the DCP:*

*To ensure the appropriate access to light is provided to the stained glass windows of the adjoining historic church, through careful consideration of building articulation, building materials, colours and design of façade and roof elements.*

*In relation to the second recommended objective, specifying particular design elements such as an atrium is considered overly prescriptive for the purposes of a DCP objective. As such, to address this matter and avoid repetition, existing Objective 2 has been augmented to read:*

*To use a material palette, building articulation and roof design that provides a backdrop to the church and creates a sympathetic visual relationship between built form on the site and the adjacent church when viewed from Botany Road.*

BLPP Recommendation:

*'[4.3.1] Re-word 5th dot point' - To create an active pedestrian access at ground level between the western façade of the building and the western boundary, including seating, soft landscaping and a visual connection to the historic church.*

*Reason: To clarify desired outcome.*

Proponent Response:

*“DCP amended as recommended.”*

BLPP recommendation:

*'4.3.2 - North Façade' - Additional objective:*

*To provide an appropriate visual relationship to the adjoining historic church by stepping the north façade from the minimum front setback on the eastern boundary to a larger setback on the western boundary.*

*Reason: To have regard to the heritage item when viewed from the public domain.*

Proponent Response:

*This recommendation is inconsistent with the LPP's 19 February 2019 recommendation, which stated:*

*"Landscaping, particularly between Lord Street and the building, should be controlled to ensure screening of any proposed building and enhancement of what is effectively the gateway corner to the Lord Street Business Park."*

*In response to this recommendation, the setback to Lord Street was increased from zero to 3 metres in order to improve the visual relationship of the building in this location which 'hinges' the Lord Street Business Park and the church. It is also noted that the view of the church from Lord Street is not a significant vista as it is not a major pedestrian route.*

*No further issues were identified in relation to this issue during the exhibition process. As such, further amendments of the DCP in relation to this issue are not warranted.*

Council Response:

- The solar analysis diagrams provided in the proponents response to the BLPP recommendation and the amended site-specific DCP demonstrate that a built form solution can be achieved that results in a similar (and improved) level of solar overshadowing as that which currently results from the existing warehouse building located on the subject site.
- The subject site is currently subject to overshadowing from the existing building on the site during the morning period.
- The proposed development complies with relevant overshadowing controls contained in Botany Bay DCP 2013.
- Detailed design considerations at DA stage can further address this, which will be supported by the design principles and criteria set out in the amended draft DCP (Appendix B of **Attachment 1**).

In light of the justification presented in the Planning Proposal report, and supporting documents, Council officers remain satisfied that the overshadowing impacts to St Matthew's Church are acceptable, and when considering the BLPP recommendations in relation to the matters raised, all matters have been adequately resolved at this stage.

Adoption of the site-specific Draft Development Control Plan will enable the establishment of development controls for the site, so that any future Development Application(s) can be assessed against those detailed controls, and the matters raised by the BLPP can be considered in finer detail.

**Next Step**

Council has delegation from the Minister to make this LEP amendment. Following this meeting, the resolution of Council and a copy of the Planning Proposal and relevant supporting information will be sent to the Department of Planning, Infrastructure and Environment (the DPIE). Parliamentary Counsel will be requested to prepare the Local Environmental Plan (subject to any amendments resolved by Council).

In regards to the Draft Development Control Plan, Council is required to publish a notice of its decision (resolution) on its website within 28 days after the decision is made.

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## Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

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## Community Engagement

The community engagement actions undertaken were as follows:

- Publicly exhibiting the Planning Proposal Report and supporting documentation, including the Gateway Determination and Draft DCP, for 29 days from Wednesday 15 January 2020 until Wednesday 12 February 2020;
  - Sending notification letters to properties in the surrounding area;
  - Exhibiting the Planning Proposal, Draft DCP, and supporting documentation on the 'Have Your Say' page of Council's website;
  - Advertising the Planning Proposal and Draft DCP in the St George and Sutherland Shire Leader, and the Southern Courier; and
  - Making the Planning Proposal, Draft DCP and supporting documentation available for inspection at Council's Customer Service Centres at Rockdale and Eastgardens, and at Mascot Branch Library.
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## Attachments


- 1 Planning Proposal and Appendices (including DCP) (under separate cover) [⇒](#)
- 2 Bayside Local Planning Panel Minutes: 19 February 2019 [↓](#)
- 3 Council Report and Minutes: 10 July 2019 [↓](#)
- 4 Gateway Determination [↓](#)
- 5 Bayside Local Planning Panel Minutes: 17 June 2020 [↓](#)
- 6 Proponent Response to Bayside Local Planning Panel Recommendations [↓](#)
- 7 Government Submissions Table [↓](#)



**AFR****Bayside Council**  
Serving Our Community**Bayside Local Planning Panel****19/02/2019**

Item No 5.1  
Subject **Planning Proposal - 1-3 Lord Street, Botany**  
Report by Howard Taylor, Project Officer - Planning Proposals  
File F18/712

**Action from Resolution**

- 1 Please implement the resolution / decision below (if required).
- 2 Update the action/s taken using the  button on the Infocouncil toolbar.
- 3 If there is no action required, please include 'Noted' in the Notes.
- 4 Once resolution / decision has been implemented, finalise the action.

**Outcome****Panel Recommendation to Council**

That the Bayside Local Planning Panel recommends to Council:

- 1 That pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Draft Planning Proposal for 1-3 Lord Street, Botany be submitted to the Department of Planning and Environment for a Gateway Determination, subject to Council being satisfied in relation to controls proposed in the Draft DCP prepared by Cityplan. In particular, it is considered that the DCP should focus on the following additional matters:
  - The interface between any proposed new building and the church is of paramount importance, therefore visual impact, setbacks, building massing envelope, materials and finishes, appropriate curtilage, and design elements should be carefully considered.
  - Consideration should be given to reduction of minimum setback to the eastern boundary, with potential improvements to the interface and visual connection with the church on the western boundary.
  - Landscaping, particularly between Lord Street and the building, should be controlled to ensure screening of any proposed building and enhancement of what is effectively the gateway corner to the Lord Street Business Park.

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Bayside Local Planning Panel

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- 2 That, if the NSW Department of Planning and Environment issue a Gateway Determination that permits exhibition of the proposal, a post-exhibition report be prepared for consideration by the Bayside Local Planning Panel before making any further recommendations to Council.
- 3 It is acknowledged that the subject site is quite small in comparison to other sites in the vicinity, and is unique in this regard and in its relationship to the adjoining heritage item. Therefore, the Panel supports this site-specific Planning Proposal.
- 4 As a separate matter, Council is encouraged to examine the Lord Street Precinct in its strategic context in the future, in particular, to consider any cumulative impact which may come about as a consequence of more intensive development within the precinct e.g. traffic impacts. In this regard, the Panel notes that there is considerable potential for additional development within the Precinct should height and floor space controls be considered for change in the future.

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[Open Item in Minutes](#)[Open Report](#)

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**Council Meeting****10/07/2019**

Item No	8.3
Subject	<b>Planning Proposal - 1-3 Lord Street, Botany</b>
Report by	Michael McCabe, Director City Futures
File	F18/712

**Summary**

On 23 July 2018 The Orth Botany Trust, The Fuz Botany Trust & The Hendrix Botany Trust (the proponent) submitted a Draft Planning Proposal to Bayside Council (**Attachment 1**). The Draft Planning Proposal requests Council initiate an amendment to the Botany Bay Local Environmental Plan (BBLEP) 2013 in relation to 1-3 Lord Street, Botany (the subject site). The Draft Planning Proposal seeks to amend the maximum Floor Space Ratio (currently 1:1) and the maximum Height of Building (currently 10 metres) for the subject site as follows:

- Apply a maximum Floor Space Ratio development standard of 1.75:1, and
- Apply a maximum Height of Building development standard of 16.5 metres.

A site-specific draft Development Control Plan (DCP) has been provided (see **Attachment 2**) as part of the Draft Planning Proposal.

The Draft Planning Proposal would enable additional floorspace on the site for the purposes of employment uses, and provides an opportunity for the site to facilitate additional development to deliver on the objectives of the B7 Business Park zone under the *Botany Bay Local Environmental Plan 2013*, and the strategic directions for industrial land under the *Eastern City District Plan*.

A merit assessment of the Draft Planning Proposal indicates that the proposed amendment to the *BBLEP 2013* has strategic merit for the reasons outlined in this report, in particular:

- The proposed intensification of employment uses is consistent with the *Greater Sydney Region Plan* and *Eastern City District Plan*, in particular Objective 23 '*Industrial and urban services land is planned, retained and managed (Region Plan)*', and Planning Priority E12 '*Retaining and managing industrial and urban services land (District Plan)*';
- The proposal is consistent with the objectives and detailed requirements of Section 9.1 Directions of the Environmental Planning and Assessment Act 1979 (EP&A Act) - in particular *1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; 5.10 Implementation of Regional Plans; and 7.1 Implementation of A Plan for Growing Sydney*;
- The proposal is consistent with the built form objectives of the *Botany Bay DCP 2013* including with the desired future character of the Botany Character Precinct and Lord Street Business Park Precinct; and
- The proposed change to 'Height' and 'Floor Space Ratio' development standards, in addition to the site-specific Draft DCP built form controls, will result in a building envelope



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that is compatible with the subject site's surrounding context, and has an appropriate relationship with the adjacent heritage item and conservation area.

Should the Planning Proposal be supported by Council and the NSW Department of Planning and Environment, the rezoning of the land would enable Development Applications to be considered by Council in the future.

### Officer Recommendation

- 1 That pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Draft Planning Proposal for 1-3 Lord Street, Botany be submitted to the Department of Planning and Environment for a Gateway Determination, subject to Council being satisfied in relation to controls proposed in the Draft DCP prepared by Cityplan.
- 2 That pursuant to cl.18 of the Environmental Planning and Assessment Regulation 2000 that Council publicly exhibit the draft Development Control Plan for a minimum period of 28 days.
- 3 That, if the NSW Department of Planning and Environment issue a Gateway Determination that permits exhibition of the proposal, a post-exhibition report be prepared for consideration by the Bayside Local Planning Panel before making any further recommendations to Council.
- 3 That, as part of the preparation of the Bayside Comprehensive Local Environmental Plan, Council considers the Lord Street Precinct in its strategic context, in particular, any cumulative impact which may come about as a consequence of more intensive development within the precinct.

### Background

#### Applicant:

The Orth Botany Trust, The Fuz Botany Trust & The Hendrix Botany Trust.

#### Site Description:

Lots subject to the Draft Planning Proposal are shown in Table 1, below:

**Table 1:** Lots subject to Draft Planning Proposal

Lot	DP	Address	Current zoning
2	593463	1-3 Lord Street, Botany	B7 Business Park
4	593463	1-3 Lord Street, Botany	B7 Business Park

The subject site is legally known as Lot 2 DP 593463 and Lot 4 DP 593463 and is located on the southern side of Lord Street, near Botany Road to the west. The 2,555 square metre site is an irregular shape, with only a short section of the site's boundaries running in parallel.

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The subject site currently accommodates a two-storey building containing warehouses, a loading dock, sales centre, and offices for Marine Product Marketing. The site is accessed via Lord Street. It is reported that the site currently houses 29 full-time equivalent jobs.

An aerial photo (**Figure 1**), surrounding uses and district context (**Figures 2-5**) and relevant BBLEP 2013 development standard mapping (**Figures 6-9**) for the site are provided below.

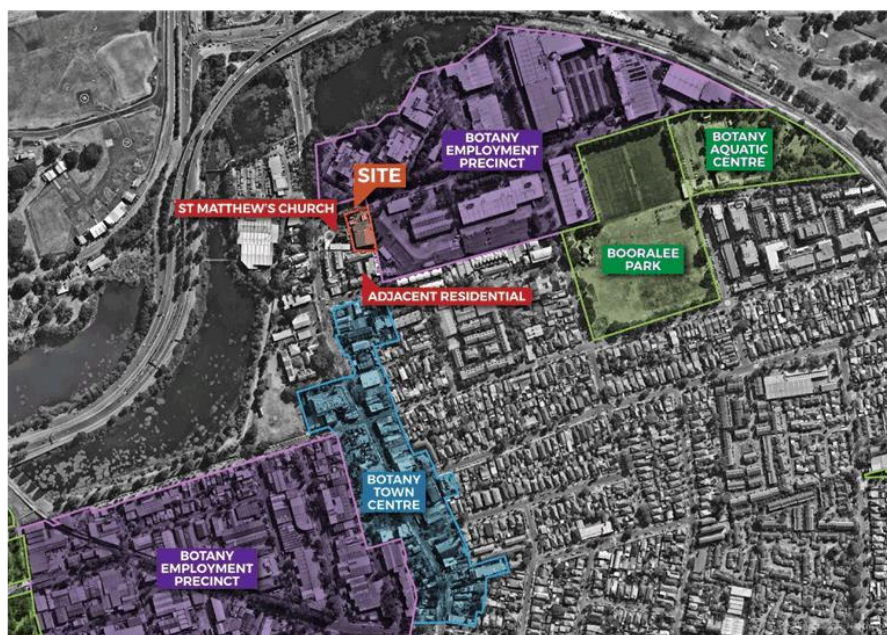


**Figure 1** – Aerial photograph  
(Source: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au), modified by Mecone)

#### Site Context:

The site is adjacent to an employment precinct referred to by the Department of Planning and Environment's (DPE) Employment Lands Development Monitor as the Botany Precinct. This precinct contains two clusters of employment lands as outlined in Figure 2. The part of the Botany Precinct adjacent to the site contains land zoned B7 Business Park. Within this precinct is a series of low rise industrial and Business Park style developments ranging from one to three storeys in height.

Adjacent to the southern boundary of the site is land zoned R3 Medium Density Residential. This land comprises two storey town houses and terraces that are accessed via Daphne Lane.



**Figure 2 – Surrounding Uses**

(Source: Land & Property Information [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

To the west of the site is St Matthews Anglican Church. The Church is a heritage item listed in BBLEP 2013. The Church building itself sits close to the boundary with 1-3 Lord Street.

To date, Council have not received direct feedback from representatives of the Anglican Church in response to the draft Planning Proposal. The Anglican Church were notified on 11 February 2019 of the details of the draft Planning Proposal and its consideration at the Bayside Local Planning Panel meeting dated 19 February 2019. If the Gateway Determination is made public exhibition of the Planning Proposal will occur before further consideration by the Bayside Local Planning Panel and Council.

The Church grounds contain a multi-function centre pavilion style development one storey in height, constructed in 2016. Currently the 1-3 Lord Street cannot be accessed via the Church grounds. A Heritage Impact Statement is included with this report as **Attachment 3**.





**Figure 3** – St Matthew's Anglican Church (obscured by vegetation) viewed from corner of Lord and Botany Road, the subject site is visible on the left and residential on the right.  
(Source: Mecone)



**Figure 4** – St Matthew's Anglican Church and multi-function centre viewed from Botany Road, the subject site is visible behind the Church and residential on the right.  
(Source: Mecone)

A site survey (**Attachment 4**) has been included with the Draft Planning Proposal, which details the location of the Church close to its eastern boundary with the subject site.

The subject site is also within walking distance from the Botany Town Centre (referred to in the Eastern City District Plan as a local centre), located 200m to the south along Botany Road. The centre provides services for the surrounding residential population. Botany Town Centre and Botany Road are serviced by buses connecting to the Sydney CBD and further north. Sydney Airport and Port Botany are two and four kilometres from the site.



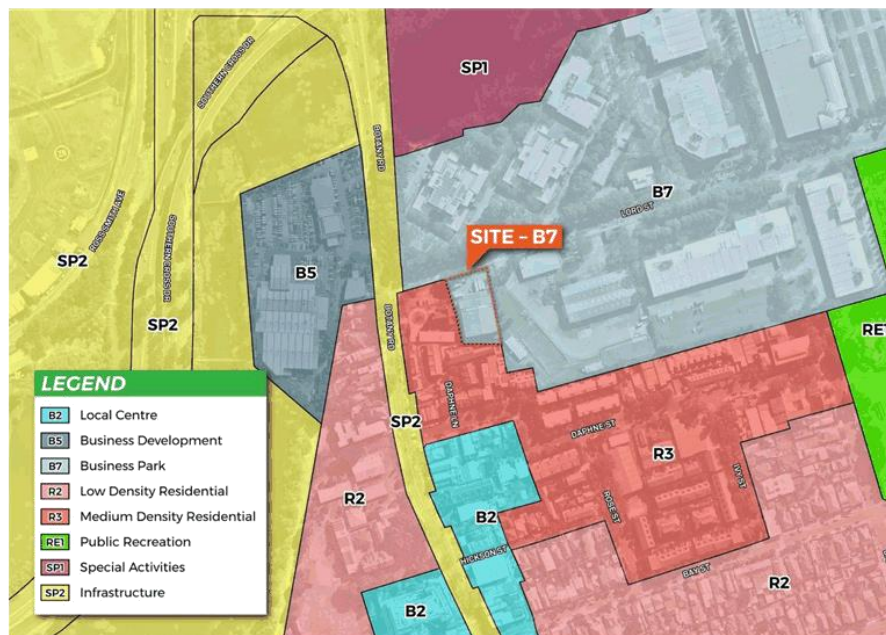
**Figure 5 – District Context**  
(Source: Land & Property Information [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

Figures 6 – 9 identify the existing planning controls from BBLEP 2013 for the subject site and immediate surrounds.

In summary, the existing statutory controls of note for the site are:

- **Land Use Zone:** B7 – Business Park
- **Maximum Floor Space Ratio:** 1:1
- **Maximum Height of Building:** 10 metres
- **Heritage:** The site is not within a heritage conservation area, nor listed as a heritage item, however, it is adjacent to a locally listed heritage item (St Matthews Anglican Church) and heritage conservation area (Botany Township Heritage Conservation Area).





**Figure 6** – Botany Bay LEP 2013 Land Zoning Map LZN\_001 (Subject site – B7 – Business Park)  
(Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), modified by Mecone)



**Figure 7** – Botany Bay LEP 2013 Floor Space Ratio Map FSR\_001 (Subject site – N – 1:1)  
(Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), modified by Mecone)

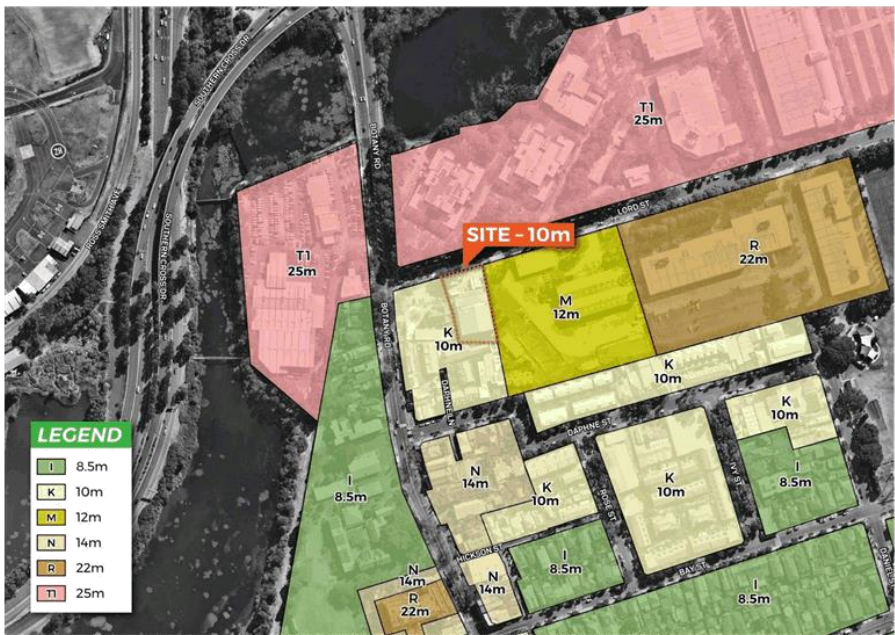


Figure 8 – Botany Bay LEP 2013 Height of Building Map HOB\_001 (Subject site – 10m)  
(Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), modified by Mecone)



Figure 9 – Botany Bay LEP 2013 Heritage Map HER\_001  
(Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), modified by Mecone)



### Planning History

In November 2017 the proponent approached Council to discuss options for a Planning Proposal for the site. Initial discussions centred on a change to land use zoning, and other statutory controls, to allow mixed use development.

While no comprehensive proposal was tabled or discussed, Council officers indicated that rezoning from employment land uses to mixed or residential uses was unlikely to be supported, due to the strategic outlined in *A Metropolis of Three Cities*, the *Greater Sydney Region Plan* and the *Eastern City District Plan*.

The proponent noted these issues and revised their approach to prepare the Draft Planning Proposal.

### Draft Planning Proposal Assessment

A Draft Planning Proposal was lodged with Bayside Council on 23 July 2018 for land at 1-3 Lord Street Botany. The Draft Planning Proposal seeks to amend the following provisions of the BBLEP 2013:

- Increase the Floor Space Ratio (FSR) control from 1:1 to 1.75:1
- Increase the Height of Building control from 10m to 16.5m

The proponent states that the Draft Planning Proposal would enable the development of a four storey commercial building comprised of 3,750sqm of commercial floor space and 621sqm of commercial/industrial floorspace, with the potential to accommodate 167 additional jobs onsite.

A copy of the Draft Planning Proposal is included as **Attachment 1**.

A comparison of the existing and proposed development standards for the site, under the BBLEP 2013, is provided in Table 2 below:

**Table 2:** Current and proposed development standards

Development Standard	Existing	Proposed
Zoning	B7 Business Park	No change
Floor Space Ratio	1:1	1.75:1
Height of Building	10 metres	16.5 metres

The Draft Planning Proposal is accompanied by a site-specific Draft Development Control Plan (**Attachment 2**). An offer of a Voluntary Planning Agreement has not been included with the Draft Planning Proposal.

## Assessment of Draft Planning Proposal

### Environmental Planning & Assessment Act 1979 (EP&A Act)

The NSW Department of Planning and Environment's *A Guide to Preparing Planning Proposals* - issued under s3.33 (3) of the EP&A Act - provides guidance and information on the process for preparing Planning Proposals. The assessment by Council staff of the submitted Planning Proposal has been undertaken in accordance with the latest version of this *Guide* (dated August 2016).

### Section 9.1 Ministerial Directions (formerly known as 'section 117 directions')

Section 9.1 Ministerial directions (s9.1 directions) set out what an RPA must do if a s9.1 Direction applies to a Planning Proposal, and outlines on how inconsistencies with the terms of a direction *may* be justified.

An assessment of the Planning Proposal against the applicable s9.1 Directions is provided in **Table 3** below:

**Table 3:** Planning Proposal consistency with s9.1 directions.

Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>1.1 Business and Industrial Zones</b>	<p><b>What a RPA must do:</b></p> <p>A RPA must ensure that a Planning Proposal:</p> <ul style="list-style-type: none"> <li>(a) Give effect to the objectives of this direction, (i.e. encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres),</li> <li>(b) Retain the areas and locations of existing business and industrial zones,</li> <li>(c) Not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) Not reduce the total potential floor space area for industrial uses in industrial zones, and</li> </ul> <p><i>Comment:</i> The Draft Planning Proposal seeks to retain employment/industrial land and provide additional capacity for employment on site (a net addition of approximately 160 jobs) through amendments to statutory floor space and building height controls.</p> <p>An Economic Impact Assessment is included as <b>Attachment 5</b> to this report.</p> <p>No inconsistencies with the terms of the Direction were identified.</p>	YES



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Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>2.3 Heritage Conservation</b>	<p><b>What a RPA must do:</b></p> <p>A RPA must ensure that a Planning Proposal contains provisions that facilitate the conservation of heritage items, places, building works or precincts of environmental heritage significance to an area.</p> <p><u>Comment:</u> The site is not within a heritage conservation area, nor does it contain a heritage listed item. However, the subject site is adjacent to a heritage conservation area known as 'Botany Township Heritage Conservation Area', and a heritage item listed in BBLEP 2013 (St Matthew's Anglican Church).</p> <p>A Heritage Impact Statement is included with the Draft Planning Proposal as <b>Attachment 3</b>.</p> <p>As outlined in the Draft Planning Proposal; site-specific Draft DCP; and supporting documentation, the proposal aims to enhance the site's relationship with St Matthew's Anglican Church through improvements to the interface of the two structures and use of appropriate materials and building design.</p> <p>Following assessment of the proposed building envelope and site-specific Draft DCP, it is considered that the Draft Planning Proposal will enable redevelopment that is contextually appropriate, and will not encroach or undermine the conservation or heritage values of the conservation area or the Church.</p> <p>No inconsistencies with the terms of the direction were identified.</p> <p>Please refer to the later section in this report that contains more detailed discussion on Heritage Conservation considerations.</p>	YES
<b>3.4 Integrating Land Use and Transport</b>	<p><b>What a RPA must do:</b></p> <p>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 <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> (guidelines).</p> <p><u>Comment:</u> The subject site is accessible by public transport, with several bus services along Botany Road that connect the site to the Sydney CBD, Gore Hill and surrounding areas. The site is also within walking and cycling distance to Botany local centre's shops and services. As such, the Draft Planning Proposal is considered consistent with the guidelines.</p> <p>A Traffic Impact Assessment is included as <b>Attachment 6</b> to this report.</p> <p>No inconsistencies with the terms of the direction were identified.</p>	YES

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Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>3.5 Development Near Licensed Aerodromes</b>	<p>In the preparation of a Planning Proposal, a RPA must</p> <p>4(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome.</p> <p>4(b) take into consideration the Obstacle Limitation Surface (OLS) and prepare appropriate development standards such as height where the land is affected by the OLS.</p> <p>4(c) for land affected by the OLS</p> <p>i. prepare appropriate development standards such as height</p> <p>ii. allow permissible with consent development types that are compatible with the operation of an aerodrome,</p> <p>4(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.</p> <p>5(c) A planning proposal must not rezone land for hotels, motels, offices or public buildings where the ANEF exceeds 30.</p> <p>6(c) A planning proposal that rezones land 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.</p> <p><u>Comment:</u></p> <p>4(a) Consultation with the Commonwealth Department of Infrastructure and Regional Development (DIRD) will be undertaken if the DPE determine that a Gateway Determination should be issued.</p> <p>4(b) The site is located in the 51 metre AHD OLS contour as shown on the Prescribed Airspace for Sydney Airport Obstacle Limitation Surface declared by the Commonwealth Department of Infrastructure and Regional Development map dated 20 March 2015.</p> <p>The submitted survey indicates that the site has a high point of 5.5 Australian Height Datum (AHD). The amendment to the BBLEP 2013 Building Height Map proposes a maximum height of 16.5 metres for the site. This would result in a maximum building height of 22 metres AHD. This maximum AHD is lower than the prescribed OLS Inner Horizontal Surface limitation of 51.0 metres AHD.</p>	YES

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Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>4(c) The proposed maximum building height which would result in a maximum building height of 22 metres AHD is considered appropriate for the site and is within the OLS.</p> <p>The Draft Planning Proposal does not include a change to land use zoning. Current uses permissible in the B7 zone are considered compatible with the operation of an aerodrome.</p> <p>4(d) The submitted survey indicates that the site has a high point of approximately 5.5 metres AHD. The proposed maximum building height is 16.5 metres. Accordingly, the potential built form will not penetrate the OLS of 51 metres and therefore, permission from DIRD prior to community consultation will not be required.</p> <p>5(c) The Draft Planning Proposal does not include provisions to amend the B7 Business Park zoning that applies to the site which permits Office Premises under the BBLEP 2013. The site is located between 25 and 30 ANEF contours and as such this part of the Direction does not apply.</p> <p>6(c) The Draft Planning Proposal does not include provisions to amend the B7 Business Park zoning that applies to the site, which permits certain commercial and industrial uses. The site is located between 25 and 30 ANEF contours and, as such, the above part of the Direction does not apply.</p> <p>No inconsistencies with the terms of the Direction were identified.</p>	
<b>4.1 Acid Sulfate Soils</b>	<p><b>What a RPA must do:</b></p> <p>The direction requires that a RPA must consider an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p> <p><u>Comment:</u> The BBLEP 2013 Acid Sulfate Soils Map – Sheet ASS_001 identifies the site as Class 4 Acid Sulfate Soils. Clause 6.1 of BBLEP 2013 states development consent is required for the carrying out of works for more than 2 metres below the natural ground surface for Class 4 land.</p> <p><b>Consistency</b> A Planning Proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a study prepared in support of the Planning Proposal.</p> <p><u>Comment:</u> Clause 6.1 of the Botany Bay LEP 2013 requires an acid sulfate soils management plan at the development application (DA) stage, before carrying out any development on the land. It is at the DA stage that Council will require appropriate investigations and possible mitigation measures with regard to acid sulfate soils. The inconsistency with this direction is therefore considered minor and justifiable.</p>	<b>NO - Inconsistency justified.</b>

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Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
<b>4.3 Flood Prone Land</b>	<p><b>When this direction applies</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p><u>Comment:</u></p> <p><i>The BBLEP 2013 or Botany Bay DCP 2013 does not identify the site as being located within flood planning area. However, a Flood Management Study has been prepared, with investigations indicating that the site is marginally flood affected (refer <b>Attachment 7</b>).</i></p> <p><b>What an RPA must do:</b></p> <p>A Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p><u>Comment:</u></p> <p><i>Floodplain Development Manual 2005 outlines that Councils are encouraged to incorporate appropriate planning provisions for floodplain risk management. It is expected that consideration and inclusion of suitable provisions will occur as part of the LEP review process Council is obliged to undertake and complete by 2021.</i></p> <p>A Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p><u>Comment:</u></p> <p><i>The Draft Planning Proposal does not include a change of land use zoning.</i></p> <p>A Planning Proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p><u>Comment:</u></p> <p><i>The site is not within an identified floodway area</i></p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p><u>Comment:</u></p> <p><i>An assessment of flood behaviour accompanying the Draft Planning Proposal advises that due to the extent of flood free land in a 1% AEP event, the building footprint can be designed</i></p>	Yes

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Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>so that it doesn't impact the flood behaviour outside the site or result in significant impacts to other properties.</p> <p>(c) permit a significant increase in the development of that land.</p> <p><u>Comment:</u></p> <p><i>The Proposal would enable the intensification of development and provide for a fourfold increase in the employment capacity on site. The most significant issue resulting from increased development and jobs growth is the potential impact on access and evacuation from the site in a flood event.</i></p> <p><i>Preliminary analysis of the extent of flooding impact by WMA Water does not identify that this issue would preclude development of the site. Furthermore, the safe evacuation of the site can be incorporated into the site layout and driveway placement and supported by an emergency management plan, both of which will be a requirement of future detailed planning at the DA stage. As such this inconsistency is considered acceptable and of minor significance.</i></p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p><u>Comment:</u></p> <p><i>It is considered that the development resulting from the Draft Planning Proposal is unlikely to require investment or intervention from government. This is due to the capacity to incorporate design and mitigation measures so that flooding impacts are not exacerbated.</i></p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p><u>Comment:</u></p> <p><i>The Draft Planning Proposal does not propose additional forms of development to be permitted without consent.</i></p> <p><i>A Planning Proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</i></p> <p><u>Comment:</u></p> <p><i>The Proposal does not apply to land that is zoned to permit residential uses.</i></p> <p><i>For the purposes of a Planning Proposal, a relevant planning authority must not determine a flood planning level that is</i></p>	

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Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p><u>Comment:</u> The Proposal does not involve the determination of a flood planning level.</p>	
<b>5.10 Implementation of Regional Plans</b>	<p><b>What a RPA must do:</b></p> <p>Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p><u>Comment:</u></p> <p>A Metropolis of Three Cities is the Region Plan that applies to the five districts that make up the Greater Sydney Region.</p> <p>The Planning Proposal is consistent with the following objectives in the Region Plan:</p> <ul style="list-style-type: none"> <li>Objective 14: integrated land use and transport creates walkable and 30-minute cities.</li> </ul> <p>The site is within walking distance of the Botany Town Centre. Both the site and town centre are serviced by public transport that connect to the immediate and surrounding areas of economic activity. By increasing employment densities within close proximity to a well-connected town centre, the proposal is considered to be consistent with the aims of creating a 30-minute city.</p> <ul style="list-style-type: none"> <li>Objective 16 Freight and logistics network is competitive and efficient</li> </ul> <p>The proposal is consistent with A Metropolis of Three Cities, Objective 16: Freight and logistics network is competitive and efficient strategies and actions.</p> <ul style="list-style-type: none"> <li>Objective 23 Industrial and urban services land is planned retained and managed</li> </ul> <p>The proposal is consistent with A Metropolis of Three Cities, the Greater Sydney Regional Plan, Objective 23: Industrial and urban services land is planned retained and managed strategies and actions.</p> <p>The Regional Plan directs Bayside Council to adopt the 'Retain and Manage' approach to the planning for industrial and urban services land. It is reasonable to adopt the Retain and Manage approach for the site due to:</p> <ul style="list-style-type: none"> <li>- the site and the adjacent Botany Employment precinct are both zoned B7 which permits industrial and employment uses; and</li> </ul>	<b>YES</b>

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Direction	Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>- the site is located near Botany local centre, Green Square – Mascot and Maroubra – East Gardens strategic centres as well as the trade gateways of Sydney Airport and Port Botany. Industrial uses can support these areas and functions.</p> <p>The Retain and Manage direction aims to safeguard industrial and urban services land from competing pressures of residential and mixed-use zones. The site currently provides warehousing and commercial office functions. It should be noted that these uses are not urban services functions, but the warehousing component is considered a light industrial use.</p> <p>No inconsistencies with the terms of the Direction were identified.</p>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	<p><b>What a RPA must do:</b></p> <p>A RPA must ensure that a Planning Proposal is consistent with A Plan for Growing Sydney.</p> <p><u>Comment:</u> A Plan for Growing Sydney is the former regional plan for Greater Sydney. It was replaced by A Metropolis of Three Cities in March 2018. An assessment of the Planning Proposal's consistency with A Plan for Growing Sydney is above.</p> <p>Nonetheless, the Planning Proposal is not inconsistent with any of the Directions within A Plan for Growing Sydney.</p>	<b>YES</b>

#### • State Environmental Planning Policies (SEPPs)

An assessment of the Planning Proposal against the relevant SEPPs is provided in **Table 4**, below.

**Table 4:** Relevant SEPPs

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
SEPP No 55 – Remediation of Land	<p>Clause 6 - Contamination and remediation to be considered in zoning or rezoning proposal</p> <p>(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:</p> <p>(a) the planning authority has considered whether the land is contaminated, and</p> <p>(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</p>	<b>YES</b>

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Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
	<p>(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.</p> <p>(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).</p> <p><u>Comment:</u>  <i>The site is within land zoned B7 Businesses Park. The Draft Planning Proposal includes amendments to height and floor space ratio controls to allow an intensification of light industrial and commercial uses.</i></p> <p><i>The Draft Planning Proposal does not include a change of land use zone, or propose additional permitted uses for the site such as sensitive land uses like residential.</i></p> <p><i>The historic and current uses on site include light industrial (warehousing) and commercial (offices) uses. These uses are not noted in Table 1 Some Activities that may Cause Contamination in Managing Land Contamination Planning Guidelines of SEPP 55– Remediation of Land.</i></p> <p><i>Given the above, the Draft Planning Proposal complies with Clause 6 of State Environmental Planning Policy No 55 – Remediation of Land.</i></p>	

There are no other SEPPs relevant to the Planning Proposal.

- **Sydney Regional Environmental Plans (SREPs)**

There are no SREPs relevant to the Planning Proposal. Please note SREPs are now deemed SEPPs.

- **Strategic Planning Framework**

Regional and District Plans and local strategies include outcomes and specific actions for a range of different matters including and identify regionally important natural resources, transport networks and social infrastructure.

An assessment of the Draft Planning Proposal's consistency with the relevant strategic plans is provided in Table 5, below.

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Table 5: Strategic Planning Framework

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
<b>Regional Plans</b>			
Greater Sydney Region Plan	Refer to the assessment under the heading 'S9.1 directions', above		<b>YES</b>
<b>District Plans</b>			
Eastern City District Plan (ECDP)	<ul style="list-style-type: none"> <li>Planning Priority E9 Growing international trade gateways</li> <li>Planning Priority E10 delivering integrated land use and transport planning and a 30-minute city</li> </ul>	<p><u>Comment:</u></p> <p>The Planning Proposal is for changes to statutory floor space ratio and building height controls, to increase potential employment capacity. It will not result in the loss of land on which industrial uses are permitted.</p> <p>The Draft Planning Proposal will increase the permissible floor space of B7 land for industrial and business uses in support of Sydney Airport and Port Botany, and is consistent with Eastern City District Plan Action 36 (b).</p> <p>The proposed maximum building height is below the OLS height control of 51 metres (AHD), and as such, is consistent with Eastern City District Plan Action 36(f).</p> <p><u>Comment:</u></p> <p>This priority includes encouraging growth of local centres to reduce the need for people to travel long distances to jobs and local services. The site is within walking distance to Botany Town Centre, with both the site and Town Centre accessible by public transport along Botany Road.</p> <p>While technically not in the Botany Town Centre (by the definition of Botany Bay DCP 2013 Botany Township HSC), the proposed growth of employment on the site and its proximity to the</p>	<b>YES</b>

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Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<ul style="list-style-type: none"> <li>Planning Priority E12 Retaining and managing industrial and urban services land</li> </ul>	<p>centre is considered consistent with the aims of this priority.</p> <p><u>Comment:</u></p> <p>While 1-3 Lord Street is not identified as Industrial and Urban Services in the Employment Lands Development Monitor and Figure 19 of the Eastern City District Plan, it is considered reasonable to adopt the Retain and Manage approach for industrial and urban services land for the site due to:</p> <ul style="list-style-type: none"> <li>the site and the adjacent Botany Employment precinct are both zoned B7 which permits industrial and employment uses; and</li> <li>The site is located near Botany local centre, Green Square – Mascot and Maroubra – Eastgardens strategic centres as well as the trade gateways of Sydney Airport and Port Botany. Industrial uses on site can support these areas and functions.</li> </ul> <p>The Retain and Manage direction aims to safeguard industrial and urban services land from competing pressures of residential and mixed use zones.</p> <p>The site currently provides warehousing and commercial office functions. It should be noted that these uses are not urban services functions, however the warehousing component is considered a light industrial use.</p> <p>As such, the Draft Planning Proposal will maintain the supply of industrial lands</p>	

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Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
		<p>and is consistent with Eastern City District Plan Action 57.</p> <p>Please note that while the site is within close proximity to Botany Town Centre it is not defined as being part of it. As such Planning Priority E6 Creating and renewing great places and local centres does not strictly apply.</p>	
<b>Local strategies and plans</b>			
Botany Bay Planning Strategy 2031	<p>Botany Bay Planning Strategy 2031 provides a vision for the LGA to 2031 and informed the preparation of Botany Bay LEP 2013.</p> <p>The Draft Planning Proposal aligns with the following Strategy Directions:</p> <p>Strategy Direction 2 Revitalising Botany Road and Traditional Centres</p> <ul style="list-style-type: none"> <li>Objective 2.2 Support and reinforce the centres along the Botany Road Spine</li> </ul> <p>Strategy Direction 4 Reviving the Local Economy:</p> <ul style="list-style-type: none"> <li>Objective 4.3 Promote 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).</li> </ul>	<p><u>Comment:</u></p> <p>The Strategy notes that Botany is unsuitable for residential intensification and more suited to employment intensification. This objective includes an action to facilitate the expansion of commercial activity potential of Lord Street.</p> <p>The Draft Planning Proposal will allow increased employment capacity for industrial and commercial uses on the site, which is consistent with this objective.</p> <p><u>Comment:</u></p> <p>This Objective includes Action 2.25 to 'Facilitate expansion of commercial activity potential north of Botany centre (Flyover site, Lord Street to Bay Street)'. The Planning Proposal will allow increased employment capacity for industrial and commercial uses on the site, which is</p>	YES

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Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>Strategy Direction 5 Maintaining Sydney Airport as a Global Gateway:</p> <ul style="list-style-type: none"> <li>Objective 5.2 Support the development of new off-site employment locations near the Airport to accommodate the growth in demand for Airport related activity.</li> </ul>	<p><i>consistent with this objective and action.</i></p> <p><u>Comment:</u></p> <p><i>The site is within close proximity to Sydney Airport. While the site is not explicitly identified in this objective, the Draft Planning Proposal will allow increased employment capacity for Airport related activity, and is consistent with this objective.</i></p>	
Botany Bay Local Environmental Plan 2013	<p>Clause 2.1 Land Use Zones - B7 Business Park</p> <p>The Objectives for the zone are</p> <ul style="list-style-type: none"> <li>To provide a range of office and light industrial uses.</li> <li>To encourage employment opportunities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</li> <li>To encourage uses in the arts, technology, production and design sectors.</li> </ul> <p>Clause 4.3 Height of Buildings The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,</li> <li>to ensure that taller buildings are appropriately located,</li> </ul>	<p><u>Comment:</u></p> <p><i>The Draft Planning Proposal does not seek to change the land use zone. The proposed amendments to FSR and building height development standards will enable additional capacity for employment uses. The Draft Planning Proposal is considered to be consistent with the B7 zone objectives.</i></p> <p><u>Comment:</u></p> <p><i>The building height limits of adjoining B7 zoned land in Botany Employment Precinct adjacent to the site range from 12 to 25 metres. This has resulted in a variety of built forms including single, two and three storey developments. The proposed building controls are considered to be consistent with the built form of the Botany Employment and Lord Street Business Park precincts.</i></p> <p><i>The proposed building height and building envelope is consistent with the heights and built form</i></p>	YES

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Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<ul style="list-style-type: none"> <li>to ensure that building height is consistent with the desired future character of an area,</li> <li>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</li> <li>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.</li> </ul>	<p><i>along the Lord Street Business Park Precinct. As an area for employment uses, the proposed heights will enable increased employment densities and opportunities.</i></p> <p><i>An Urban Design Review is included as <b>Attachment 8</b> to this report. Assessment by Council staff determined that the proposed building height was appropriate for its context.</i></p> <p><i>The desired future character of the area is articulated in 8.4.2 of the Botany Bay DCP 2013. For the site and the Lord Street Business Park Precinct, there is a desire to facilitate the expansion of commercial activity potential, in a business park setting, north of the Botany Local Centre (Lord Street Business Park Precinct).</i></p> <p><i>The building height is required to enable increased employment density on the site and Lord Street Business Park Precinct.</i></p> <p><i>The Draft Planning Proposal includes a solar access study that demonstrates there remains an acceptable level of solar access to surrounding properties under the new planning controls. Privacy issues can be addressed at the DA lodgement stage.</i></p> <p><i>The site is on the western edge of the Lord Street Business Park Precinct and is one of the first visible sites when entering from Botany Road.</i></p> <p><i>The site and current building are visible from the intersection of Lord Street and Botany Road. With St Matthew's Church situated</i></p>	

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Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>Clause 4.4 Floor space ratio The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,</li> <li>to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,</li> <li>to ensure that buildings do not adversely affect the</li> </ul>	<p><i>along the boundary it shares with 1-3 Lord Street, the two sites having a close visual relationship, when viewed from the west.</i></p> <p><i>The Church and grounds act as a landmark and entrance to the Botany Town Centre when travelling from the north.</i></p> <p><i>The proposed building envelope will result in a built form on the site that is more visible from the public domain. The proposed height, articulation and building materials (all aimed to complement the Church) will result in a view that articulates the entrance for the Lord Street Business Park Precinct and support the Church as a northern landmark for the Botany Town Centre.</i></p> <p><u>Comment:</u></p> <p><i>The desired future character of the area is articulated in 8.4.2 of the Botany Bay DCP 2013, which seeks to facilitate the expansion of commercial activity potential in a business park setting north of the Botany Local Centre (Lord Street Business Park Precinct).</i></p> <p><i>The proposed floor space ratio enables the expansion of commercial activity in the precinct, while also ensuring that the proposed controls will ensure buildings are compatible with the desired future character of the locality.</i></p> <p><i>The proposed floor space ratio will enable development that is complimentary with existing development within the Lord Street Business Park Precinct.</i></p> <p><i>The floor space ratio will not result in a building envelope</i></p>	

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Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,</p> <ul style="list-style-type: none"> <li>to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,</li> <li>to provide an appropriate correlation between the size of a site and the extent of any development on that site,</li> <li>to facilitate development that contributes to the economic growth of Botany Bay.</li> </ul>	<p><i>that adversely effects the streetscape.</i></p> <p><i>As noted above, the additional bulk permitted by the proposed building envelope, as well as the use of appropriate materials, will enhance the Church's role as a northern 'gateway' to the Botany Town Centre.</i></p> <p><i>The building envelope from the proposed floor space ratio increase, has been demonstrated to have negligible impacts on the solar access of adjoining residential lands and the Church grounds.</i></p> <p><i>1-3 Lord Street has a site area of 2,555m<sup>2</sup>. The average lot size for lots in the Lord Street Business Park Precinct is approximately 23,900m<sup>2</sup>. This means the subject site is significant smaller than other lots in the Precinct.</i></p> <p><i>This lot size and current FSR of 1:1 limits the development of the site and therefore its employment capacity potential. The proposed FSR of 1.75:1 will enable the development of the site in keeping with the built form of other lots in the Business Park Precinct.</i></p> <p><i>Further the proposed FSR is considered necessary and reasonable to facilitate a development that aligns with strategic directions to encourage and accommodate employment growth in the area.</i></p> <p><i>The proposal seeks to increase floor space ratio controls on the site to enable increased employment density and job opportunities, which is considered in keeping with this objective.</i></p>	

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**Please note:** From 11 December 2018, amendments made to the Greater Sydney Commission Act 2015 mean that the GSC will no longer issue Gateway Determinations, alterations or make Local Environmental Plans (LEPs). The Minister for Planning is now responsible for all plan-making functions in NSW. The Minister is required to consult the GSC on any LEP if the Minister believes it is likely to significantly affect implementation of the Greater Sydney Region Plan or District Plans.

As this Draft Planning Proposal complies with the strategic directions of the Region and District plan, referral to the Greater Sydney Commission is not required.

### **Botany Bay Development Control Plan 2013 (BBDP 2013)**

The relevant sections of the BBDP 2013 have been identified below, with responses included on how the Draft Planning Proposal complies.

#### Part 3B Heritage – 3B.3.2 Curtilage

##### *Objectives*

*O2 To ensure that new development, involving the development of alterations, additions, extensions, additional buildings or structures, are designed to minimise any potential impacts to adjoining Heritage Items;*

*O3 To protect the heritage significance of Heritage Items;*

##### *Controls*

*C2 New development within the curtilage of a Heritage Item must not block the sight lines of the Heritage Item from the public domain.*

*C4 Where new development within the curtilage of a Heritage Item occurs, the new development must be designed so that the Heritage Item retains its visual prominence. New development within the same curtilage as a Heritage Item must be smaller in scale and subservient in height to the Heritage Item.*

*C5 Where new development is proposed within the curtilage of a Heritage Item, a reasonable "buffer" space or setback must be provided between the original building and the new development.*

##### Comment:

A Heritage Impact Statement is included as **Attachment 3** to this report. Please refer to the detailed discussion on heritage issues, included in this report. In summary these matters were deemed to be satisfied through assessment by Council staff. As such, the Draft Planning Proposal is considered consistent with the relevant heritage controls.

#### Part 6 Employment Zones.

The site is identified in the Botany Bay DCP 2013 under 6.2.6 Lord Street Business Park Precinct.

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*Desired Future Character**Objectives*

01. *To ensure that any new development enhances the environmental and visual amenity of the locality, especially the Mill Ponds (east and west of Botany Road);*
02. *To ensure that any development does not adversely affect the heritage significance of Heritage Items within the Precinct and the adjacent Botany Township Heritage Conservation Area;*
03. *To ensure that the business park and business development uses are compatible with the adjoining established residential area; and*
04. *To ensure to that development can withstand the stresses of flooding and sea level rise and does not adversely impact flooding*

*Controls*

*C1 Development, including alterations and additions, shall be of a high standard and shall maintain the Business Park/High technology appearance of the Precinct.*

Comment:

The Draft Planning Proposal includes building envelope and material controls, as well as proposed uses that align with the broader Lord Street Business Park Precinct. An Urban Design Review is included as **Attachment 8** to this report.

The Draft Planning Proposal was deemed to enable future development that will have a satisfactory relationship with St Matthew's Anglican Church and the Botany Bay Township. The proposed building envelope was developed to include a series of setbacks for the upper floors along the southern boundary that interfaces with residential dwellings. A shadow diagram provided demonstrates satisfactory outcomes in terms of the proposed building envelope's impact on these dwellings.

As noted above, a Preliminary Flood Constraints Assessment (**Attachment 7**) established that the flood issues do not prohibit the built form and uses proposed in the Draft Planning Proposal. It noted that engineering measures (to be drafted for the Development Application phase) could be incorporated on the site to adequately address potential flood impacts. As such, the Draft Planning Proposal is considered consistent with the above.

**Part 8 Character Precincts**

The site is within the Botany Precinct. Section 8.4.2 of the BBDCP 2013 outlines Desired Future Character for this precinct and includes:

*Function and Diversity*

*Facilitate the expansion of commercial activity potential in a business park setting north of the Botany Local Centre (Lord Street Business Park Precinct).*

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Comment:

The Draft Planning Proposal seeks to intensify employment uses on the site including commercial and industrial uses. As such the Draft Planning Proposal is considered consistent with the above.

***Form, Massing, Scale and Streetscape***

*Encourage new development or alterations and additions to existing development to complement the height and architectural style found in the immediate vicinity, particularly where there is an established character.*

Comment:

The Draft Planning Proposal has demonstrated the proposed controls and built form (including materials) can result in a built form that responds to, and is sympathetic with surrounding sites and uses, including St Matthew's Anglican Church. As such, the Draft Planning Proposal is considered consistent with the relevant form, massing, scale and streetscape controls.

***Setbacks***

- *Retain front setbacks which are consistent within a street and promote landscaping to soften the built form.*

Comment:

There is no consistent front setback for buildings along the southern side of Lord Street. The Draft Planning Proposal building envelope controls include a ground floor front setback of 3 metres and no front setback for the upper floors. The Draft Planning Proposal's front setback control will result in a front setback consistent with 5-9 and 13 Lord Street. The Draft Planning Proposal does not include detail regarding landscaping for the site. However, this is a matter that can be resolved at the Development Application stage.

***Traffic and Access***

- *Encourage new development to have a minimal impact on traffic flow and demand for on street parking spaces.*
- *Encourage development to provide adequate on-site parking to assist in reducing traffic congestion on local road networks.*

Comment:

A more detailed assessment of traffic matters is included further on in this report. In summary, advice provided by the proponent is deemed satisfactory, with outstanding matters identified through peer review considered able to be appropriately addressed at later stages.

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## Other Considerations

### Heritage Assessment and Urban Design Assessment

Heritage and Urban Design assessments were undertaken by Council Officers. This included reviews of the:

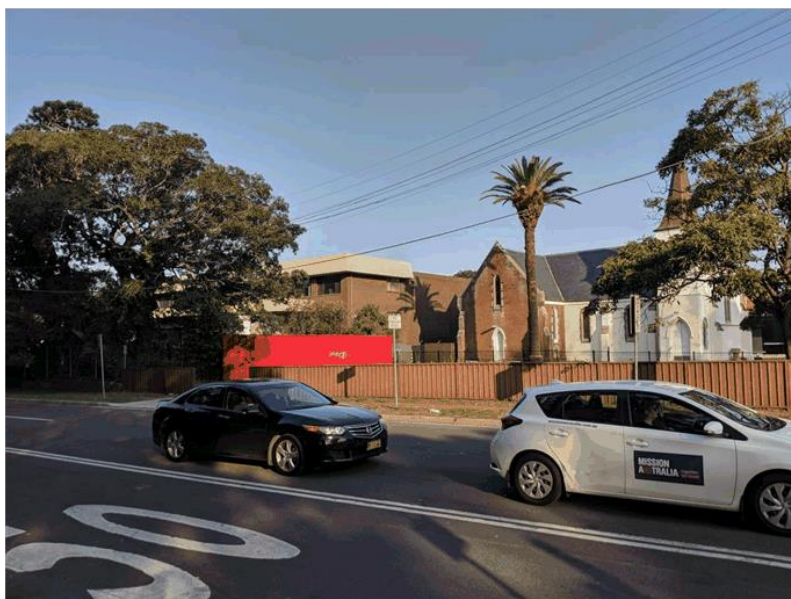
- Planning Proposal prepared by City Plan (**Attachment 1**)
- Draft Site-specific DCP prepared by City Plan (**Attachment 2**)
- Heritage Impact Assessment prepared by Tropman & Tropman Architects (**Attachment 3**)
- Urban Design Review prepared by BuiltConsult Pty Ltd (**Attachment 8**)

As stated previously, the subject site is not a heritage item or within a heritage conservation area. However, the site is adjacent to a heritage item of local significance listed under BBLEP 2013 (St Matthew's Anglican Church), and the Botany Township Heritage Conservation Area. Further, the subject site is within the Botany precinct as defined by the Botany Bay DCP 2013. As such, an assessment of the potential impacts of the Draft Planning Proposal on the heritage items, conservation area and precinct was undertaken.

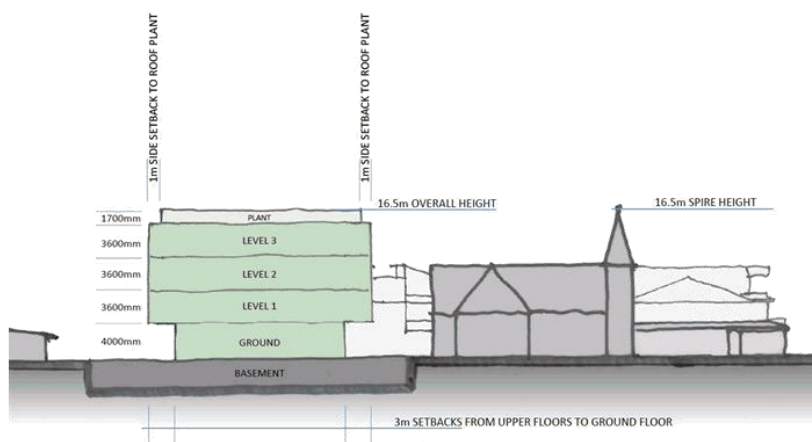


**Figure 10** – The subject site and St Matthew's Anglican Church  
(Source: Tropman & Tropman Architects)

Initially concerns were raised about the interface between the subject site and the Church along the site's western boundary. As the Church is situated along this common boundary, it was initially considered that the proposal might impact the heritage curtilage of the Church.



**Figure 11** – Interface between the existing warehouse and St Matthew's Anglican Church  
(Source: Bayside Council)



**Figure 12** – Proposed interface between the building envelope and St Matthew's Anglican Church  
(Source: BuiltConsult Pty Ltd)

Council officer's initially raised concerns about ensuring appropriate sightlines to the Church; a lack of detail regarding materials to be used on the future building; and how it could be designed to improve its relationship with the Church and the Botany Township.

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Council officers also noted similar issues with the Draft Planning Proposal, as well as a need to provide appropriate ground floor activation, and to articulate the site's relationship with the Church.

From these assessments, a series of recommendations were presented to the proponent to address. The proponent subsequently submitted a revised site-specific draft DCP which included:

Amendments to the site-specific DCP to improve:

- Activation of the ground floor;
- the future building's relationship with the Church through use of appropriate materials (to be determined at the Development Application stage); and
- Design criteria to improve safety and security on site; and
- Justification to maintain the upper-floor, western-side setback of 6m.

The proponent demonstrated how the upper floor setback would not impact the heritage curtilage of the church, through outlining improvements to the current context through the new DCP controls, and demonstrating that a reduced setback would provide no material difference to the views of the Church when viewed from key points.

In their recommendation, the Bayside Local Planning Panel stated that:

- *Consideration should be given to reduction of minimum setback to the eastern boundary, with potential improvements to the interface and visual connection with the church on the western boundary.*

In considering the Panel's recommendations, Council staff requested that the proponent undertake further analysis to model a reduced Eastern boundary side setback, and the resultant modelled built form, to accommodate for increased setback to the adjacent Church site to the West of the subject site.

Council staff reviewed the resultant modelled built form (which included the potential for a zero side setback to the Eastern boundary) and concluded that it did not demonstrate any significant improvement to the Western setback, and furthermore, would result in a poorer built form outcome not only for the subject site, but also for the adjoining land to the East, if it were to be developed in the future.

Following a detailed review of the amended Draft DCP by Council officers, it was agreed that the proponent had addressed the key issues raised in the Panel's recommendations, and Council staff subsequently incorporated what are considered suitable and appropriate site-specific minimum setback requirements into the Draft DCP (**Attachment 2**). The Draft DCP will need to be publicly exhibited at the same time as the Planning proposal, in the event that the Department of Planning and Environment issues a Gateway Determination for the site.

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**Traffic Impact Assessment**

A Traffic Impact Assessment was prepared for the proponent by McLaren Traffic Engineering (**Attachment 6**). The Traffic Impact Assessment included the following matters of note:

- The volume of car parking provided is based on provision of 1 space per 40sqm for ground floor and 1 space 55.5sqm for upper floors. The traffic assessment identified a peak demand of 77 to 88 spaces for the site and is intended to be provided in an underground car park.
- The Lord Street approach to its intersection with Botany Road (the single point of access from Lord Street to the broader road network) as having a Level of Service (LoS) ranging from A to E in peak periods. It should be noted that the Lord Street/ Botany Road intersection operates at acceptable levels.
- The Traffic Impact Assessment did not include an assessment of the cumulative impact of development along Lord Street, be that through natural growth or other developments and proposals on Lord Street. Given the current LoS for the Lord Street approach to the intersection, cumulative development will likely degrade the Lord Street LoS.

An independent traffic consultant reviewed the Traffic Impact Assessment. The consultant raised the following issues with the McLaren Assessment:

- The justification behind the car parking rates was questioned as parking rates used by McLaren were derived from examples cited in Norwest and Bella Vista. Councils' peer review traffic consultant deemed these to be neither suitable nor comparable for the Proposal's context. The traffic consultant stated that Botany Council DCP rate of 1 space per 40m<sup>2</sup> was more appropriate.
- The lack of a cumulative impact assessment was needed to confirm that Lord Street/ Botany Road and the subject intersection could sustain traffic growth and development.

Following the traffic consultant's review, McLaren provided supplementary commentary responding to issues raised through an addendum to their initial report. McLaren's response did not involve additional investigations or recalculation of car parking provision or cumulative traffic impact figures.

In assessing the impacts of these issues, it is considered that the matters raised by the traffic consultant would not preclude the Draft Planning Proposal from being recommended to proceed to Gateway Determination. This is due to the fact that these matters can be better addressed at the Development Application stage for the following reasons:

- The final numerical provision of car-parking should be determined once detailed land uses, floor space and means to facilitate alternative transport options are developed. Parking provision should be based on either Council's DCP requirements, or supported through evidence-based justification where a reduction is proposed.
- Given Lord Street is a Council Road, Council should consider if traffic improvement or mitigation measures are required for Lord Street, and how and when they should be required. To enable this, the cumulative assessment should be provided by the proponent as part of traffic reporting at the DA stage.

As such, these issues should not preclude the Draft Planning Proposal from proceeding to Gateway.

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**Economic Impact Assessment**

An Economic Impact Assessment was prepared for the proponent by AEC Group (**Attachment 5**).

The AEC report noted that the site has economic value as employment lands due to its context as employment land near a Centre and 'trade gateway'. AEC also stated that the accommodation of greater intensity on site would meet unmet demand for such uses in the area.

AEC outlined the following expected benefits of the Proposal:

- Economic impacts of approx. \$16 million during construction;
- 167 additional jobs directly related to the use on site;
- 272 FTE jobs related to functions related to the uses on site; and
- Net increase in Economic Activity of \$117.9 million, including direct, Type 1 Flow-on and Type 2 Flow-on.

It was also noted that the Draft Planning Proposal aligns with the strategic direction for employment lands within the Eastern District, by catering for employment growth in the inner urban areas.

An independent economic consultant reviewed the AEC document, including a review of methods, assumptions and conclusions. The economic consultant identified a range of methodological issues, which AEC Group clarified in supplementary reporting.

Following submission and review of clarifications, the economic consultant agreed with AEC's conclusion that the proposal is consistent with the local planning framework, and will have a positive economic impact.

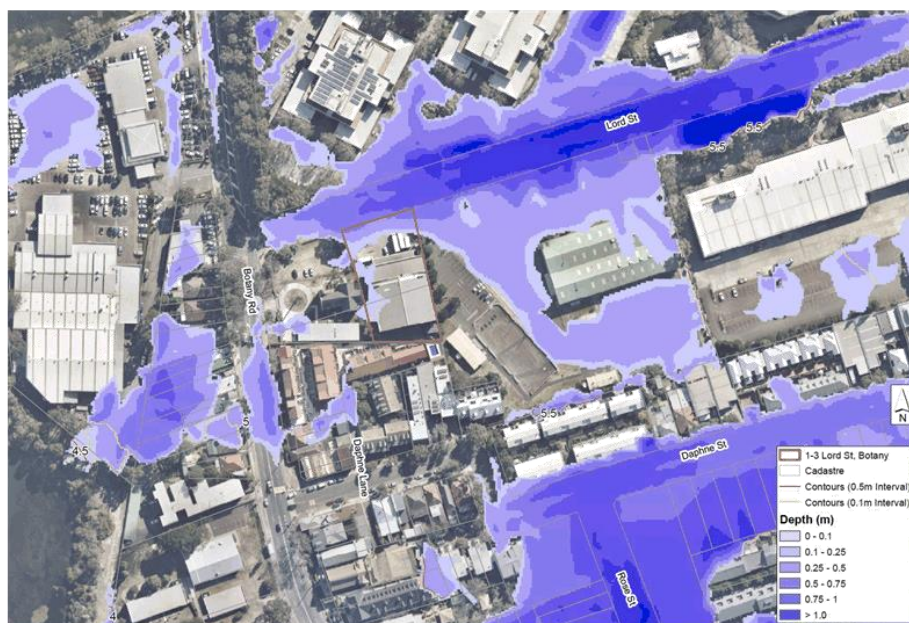
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**Flood Impact Assessment**

Council's flood modelling has determined that the subject site is flood affected for both 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. The impact of the AEP event to the site is largely due to ponding on Lord Street (as shown in Figure 13 below).

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**Figure 13** – 1% AEP Event flood modelling  
(Source: WMAwater)

As the site is flood affected, the proponent provided advice to Council in the form of a Preliminary Flood Constraints Assessment prepared by WMAwater (**Attachment 7**). The Assessment included the following matters of note:

- The study to inform the modelling - The Botany Bay Foreshore Beach Catchment Flood Study – is yet to be adopted by Council;
- The information available is preliminary, as such advice and assessment may need to be updated as new information is made available;
- A sag point on Lord Street, close to the site, 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 resurgence interval (ARI);
- In the 1% AEP event, the front 8m – 15m along the site boundary is flood affected to varying depths, whilst the remainder of the lot is largely flood free; and
- While flood affected, there are design options to ensure safe egress from the site, and this could be included as part of an evacuation plan or emergency management plan.

In assessing the potential impacts of flooding and the risks it poses, it is considered that flooding does not pose a risk that is significant enough to preclude the Draft Planning Proposal from proceeding to a Gateway Determination. It is considered that these matters should be addressed at later stages through appropriate design of site layout, driveway placement and the preparation of management plans. As such, these issues should not preclude the Draft Planning Proposal from proceeding to Gateway.

### Bayside Local Planning Panel Recommendation to Council

On 19 February 2019, the Bayside Local Planning Panel considered the Draft Planning Proposal, and made the recommendations below.

*That the Bayside Local Planning Panel recommends to Council:*

- 1 *That pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Draft Planning Proposal for 1-3 Lord Street, Botany be submitted to the Department of Planning and Environment for a Gateway Determination, subject to Council being satisfied in relation to controls proposed in the Draft DCP prepared by Cityplan. In particular, it is considered that the DCP should focus on the following additional matters:*
  - *The interface between any proposed new building and the church is of paramount importance, therefore visual impact, setbacks, building massing envelope, materials and finishes, appropriate curtilage, and design elements should be carefully considered.*
  - *Consideration should be given to reduction of minimum setback to the eastern boundary, with potential improvements to the interface and visual connection with the church on the western boundary.*
  - *Landscaping, particularly between Lord Street and the building, should be controlled to ensure screening of any proposed building and enhancement of what is effectively the gateway corner to the Lord Street Business Park.*
- 2 *That, if the NSW Department of Planning and Environment issue a Gateway Determination that permits exhibition of the proposal, a post-exhibition report be prepared for consideration by the Bayside Local Planning Panel before making any further recommendations to Council.*
- 3 *It is acknowledged that the subject site is quite small in comparison to other sites in the vicinity, and is unique in this regard and in its relationship to the adjoining heritage item. Therefore, the Panel supports this site-specific Planning Proposal.*
- 4 *As a separate matter, Council is encouraged to examine the Lord Street Precinct in its strategic context in the future, in particular, to consider any cumulative impact which may come about as a consequence of more intensive development within the precinct e.g. traffic impacts. In this regard, the Panel notes that there is considerable potential for additional development within the Precinct should height and floor space controls be considered for change in the future.*

In considering the Panel's recommendations, Council staff requested that the proponent undertake further analysis to model a reduced Eastern boundary side setback, and the resultant modelled built form, to accommodate for increased setback to the adjacent Church site to the West of the subject site.

Council staff reviewed the resultant modelled built form (which included the potential for a zero side setback to the Eastern boundary) and concluded that it did not demonstrate any significant improvement to the Western setback, and furthermore, would result in a poorer built form outcome not only for the subject site, but also for the adjoining land to the East, if it were to be developed in the future. The Eastern boundary side setback (for upper floors of a future building) of 3.5 metres was considered an appropriate planning outcome, as it would

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enable a suitable Western side setback to the Church site, and also allow for a 3 metre front setback for both the ground and upper floors of a future building within the site, and a ground floor Eastern side setback of 8 metres.

Some of the matters raised in the Panel's recommendation can only be fully investigated at a Development Application stage (considered against an endorsed Development Control Plan), or as part of preparation of the Bayside Comprehensive Local Environmental Plan.

Following a detailed review of the amended Draft DCP by Council officers after the Bayside Local Planning Panel meeting on 19 February 2019, it was agreed that the proponent had addressed the key issues raised in the Panel's recommendations, and Council staff subsequently incorporated the minimum setback requirements into the Draft DCP (**Attachment 2**).

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### Conclusion

The Draft Planning Proposal has been the subject of a merits-based assessment against the strategic and statutory planning framework as established by the *Environmental Planning and Assessment Act 1979*, relevant guidelines, Planning Circulars and Practice Notes. In considering whether or not to progress the Draft Planning Proposal to a Gateway Determination, Council is required to consider if the proposed changes to the relevant Local Environmental Plan have strategic merit.

In summary, Council's assessment has identified that the Draft Planning Proposal establishes strategic merit for a change to the planning controls for the following reasons:

- The proposed intensification of employment uses is consistent with the Greater Sydney Region Plan and Eastern City District Plan in particular Objective 23 'Industrial and urban services land is planned, retained and managed (Region Plan)', and Planning Priority E12 'Retaining and managing industrial and urban services land (District Plan)';
- The proposal is consistent with the objectives and detailed requirements of Section 9.1 Directions of the EP&A Act - in particular 1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; 5.10 Implementation of Regional Plans; and 7.1 Implementation of A Plan for Growing Sydney;
- The proposal is consistent with the built form objectives of the Botany Bay DCP 2013 including with the desired future character of the Botany Character Precinct and Lord Street Business Park Precinct; and
- The proposed change to 'Height' and 'Floor Space Ratio' development standards, in addition to the site-specific Draft Development Control Plan built form controls, will result in a building envelope that is compatible with the subject site's surrounding context, and has an appropriate relationship with the adjacent heritage item and conservation area.
- The Planning Proposal is accompanied by a Draft Development Control Plan.

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### Community Engagement

If the Draft Planning Proposal proceeds through Gateway, community consultation will be undertaken in accordance with section 3.34 of the Environmental Planning and Environment Act 1979. The specific requirements for community consultation will be listed in the Gateway Determination, including any government agencies that are to be consulted. The draft Development Control Plan would be publicly exhibited at the same time as the Planning and in accordance with the requirements of cl 18 of the Environmental Planning and Assessment Regulations 2000.

### Financial Implications

Not applicable ☐  
 Included in existing approved budget ☐  
 Additional funds required ☐

### Attachments

- 1 Draft Planning Proposal (under separate cover) [↗](#)
- 2 Site Specific Draft DCP (under separate cover) [↗](#)
- 3 Heritage Impact Statement (under separate cover) [↗](#)
- 4 Site Survey (under separate cover) [↗](#)
- 5 Economic Impact Statement and Addendum (under separate cover) [↗](#)
- 6 Traffic Impact Assessment and Addendum (under separate cover) [↗](#)
- 7 Preliminary Flood Constraints Assessment (under separate cover) [↗](#)
- 8 Urban Design Review and Addendum (under separate cover) [↗](#)

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## MINUTES

of the **Ordinary Meeting** of  
**Bayside Council**  
held in the Rockdale Town Hall, Council Chambers,  
Level 1, 448 Princes Highway, Rockdale  
on **Wednesday 10 July 2019 at 7:10 pm.**

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### Present

Councillor Bill Saravinovski, Mayor  
Councillor Joe Awada, Deputy Mayor  
Councillor Liz Barlow  
Councillor Christina Curry  
Councillor James Macdonald  
Councillor Ed McDougall  
Councillor Scott Morrissey  
Councillor Michael Nagi  
Councillor Vicki Poulos  
Councillor Dorothy Rapisardi

### Also Present

Meredith Wallace, General Manager  
Michael Mamo, Director City Performance  
Debra Dawson, Director City Life  
Michael McCabe, Director City Futures  
Colin Clissold, Director City Presentation  
Fausto Sut, Manager Governance & Risk  
Bobbi Mayne, Manager Customer Experience  
Samantha Urquhart, Manager Property  
Josh Ford, Coordinator Strategic Planning  
Christine Stamper, Acting Head of Communications & Events  
Suhradem Patel, IT Support Officer  
Lauren Thomas, Governance Officer

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The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7:10 pm.

The Mayor informed the meeting, including members of the public, that the meeting is being video recorded and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

## 1 Acknowledgement of Traditional Owners

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

## 2 Opening Prayer

Father Volado Nedeski from the Macedonian Orthodox Church of St Petka in Rockdale, opened the meeting in prayer.

## 3 Apologies

### RESOLUTION

Minute 2019/114

Resolved on the motion of Councillors Nagi and McDougall

That the following apologies be received and leave of absence granted:

Councillor Paul Sedrak

Councillor Tarek Ibrahim

Councillor Ron Bezic

Councillor Petros Kalligas

Councillor Andrew Tsounis

## 4 Disclosures of Interest

The Mayor, Councillor Saravinovski, declared a Significant, Non-Pecuniary Interest in Item 8.6 on the basis that he has relatives who own property in the Rockdale CBD, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Poulos declared a Less-than-Significant Non-Pecuniary Interest in Item 8.7 on the basis that her husband is an Adviser to the Minister of Energy and Environment, and stated she would remain in the Chamber for consideration and voting on the matter.

Councillor Poulos declared a Less-than-Significant, Non-Pecuniary Interest in Item 10.1 on the basis that she is a staff member to the Parliamentary Secretary for the Minister for Transport and Roads, and stated she would remain in the Chamber for consideration and voting on the matter.

Councillor Awada declared a Less-than-Significant, Non-Pecuniary Interest in Item 8.5 on the basis that he lives in close proximity to the site that is the subject of that report, but stated he would remain in the Chamber for consideration and voting on the matter.

## **5 Minutes of Previous Meetings**

### **5.1 Minutes of the Council Meeting - 12 June 2019**

#### **RESOLUTION**

Minute 2019/115

Resolved on the motion of Councillors Nagi and McDougall

That the Minutes of the Council meeting held on 12 June 2019 be confirmed as a true record of proceedings.

## **Presentations**

### **A Certificates of Recognition – Retiring Council Employees**

- 1 A Certificate of Recognition was presented to Pintara Lay, Coordinator Traffic and Road Safety in City Infrastructure, in recognition of his 17 years of outstanding service to Local Government and the Bayside Community service, in particular his contribution to the Local Traffic Committee.
- 2 A Certificate of Recognition was presented to Richard Basa, Payroll Officer in People & Organisational Culture, in recognition of his 31 years of outstanding service to Local Government and the Bayside Community.
- 3 A Certificate of Recognition was presented to Francois Alleaume, Senior Operations Technician for Properties and Venues, in recognition of his 18 years of outstanding service to Local Government and the Bayside Community.
- 4 A Certificate of Recognition was presented to Jan Nash, Coordinator Spatial Information in City Infrastructure, in recognition of her outstanding service to Local Government and the Bayside Community and to also acknowledge her work as a delegate for the United Services Union.
- 5 A Certificate of Recognition was presented to Gerry Orth, Ranger in Compliance, in recognition of 22 years of outstanding service to Local Government and the Bayside Community.

### **B Certificates of Recognition – Police Superintendents from Local Area Commands Moving on to New Areas**

- 1 A Certificate of Recognition was presented to Superintendent Julian Griffiths, St George Police Area Commander, in recognition of his outstanding service as Commander of the St George Police Area.

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- 2 A Certificate of Recognition was presented to Superintendent Brad Hodder, Botany Bay Police Area Commander, in recognition of his outstanding service as Commander of the Botany Bay Area.

**C Framed Mayoral Minute Presentations**

A framed copy of tonight's Mayoral Minute titled "Buy Local Campaign - Partnering with St George Chamber of Commerce" was presented to representatives of the St George Chamber of Commerce.

**6 Mayoral Minutes**

**6.1 Mayoral Minute - Celebrating 100 Years of Sydney Airport**

RESOLUTION

Minute 2019/116

Resolved on the motion of Councillors Nagi and Barlow

That this Minute be adopted and a letter of congratulations be sent to the CEO of Sydney Airport Corporation Limited, commemorating 100 Years of Sydney Airport.

**6.2 Mayoral Minute - Buy Local Campaign - Partnering with St George Chamber of Commerce**

RESOLUTION

Minute 2019/117

Resolved on the motion of Councillors Nagi and Barlow

That Council establishes a "buy local" campaign in partnership with the St George Chamber of Commerce as a trial opportunity, with a post evaluation report to determine extending the campaign into the other local Chamber areas.

**6.3 Mayoral Minute - International Campaign to Abolish Nuclear Weapons (ICAN) Flag flying in commemoration of Hiroshima Day and Nagasaki Day**

RESOLUTION

Minute 2019/118

Resolved on the motion of Councillors Rapisardi and Morrissey

That the ICAN flag be flown from the Rockdale Town Hall from 6 August (Hiroshima Day) to 9 August (Nagasaki Day) as acknowledgement of the 73rd anniversary of the first use of the atomic bomb in wartime, in Japan 1945.

## 7 Public Forum

Details associated with the presentations to the Council in relation to items on this agenda can be found in the individual items.

### 8.3 Planning Proposal - 1-3 Lord Street, Botany

The speakers for this matter decided not to speak on the matter.

#### RESOLUTION

Minute 2019/119

Resolved on the motion of Councillors Nagi and Macdonald

- 1 That pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Draft Planning Proposal for 1-3 Lord Street, Botany be submitted to the Department of Planning and Environment for a Gateway Determination, subject to Council being satisfied in relation to controls proposed in the Draft DCP prepared by Cityplan.
- 2 That pursuant to cl.18 of the Environmental Planning and Assessment Regulation 2000 that Council publicly exhibit the draft Development Control Plan for a minimum period of 28 days.
- 3 That, if the NSW Department of Planning and Environment issue a Gateway Determination that permits exhibition of the proposal, a post-exhibition report be prepared for consideration by the Bayside Local Planning Panel before making any further recommendations to Council.
- 3 That, as part of the preparation of the Bayside Comprehensive Local Environmental Plan, Council considers the Lord Street Precinct in its strategic context, in particular, any cumulative impact which may come about as a consequence of more intensive development within the precinct.

Division called by Councillor Saravinovski:

For: Councillors Saravinovski, Morrissey, Curry, Rapisardi, Nagi, Poulos, McDougall, Macdonald, Barlow and Awada

The division was declared carried.



**8.4 Qantas Flight Training Centre, 297 King Street, Mascot**

The speaker for this matter decided not to speak on the matter.

**RESOLUTION**

Minute 2019/120

Resolved on the motion of Councillors Nagi and Rapisardi

1. That Council note that the proposed flight training centre is critical to Qantas' operations to maintain the legislated level of training for its pilots and cabin crew.
2. That Council endorses the attached submission in relation to the State Significant Development of the Qantas flight training centre for consideration by the NSW Department of Planning and Environment.
3. That the Member for Heffron, Mr Ron Hoenig is advised of Council's submission.

Division called by Councillor Saravinovski

For: Councillors Saravinovski, Morrissey, Curry, Rapisardi, Nagi, Poulos, McDougall, Macdonald, Barlow and Awada

The division was declared carried.

**8.9 Bexley and Brighton Library Review**

Ms Evelyn Collaro, interested resident, spoke against the Officer recommendation.

**RESOLUTION**

Minute 2019/121

Resolved on the motion of Councillors Nagi and Barlow

- 1 That Bexley Library service is not reopened and that the Bexley Library building is demolished.
- 2 That the land on which the Bexley Library sits be restored, landscaped and, if possible, includes a drop off / pick up zone to support activities undertaken in the neighbouring Community Centre.
- 3 That community use options be explored for the Brighton library building and site and brought back to Council for consideration during 2020.
- 4 That the following activities be implemented for any displaced Library members to transition them to alternative libraries and services:
  - 4.1 Provision of a pick-up / drop-off service to Rockdale Library for up to 6 months

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4.2 A Review of library members be undertaken to determine eligibility for the Home Library Service.

5 That Council extend an invitation to local residents to put forward options for Brighton library building and site.

**Item BTC19.135 Teralba Road, Brighton Le Sands - Proposed Upgrade to 90 Degree Angle Parking and Detailed Drawings.**

**of Item 9.3 The Minutes of the Bayside Traffic Committee meeting Held on 3 July 2019**

#### RESOLUTION

Mr Angelo Antoniou, affected neighbour spoke for the Officer recommendation.

Minute 2019/122

Resolved on the motion of Councillors Macdonald and McDougall

That the existing parking restrictions be retained.

Division called by Councillor Morrissey

For: Councillors Saravinovski, Morrissey, Curry, Rapisardi, Nagi, Poulos, McDougall, Macdonald, Barlow and Awada

The division was declared carried.

## 8 Reports

**8.1 Cities Power Partnership Mayoral Joint Statement Calling for National Action on Climate Change**

#### RESOLUTION

Minute 2019/123

Resolved on the motion of Councillors Nagi and Barlow

That Bayside Council becomes a signatory the Cities Power Partnership joint Mayoral Statement, calling for the Federal Government to act on climate change.

**8.2 Statutory Financial Report for May 2019**

## RESOLUTION

Minute 2019/124

Resolved on the motion of Councillors Barlow and Morrissey

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

**Items 8.3 and 8.4 were dealt with in Public Forum.**

**8.5 Sale of Lots 10 & 11 in DP 1244090 (Tantallon Lane) Arncliffe and;  
Sale of Lot 1 DP 867417 (256R King St, Mascot)**

Councillor Awada declared a Less-than-Significant, Non-Pecuniary Interest in Item 8.5 on the basis that he lives in close proximity to the site that is the subject of that report, but stated he would remain in the Chamber for consideration and voting on the matter.

## RESOLUTION

Minute 2019/125

Resolved on the motion of Councillors Nagi and Barlow

- 1 That attachments 1, 2 and 7 to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachments relate to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matters were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That Council approve the transfer and sale of both Lot 10 in DP 1244090, being 73.99sqm and Lot 11 in DP 1244090 and 73.73sqm (Tantallon Lane) Arncliffe for the consideration sum agreed in writing in independent letters of offer from the two proposed purchasers (Confidential Attachment 1 and 2); and
- 3 That Council approve the transfer and sale of Lot 1 in DP 867417 (256R King St, Mascot) for the consideration sums agreed in writing in a letter of offer from the proposed purchasers (Confidential Attachment 7).
- 4 That Council authorises the General Manager to finalise the commercial terms associated with the transfer and sale of the closed roads and execute all documentation to affect the transfer of the land on the terms outlined in this report.

### 8.6 Acquisition of 32 York St, Rockdale

The Mayor, Councillor Saravinovski, had previously declared a Significant Non-Pecuniary Interest in this item, and left the chamber for consideration of, and voting on, this item. The Deputy Mayor, Councillor Awada assumed the Chair.

#### RESOLUTION

Minute 2019/126

Resolved on the motion of Councillors Nagi and McDougall

- 1 That Attachments 3 and 4 to this report be withheld from the press and public as they are confidential for the following reason:  

With reference to Section 10(A) (2) (c) of the Local Government Act 1993, the attachments relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That Attachment 5 to this report be withheld from the press and public as it is confidential for the following reason:  

With reference to Section 10(A) (2) (d)(ii) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- 3 That Council authorise the purchase of 32 York Street, Rockdale to occur within the agreed upper range determined within attachment 5 within this report.
- 4 The purchase of 32 York Street, Rockdale (including expenses, demolition and embellishment) be funded from the Rockdale Local Area Fund.
- 5 That the General Manager be authorised to finalise the terms of the acquisition.
- 6 That the General Manager be authorised to sign, where required, all documentation required to finalise this matter.
- 7 That should Council acquire 32 York Street, Rockdale, the land be classified as operational land in accordance with Section 31 of the Local Government Act 1993;
- 8 Upon exchange of contracts for 32 York Street, Rockdale, Council will publicly notify our intention to classify the subject land pursuant to Section 31 of the Local Government Act 1993;
- 9 That Council notes that a further report, to inform the outcomes of the public notification and recommendation on the land classification, will follow the notification period.

**8.7 Summer Foreshore Enhancement Program 19/20**

The Mayor returned to the Council Chamber, the Deputy Mayor vacated the Chair and the Mayor resumed the Chair.

Councillor Poulos declared a Less-than-Significant Non-Pecuniary Interest in Item 8.7 on the basis that her husband is an Adviser to the Minister of Energy and Environment, and stated she would remain in the Chamber for consideration and voting on the matter.

**RESOLUTION**

Minute 2019/127

Resolved on the motion of Councillors McDougall and Macdonald

1. That Council receive and note the Summer Foreshore Enhancement Program 2019/20.
2. That Council endorse the delivery of the enhanced program other than Initiative 13 in the report as it relates to Teralba Road.

**8.8 Expressions of Interest (EOI) - Outdoor Market Options****RESOLUTION**

Minute 2019/128

Resolved on the motion of Councillors McDougall and Macdonald

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:  
  
With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That Aussie Night Markets be offered a 3 year licence agreement to operate night markets at Cook Park, Kyeemagh, on Sundays, once a month at a fee of \$500 per event to be indexed and reviewed annually, subject to both parties agreeing to the terms of the licence agreement.
- 3 That the licence agreement provide an approval mechanism for minor variations to the frequency of the night markets.
- 4 That the licence agreement provide the General Manager delegation with a clear ability to revoke or pause the agreement should there be non-compliance with the provisions within the licence.



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- 5 That no long term daytime markets be approved for Cahill Park, Wolli Creek and Organic Food Markets be notified their proposal has not been accepted.

**Item 8.9 was dealt with in Public Forum.**

#### **8.10 Draft Bayside Council Swimming Pool Inspection Program**

##### RESOLUTION

Minute 2019/129

Resolved on the motion of Councillors Morrissey and Barlow

- 1 That Council approve the public exhibition of the draft Bayside Council Swimming Pool Inspection Program.
- 2 That, following completion of the exhibition period, a report be returned to Council profiling any submissions in preparation for the adoption of the draft Bayside Council Swimming Pool Inspection Program.
- 3 That Council writes to the Minister of Finance, Services and Innovation and request that the fees under Section 22F of the Swimming Pool Act, be reviewed and that Council's Local Members of Parliament be included in this correspondence

#### **8.11 Grant Funded Projects to Treat Blackspots From the State and Federal Governments Under 2019/2020 Program - First Quarterly Financial Adjustment**

##### RESOLUTION

Minute 2019/130

Resolved on the motion of Councillors Curry and Morrissey

1. That Council note the seven (7) successful traffic and road safety projects receiving 100% grant funding totalling \$548,000 from State and Federal Government programs.
2. That the additional projects are included in the 2019/2020 City Project Program with grant funded budgets included in the Quarter 1 review.

**8.12 Fire Inspection Report - 13-19 Bryant Street, Rockdale**

## RESOLUTION

Minute 2019/131

Resolved on the motion of Councillors Barlow and Awada

- 1 That Report Reference number BFS 19/269 (6163) dated 13 May 2019, forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.
- 2 That Council proceed with compliance action, including but not limited to the issue of a Fire Safety & Cladding Order, requiring the rectification of fire safety breaches and combustible cladding at 13-19 Bryant Street Rockdale, in conjunction with the building owners, strata manager, fire engineer, building contractors and Fire & Rescue NSW.
- 3 That Council notify Fire & Rescue NSW of Council's actions in relation to this matter.

**8.13 Events Calendar 2019 - 2020**

## RESOLUTION

Minute 2019/132

Resolved on the motion of Councillors Rapisardi and Curry

- 1 That Council note and endorse the 2019 – 2020 Events Calendar
- 2 That Council endorse the additional budget associated with the delivery of the enhanced program

**8.14 Disclosure of Interest Return**

## RESOLUTION

Minute 2019/133

Resolved on the motion of Councillors Barlow and Macdonald

That the information be received and noted.

## 9 Minutes of Committees

### 9.1 Minutes of the Bayside Floodplain Risk Management Committee Meeting - 5 June 2019

#### RESOLUTION

Minute 2019/134

Resolved on the motion of Councillors Nagi and Saravinovski

That the Minutes of the Bayside Floodplain Risk Management Committee meeting held on 5 June 2019 be received and the recommendations therein be adopted.

### 9.2 Minutes of the Sport & Recreation Committee Meeting - 24 June 2019

#### RESOLUTION

Minute 2019/135

Resolved on the motion of Councillors Macdonald and Barlow

That the Minutes of the Sport & Recreation Committee meeting held on 24 June 2019 be received and the recommendations therein be adopted, with the exception of the Attendance section and Item 6.1 which are subject to the following amendments:

The attendance section should include Michael McCabe and Clare Harley.

In relation to Item 6.1- Bexley and Scarborough Park Tennis Courts, the minutes should read:

#### 6.1 Bexley & Scarborough Park Tennis Courts

- 1 *The Coordinator Property, Benjamin Heraud, briefed the Committee on the issue. That the current contract provider of the Scarborough Park Tennis Courts has not put forward the requested business plan and financial reporting. The submission that was put forward did not meet Council's request for information and cannot be considered, and an extended lease was not an option.*
- 2 *The Committee reiterated its requirement for a definitive response on the ongoing commitment of the current contract provider, so that alternative uses could be considered at a future date if needed.*

#### Committee Recommendation

*That the current contract provider be asked to respond within one month, providing their business plan for the ongoing operation of both the Bexley and Scarborough Courts.*

**9.3 Minutes of the Bayside Traffic Committee Meeting - 3 July 2019**

## RESOLUTION

Minute 2019/136

Resolved on the motion of Councillors Curry and Morrissey

That the Minutes of the Bayside Traffic Committee meeting held on 3 July 2019 be received and the recommendations therein be adopted with the exception of Item BTC19.135 as previously decided (Minute 2019/137), and subject to the following amendment to BTC19.120:

In relation to BTC19.120 that the community consultation include the implications of the options.

**10 Notices of Motion****10.1 Notice of Motion - Proposed Passenger Cruise-Ship Terminal**

Councillor Poulos declared a Less-than-Significant, Non-Pecuniary Interest in Item 10.1 on the basis that she is a staff member to the Parliamentary Secretary for the Minister for Transport and Roads, and stated she would remain in the Chamber for consideration and voting on the matter.

## RESOLUTION

Minute 2019/138

Resolved on the motion of Councillors Curry and Morrissey

- 1 That Bayside Council write to the NSW Premier, and the new Minister responsible for ports, The Honorable Andrew Constance, MP Minister for Transport and Roads, reiterating Council's strong opposition to a proposed passenger cruise-ship terminal at either Yarra Bay or Molineux Point, highlighting Council's strong concerns about the negative impact a passenger terminal would have on the area including traffic congestion, environmental destruction, loss of open green space and flow-on land-use pressures.
- 2 That Council write to the Prime Minister and local Members of State Parliament about this issue.

## 11 Questions With Notice

### 11.1 Question With Notice - Parking Issues in Valda Avenue and March Street, Arncliffe

Councillor Awada advised that he has received complaints from residents in Valda Avenue, Arncliffe regarding parking problems all day and night due to day and night shift employees who are working on the M5 and taking up all the parking spaces in Valda Avenue and the adjoining March Street.

#### RESOLUTION

Minute 2019/139

Resolved on the motion of Councillors Awada and Barlow

Councillor Awada asked:

- 1 Could council staff investigate and report on the option of creating 2P parking, residents excepted, from 6:00 pm -10:00 pm for Valda Avenue and March Street in Arncliffe?
- 2 Who sets out the eligibility criteria for obtaining resident parking?
- 3 Who qualifies for a resident-only parking permit?

## 12 Call For Rescission Motions

There were no Rescission Motions.

The Mayor closed the meeting at 8:43 pm.

Councillor Bill Saravinovski  
Mayor

Meredith Wallace  
General Manager



Planning,  
Industry &  
Environment

### Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_BSIDE\_004\_00): to amend FSR and height controls under the Botany Bay Local Environmental Plan 2013 to increase development standards at 1-3 Lord Street, Botany.***

I, the A/Director, Eastern and South District, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Botany Bay Local Environmental Plan (LEP) 2013 to increase the building height and floor space ratio should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to community consultation as follows:
  - (a) Update the project timeline.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) and must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016).
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
  - (a) Road and Maritime Services;
  - (b) Sydney Airport Authority;
  - (c) Civil Aviation Safety Authority;
  - (d) Department of Infrastructure, Transport, Cities and Regional Development;
  - (e) Heritage, Department of Premier and Cabinet; and
  - (f) Environment, Energy and Science Group.



Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. Council is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) Council has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 7 day of November 2019.



**Laura Locke**  
**A/Director**  
**Eastern and South District**  
**Greater Sydney, Place and**  
**Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**

PP\_2019\_BSIDE\_004\_00



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## MINUTES

of a meeting of the  
**Bayside Local Planning Panel**  
held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Wednesday 17 June 2020 at 6:00 pm.**

---

### Present

Jan Murrell, Chairperson  
Marcia Doheny, Independent Expert Member  
Robert Montgomery, Independent Expert Member  
Amber O'Connell, Community Representative

### Also Present

Fausto Sut, Manager Governance & Risk  
Josh Ford, Coordinator Strategic Planning  
John McNally, Urban Planner

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The Chairperson opened the meeting at 6:00 pm.

### 1 Acknowledgement of Country

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

### 2 Apologies

The following apologies were received:

Clare Harley, Manager Strategic Planning

### 3 Disclosures of Interest

There were no disclosures of interest.

### 4 Minutes of Previous Meetings

Nil

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Speakers contributed to the consideration of each item by audio-visual link.

## 5 Reports – Planning Proposals

### 5.1 119 Barton Street, Monterey

Panel members have undertaken individual inspections of the site and considered the eleven written submissions received during the exhibition.

The following people spoke at the meeting:

- Mr Pantelis Fotopoulos, neighbour, spoke against the officer's recommendation.
- Kate Bartlett, Planner, spoke in favour of the officer's recommendation and responded to the Panel's questions.

#### Recommendation to Council

The Bayside Local Planning Panel recommends that the Council endorse the Planning Proposal and forward it to the Department of Planning, Industry and Environment (DPIE) for finalization and making of the Local Environmental Plan amendment, as exhibited, for 119 Barton Street, Monterey (in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979).

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Reason for Panel Recommendation

- The Panel considers the Planning Proposal has both Strategic and Site Specific merit and provides an excellent opportunity for the 'missing middle' townhouse form of housing. As such this will also provide greater choice in the type of housing for future and existing Bayside residents.
- The proposed rezoning to R3 is entirely consistent with the surrounding zoning on all four sides with the same provisions of FSR; height; and minimum lot size to apply as well as the provisions of the Council's DCP. This is a logical and sound planning approach to a site which has not experienced demand for private recreation for many years. The uses permitted in the private recreation zone, such as registered clubs, paint ball or indoor bowling facilities could have negative impacts for the surrounding residential area. The extension of the R3 zone over this site of 7,218 sq m is appropriate and given the density will not create unreasonable impacts for the established residential area.

## Bayside Local Planning Panel

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- It is acknowledged that surrounding residents have enjoyed the benefit of the green space and limited recreational use of the site as a private bowling club in the past. However, the land is zoned RE2 Private Recreation, and is therefore not a community asset and has not been identified for acquisition.
- The Panel notes that the neighbourhood is well endowed with public open space compared to other parts of the local government area.
- The Panel endorses the Officer's recommendation and concurs with the comments made by the Sydney Eastern City Planning Panel earlier in November 2018. In particular that: *The proposal has strategic merit as it contributes to housing supply and diversity in an area supported by social infrastructure and public transport.*

**5.2 Post-Exhibition Report: 1-3 Lord Street, Botany**

Panel members have undertaken individual inspections of the site.

The following people spoke and / or made a written submission to the meeting:

- Hendry Wan, on behalf of the adjoining church to the west, made a written submission to advise the Church is not opposed to the site being redeveloped, however, expressed concern about the need for a future development to have regard for the heritage significance of the Church and the impact on the eastern stained glass windows.
- Sonny Embleton, Planner, spoke in favour of the officer's recommendation and responded to the Panel's questions.
- Hayden Sterling, Architect, spoke in favour of the officer's recommendation and responded to the Panel's questions.
- Nathan Fuz, Applicant, spoke in favour of the officer's recommendation and responded to the Panel's questions.

**Recommendation to Council**

- 1 The Bayside Local Planning Panel acknowledges the written and oral submissions received today and during the Public Exhibition of the Planning Proposal and the officer's response .
- 2 The Bayside Local Planning Panel, in accordance with Section 3.36(1) of the Environmental Planning & Assessment Act 1979, recommends the Planning Proposal be endorsed by the Council and the following action:
  - (i) forward a copy of the Planning Proposal and relevant supporting information to the Department of Planning, Infrastructure and Environment (the DPIE); and
  - ii) liaise with Parliamentary Council to enable the draft Local Environmental Plan to be finalised and notified.

- 3 The Council adopt the site-specific Development Control Plan as exhibited, with the following amendments:

- **2. Site Context**

Additional sentences to be added to the last paragraph:

*The interface between any proposed building and the adjoining historic church is of paramount importance. To this end the objectives in this DCP must be carefully incorporated into any design.*

Reason: To ensure that the importance of this interface is highlighted in the DCP.

- **Table 1 – Building Setback**

Change setback for upper levels on west from 4m to 5.5m

Reason: a reduced eastern setback is appropriate to provide an increased setback and improved interface with the church to the west.

- **4.3.1 – West Façade Objectives**

Add objectives along following lines:

*To ensure the appropriate access to light is provided to maintain the significance of the stained glass windows of the adjoining historic church, through careful consideration of the setback, colours and design of façade and roof elements.*

*The west façade is to incorporate articulation through building design and variable setbacks. Consideration should be given to incorporating an atrium on this façade and varied roof design to provide an appropriate elevation to the historic church when viewed from Botany Road.*

Reason: To ensure appropriate light conditions are created for the stained glass windows to the east.

- **Re-word 5th dotpoint:**

*To create an active pedestrian access at ground level between the western façade of the building and the western boundary, including seating, soft landscaping and a visual connection to the historic church.*

Reason: To clarify desired outcome.

- **4.3.2 - North Façade**

Additional objective:

Bayside Local Planning Panel

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*To provide an appropriate visual relationship to the adjoining historic church by stepping the north façade from the minimum front setback on the eastern boundary to a larger setback on the western boundary.*

Reason: To have regard to the heritage item when viewed from the public domain.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Reason for Panel Determination

- The Panel is of the opinion that the interface between the proposed new building and the church is of paramount importance, therefore curtilage, setback, design elements, colours and finishes should be carefully considered in the future built form.
- The planning proposal presents an opportunity to increase the development potential, but also an opportunity to achieve an overall superior outcome to respect the heritage item. This can be achieved by a skilful design to achieve this balance. The proposed amendments to the DCP are to facilitate an appropriate outcome.

## 6 Reports – Development Applications

Nil.

The Chairperson closed the meeting at 7:00 pm.

Certified as true and correct.

Jan Murrell  
Chairperson





City Plan Strategy & Development P/L  
ABN 58 133 501 774

16 July 2020

**Our Ref:** P-18161

**Josh Ford**  
Bayside Council  
444-446 Princes Highway  
ROCKDALE NSW 2216  
[Josh.Ford@bayside.nsw.gov.au](mailto:Josh.Ford@bayside.nsw.gov.au)

Dear Josh,

**RE: 1-3 LORD STREET BOTANY - RESPONSE TO LOCAL PLANNING PANEL  
RECOMMENDATIONS - 17 JUNE 2020 MEETING**

## **1. BACKGROUND**

This correspondence is in response to the 17 June 2020 recommendations of the Bayside Local Planning Panel (LPP) in relation to the Planning Proposal (PP) for 1-3 Lord Street, Botany (subject site). The LPP has made certain recommendations in relation to the interface between the western boundary of the subject site and the adjacent heritage listed St Matthews Church (Church), specifically relating to access to natural light to the east facing church windows.

In response to the LPP's recommendations and further investigations in relation to the matters raised, we provide the following response and corresponding amendments to the attached revised DCP dated 16 July 2020, provided as **Attachment A**. Additional urban design and solar analysis is provided as **Attachment B**.

## **2. RESPONSE TO LPP RECOMMENDATIONS**

### **LPP Recommendation 1**

#### *2. Site Context*

*Additional sentences to be added to the last paragraph:*

*The interface between any proposed building and the adjoining historic church is of paramount importance. To this end the objectives in this DCP must be carefully incorporated into any design.*

*Reason: To ensure that the importance of this interface is highlighted in the DCP*

### **Response:**

DCP amended as recommended.

Suite 6.02, 120 Sussex St, Sydney NSW 2000  
P +61 2 8270 3500  
[CITYPLAN.COM.AU](http://CITYPLAN.COM.AU)  
M:\Projects\CP2018\18-161 1-3 Lord St, Botany\6. Post Lodgement\10. LPP June 2020\200716 LPP Response Letter Final.docx



City Plan Strategy & Development P/L  
ABN 58 133 501 774

#### LPP Recommendation 2

##### Table 1 – Building Setback

Change setback for upper levels on west from 4m to 5.5m

Reason: A reduced eastern setback is appropriate to provide an increased setback and improved interface with the church to the west.

#### Response:

At the previous LPP meeting of 19 February 2019 the recommendation was made that "consideration be given to reduction of minimum setback to the eastern boundary, with potential improvements to the interface and visual connection with the church on the western boundary".

The issue of the western setback in relation to the visual relationship to the church was addressed in detail in consultation with Council and its independent planning advisors prior to exhibition of the Planning Proposal. It was agreed that the proposed 4 metre setback to the church boundary could be appropriately managed via the expanded provisions in the DCP dated 26 June 2019. As such, the issue between the visual relationship between the church and a future building on the site was resolved and supported by Council's favourable resolution at its 10 July 2019 meeting, and a Gateway Determination.

No additional issues were identified in the public exhibition process in relation to the setbacks and their effect on the visual relationship to the church. The issue of the setback to the church has raised only in relation to concerns outlined by the church regarding impacts on access to natural light on the east facing stained glass windows of the church. This is the primary matter for consideration in relation to the LPP's recommendations on this second review of the Planning Proposal.

The Planning Proposal and DCP are working hard to address a legacy subdivision issue that has resulted in minimal setback between the church and the shared boundary to the subject site. As demonstrated in the indicative diagrams provided below, the church site was at least up until 1943 surrounded by more open space. While the date of the subdivision and sale of land east of the church is not known, the current subdivision boundary between the church and the subject site now provides only 1.5 metres setback.



1886 Subdivision Plan - Approximate location of subject site in relation to the church site (refer Attachment C)



1943 Aerial - Approximate location of subject site in relation to the church site



Recent Aerial - Approximate location of subject site in relation to the church site

The proposed setback of 4 metres exceeds the 3 metre setback already permitted under the current DCP. Given the minimal church setback, and other boundary constraints such as the residential development to the south, placing the onus on the subject site to achieve greater building separation results in an unreasonable burden on the subject site.



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The Planning Proposal and DCP will result in a major improvement in comparison to the existing building on the site, which presents a blank wall, currently provides an unsatisfactory visual backdrop to the church and does not address the key street corner of Lord Street and Botany Road or acknowledge any confluence of land use. The result of the planning proposal will be a more open and interactive building that will frame the church grounds and establish proactive built form interrelationships, and create a sympathetic backdrop to the church.

The proponent acknowledges the Church's concerns and has undertaken to further investigate the impacts and to make the necessary amendments to the DCP to ensure reasonable access to natural light for the east facing stained glass windows.

#### *Additional Overshadowing Investigations*

BuiltConsult has undertaken further solar impacts analysis investigations in relation to the overshadowing impacts of a future building on the subject site in relation to the east facing stained-glass windows of the Church. These investigations are provided as **Attachment B** and consider the comparative shadowing effects of:

- the existing warehouse building on the subject site;
- a future form that is set back at 4 metres with provisions for enhanced amenity through the incorporation of **additional articulation** on the western façade. This form specifically tested the strategic setting back of part of western side of the uppermost floor, potentially in the form of an unroofed terrace, breakout space or non-occupiable roof space; and
- a future form that reflects the LPP's recommended setback of 5.5 metres **without additional articulation**.

The analysis provided as **Attachment B** demonstrates that maintaining a 4 metre setback with carefully designed architectural articulation on the western façade will achieve a similar, and slightly improved outcome in terms of access to natural light for the stained glass windows as would a building that is set back at 5.5 metres, as recommended by the LPP. Specifically, we compare the following outcomes of the setback and articulation options investigated:

- On June 21 the existing building on the site results in solar access to the main (centre) window of the church between the hours of 10:15am and 12:30pm.
- On June 21 the proposed envelope, combined with the LPP's recommended 5.5m setback to the western boundary results in solar access to the main (centre) window of the church between the hours of 11:00am and 12:30pm.
- On June 21 the proposed envelope, with the currently proposed 4m setback to the western boundary, and with strategically placed façade articulations to the upper floors can (in the example indicated) result in solar access to the main (centre) window of the church between the hours of 10:45am and 12:30pm.

In summary:

	Existing building	4m with articulation	5.5m without articulation
Times when sunlight reaches church windows	10:15am-12:30pm	10:45 - 12:30pm	11:00am-12:30pm
Total hours of sunlight	2hr 15mins	1hr 30mins	1hr 15mins



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The above demonstrates that setting back the entire façade of the building is unnecessary. However strengthened and refined DCP provisions can be used to ensure that well considered articulation of the western façade will minimise impact on available natural light to the windows.

*Proposed DCP amendments to provide natural light to the church*

Suitable provisions in the DCP will enable Council to facilitate a merit-based development outcome at detailed design stage, which provides for the required articulation that will ensure natural light reaches the church's stained glass windows. Any loss in floorspace as a result of increased articulation to the western façade could be gained through relaxation of setback controls to the eastern boundary.

It is proposed that the 4 metre western setback and 3.5 metre eastern setback remain. This will be supported by the following setback provision to provide suitable flexibility that would promote increased setbacks adjacent to the church and suitable flexibility that would enable a commensurate reduction in setbacks to be achieved adjacent to the eastern opposite boundary.

*Where a setback is increased to the western boundary for the purpose of providing careful articulation of upper levels that improves access to natural light to the east facing church windows, a commensurate reduction may be permitted at any point along the eastern setback to a maximum setback reduction of 0.5m.*

A merit based assessment in accordance with the above provision would result in the eastern façade being set back no closer to the boundary than the 3 metres currently permitted to the eastern boundary of the subject site.

The above provisions are supported by the strengthened objectives for the western façade to ensure that articulation is provided in a manner that enhances access to natural light to the stained glass windows of the church, provided in response to **LPP Recommendation 3** below.

The approach of increasing the western setback adjacent to the church with a corresponding reduction in setbacks to the eastern boundary has previously been supported by the following minutes of the LPP's 19 February 2019 and 17 June 2020 meetings:

*"[19 February 2019] Consideration should be given to reduction of minimum setback to the eastern boundary, with potential improvements to the interface and visual connection with the church on the western boundary."*

*"[17 June 2020] Reason: A reduced eastern setback is appropriate to provide an increased setback and improved interface with the church to the west."*

The response to this issue not only relates to access to direct sunlight for east facing the stained windows, it is also about providing and allowing for ambient light to illuminate the windows. Careful articulation and consideration of the façade design and its material composition will increase reflection of light off the façade towards the church. This does not presently occur as a result of the brown blank brick wall adjacent to the church.

The matters of reflection of light are both suitably addressed through inclusion of a new objective and strengthening of an existing objective referred to in response to **LPP Recommendation 3** below. These provisions provide Council with the necessary provisions to trigger a merit-based assessment in relation to this issue with clear objectives that communicate the potential means of ensuring access to light to the stained glass windows of the church.



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#### LPP Recommendation 3

##### 4.3.1 – West Façade Objectives

Add objectives along following lines:

*To ensure the appropriate access to light is provided to maintain the significance of the stained glass windows of the adjoining historic church, through careful consideration of the setback, colours and design of façade and roof elements.*

*The west façade is to incorporate articulation through building design and variable setbacks. Consideration should be given to incorporating an atrium on this façade and varied roof design to provide an appropriate elevation to the historic church when viewed from Botany Road.*

*Reason: To ensure appropriate light conditions are created for the stained glass windows to the east.*

#### Response:

In relation to the recommended objective relating to access to natural light to the stained glass windows of the church, the following additional objective has been included in the DCP:

*To ensure the appropriate access to light is provided to the stained glass windows of the adjoining historic church, through careful consideration of building articulation, building materials, colours and design of façade and roof elements.*

In relation to the second recommended objective, specifying particular design elements such as an atrium is considered overly prescriptive for the purposes of a DCP objective. As such, to address this matter and avoid repetition, existing Objective 2 has been augmented to read:

*To use a material palette, building articulation and roof design that provides a backdrop to the church and creates a sympathetic visual relationship between built form on the site and the adjacent church when viewed from Botany Road.*

#### LPP Recommendation 4

[4.3.1] Re-word 5th dot point:

*To create an active pedestrian access at ground level between the western façade of the building and the western boundary, including seating, soft landscaping and a visual connection to the historic church.*

*Reason: To clarify desired outcome.*

#### Response:

DCP amended as recommended.



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**LPP Recommendation 5**

*4.3.2 - North Façade*

*Additional objective:*

*To provide an appropriate visual relationship to the adjoining historic church by stepping the north façade from the minimum front setback on the eastern boundary to a larger setback on the western boundary.*

*Reason: To have regard to the heritage item when viewed from the public domain.*

**Response:**

This recommendation is inconsistent with the LPP's 19 February 2019 recommendation, which stated:

*Landscaping, particularly between Lord Street and the building, should be controlled to ensure screening of any proposed building and enhancement of what is effectively the gateway corner to the Lord Street Business Park.*

In response to this recommendation, the setback to Lord Street was increased from zero to 3 metres in order to improve the visual relationship of the building in this location which 'hinges' the Lord Street Business Park and the church. It is also noted that the view of the church from Lord Street is not a significant vista as it is not a major pedestrian route.

No further issues were identified in relation to this issue during the exhibition process. As such, further amendments of the DCP in relation to this issue are not warranted.

---

We trust that the above sufficiently satisfies Bayside Council in relation to effectiveness of controls proposed in the Draft DCP to enable it to proceed with reporting to Council the LPP's recommendation for the PP to be submitted to the Department of Planning and Environment for a Gateway Determination.

Should you have any queries or require any clarifications of the matters included in this correspondence, please do not hesitate to contact the undersigned.

Yours Sincerely,

A handwritten signature in black ink that reads "H. Deegan".

**Helen Deegan**  
Director Planning





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Attachment A - Revised Draft Site Specific DCP



This site specific DCP must be read together with other sections of the Botany Bay DCP 2013. In the event of inconsistency between this section and the other sections of the Botany Bay DCP 2013, this section will prevail to the extent of the inconsistency.

This site specific DCP applies to land at 1-3 Lord Street Botany being Lot 2 in DP 593463 and Lot 4 in DP 593463 (the site).

The areas to which this DCP applies is illustrated as the land contained within the red boundary of Figure 1



Figure 1: Area of Application (Source: Spatial Information Exchange (SIX) Maps)

Suite 6.02, 120 Sussex St, Sydney NSW 2000  
P +61 2 8270 3500  
**CITYPLAN.COM.AU**  
M:\Projects\CP2018\18-161 1-3 Lord St, Botany\6. Post Lodgement\10. LPP June 2020\200716 Revised DCP Final.docx



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## 2. SITE CONTEXT

The site is located within the B7 Business Park zone. It is adjacent to the locally listed heritage item St Matthew's Anglican Church (Item 171 under BBLEP 2013), which is located in a heritage conservation area. The St Matthew's Anglican Church is situated to the west of the site and reflects influences from Victorian Gothic styles.

In 2016, a contemporary steel framed multi-function centre was constructed to the south of the church building. This new building is visually subservient to the Church building.

St Matthew's Anglican Church is primarily viewed from Botany Road, from which any future development on the site will form a backdrop. The Church is visually prominent as viewed from its Botany Road and Lord Street frontages.

3-4 storeys residential development constructed of multi coloured brick and panelling are located to the south of the site and St Matthew's Anglican Church.

The site is uniquely positioned in a transitional location between residential, church and commercial land uses. The interface between any proposed building and the adjoining historic church is of paramount importance. To this end the objectives in this DCP must be carefully incorporated into any design.

## 3. OBJECTIVES:

The following key objectives are applicable to all future development on the site:

- To provide built form controls that facilitate development consistent with the objectives of the site's B7 Business Park zoning within the Lord Street Business Park precinct.
- To create a bookend style development that visually integrates with and provides an activated edge to the adjoining church.
- To retain and enhance the visual prominence of the St Matthew's Anglican Church as viewed from Botany Road and Lord Street.
- To establish a high quality interface between any future built form on the site and the adjacent St Matthew's Anglican Church and adjoining lawn area.
- To facilitate the transition of use between the site at the edge of the employment precinct and the adjacent St Matthew's Anglican Church.
- To establish a functional building envelope that is capable of meeting employment-based industry operational requirements of the site.
- To maintain appropriate solar access and ensure privacy to residential buildings in the adjacent R3 Medium Density Residential zone.
- To facilitate ongoing safety and security.



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#### 4. DEVELOPMENT CONTROLS

##### 4.1. Building character

A key consideration informing any future built form on the site is establishing an appropriate visual relationship between that built form and the adjacent St Matthew's Anglican Church. The transition and interface between business uses and the St Matthew's Anglican Church as well as establishing a sympathetic design response to the Church are important factors to consider in this regard.

##### Design Criteria

- Any future built form on the site is to reflect the Business Park character of the precinct as well as providing a sympathetic design response to the adjacent Church through design articulation, modulation of form, variation in texture, finishes and materials.
- Development must be of a high visual quality and must include appropriate architectural articulation and modulation of form particularly to the northern frontage to Lord Street and western frontage to the Church.
- Setbacks to the western façade of the building (i.e. facing the St Matthew's Anglican Church) are to provide space to enable the activation of the ground-floor edge between the site and its boundary with the Church.
- Landscaping of the setback to the western boundary is to facilitate the future integration and transition between the site and the adjoining lawn area within the adjacent Church grounds. Should fencing be proposed between the two properties, ground level setbacks are to ensure the ground floor of the building remains accessible in perpetuity.
- The ground floor of the building is to be designed enable activation of the ground level and is to include outward facing floorspace that is oriented towards the northern and western boundaries of the site.
- Landscaping of the setback to the northern boundary is to be designed so as to contribute positively to the building frontage as viewed from Lord Street and to enhance the visual appearance of the site as a gateway corner to the Lord Street Business Park.

##### 4.2. Building Envelope

The site's transitional location adjacent to the Church and medium density residential uses require careful consideration to establish a functional building envelope that is capable of meeting employment-based industry operational requirements of the site as well as appropriately managing impacts on the church and residential uses. Maintaining appropriate levels of solar access to existing residential dwellings and facilitating a scale of built form that is compatible with neighbouring uses are key considerations in this regard.



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#### Design Criteria

- Development on the site must not exceed a height of 16.5 metres and RL 21.82 metres (i.e. height of the church spire).
- Setbacks for any future development on the site are to be in accordance with those outlined in Table 1.
- Upper level setbacks are to minimise solar overshadowing impacts to adjacent residential properties.

Table 1 - Building Setbacks

	Front (Lord St North)	Side (East)	Side (West)	Rear (South)
Ground Level	Minimum 3m from site boundary.	Minimum 8m from site boundary.*	Minimum 7m from site boundary.*	Minimum 6m from neighbouring building
Upper Levels 1-3	Minimum 3m from site boundary.	Minimum 3.5m from boundary.*	Minimum 4m from site boundary.*	Setback to increase by one metre for every additional metre in height for the proposed development, above 5 metres in building height.

\* Where a setback is increased to the western boundary for the purpose of providing careful articulation of upper levels that improves access to natural light to the east facing church windows, a commensurate reduction may be permitted at any point along the eastern setback to a maximum setback reduction of 0.5m.

#### 4.3. Building Frontage and Façade Design

The site is unique in that each façade of a future building on the site will respond to different contextual conditions and relationships. The site's gateway location adjacent to the St Mathews Church heritage item has a transitional role from the open, garden character of the church grounds to the treed and garden commercial frontages of Lord Street, as well as between commercial uses north and east of the site with residential uses to the south.

This places a high degree of importance on ensuring each façade responds to the unique visual qualities and characteristics of its context. Articulation, materials and finishes of each façade play an important role in ensuring a sympathetic and contextually appropriate response to the surrounding context and maintaining the visual prominence of the church.



#### 4.3.1. West Façade

##### Objectives

The open church grounds will enable the western frontage of any future built form on the site to be highly visible from Botany Road and from the western part of Lord Street. Any future built form on the site will form a backdrop to the heritage listed St Mathew's church and will require a sensitive design response to the church.

The intent for the western façade is to provide an active relationship between the Site and the church. Landscaping elements along the north-west corner of the Site can be used to manage the visual relationship between the church and a future building on the Site as well as the visual impact of the north façade on the prominent views to the Church.

The design of this façade is to be consistent with the following objectives:

- To 'bookend' the Lakes Business Park precinct with subtle articulation of form and relatively simple composition of façade elements so as to establish a visually sympathetic relationship with the church.
- To use a material palette, building articulation and roof design that provides a backdrop to the church and creates a sympathetic visual relationship between built form on the site and the adjacent church when viewed from Botany Road.
- To provide a contemporary design response that uses high quality materials that work to maintain and enhance the visual prominence of the Church as viewed from Botany Road, with the use of glazing, shading and screening devices, softer articulation and simple composition of façade elements.
- To establish a visual or physical connection between internal ground floor commercial floorspace and external landscaped areas through façade treatments at ground level such as fixed and/or operable glazing.
- To create an active pedestrian access at ground level between the western façade of the building and the western boundary, including seating, soft landscaping and a visual connection to the historic church.
- To ensure the appropriate access to light is provided to the stained glass windows of the adjoining historic church, through careful consideration of building articulation, building materials, colours and design of façade and roof elements.
- To provide protection to openings from the west sun.





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#### 4.3.2. North Façade

##### Objectives

The Lord Street frontage is the main address of the site and provides the opportunity for a unique 'gateway' architectural response to enhance the sense of arrival to the precinct. The design of this façade is to be consistent with the following objectives:

- To provide a level of articulation that provides a unique architectural response, accentuates street presence and provides a strong visual identity to the main frontage of the building.
- To create a sense of visual interest and design quality to the façade facing Lord Street by way of modulation of form and the visual articulation of colour, texture, and materials.
- To include materials and finishes that reflect the commercial and industrial context of Lord Street.
- To enhance the visual qualities of the gateway to the Lakes Business Park precinct.
- To include soft landscaping at ground level between the site boundary and the building, to reflect the garden character of Lord Street.

#### 4.3.3. East Façade

##### Objectives

The east façade of a future building in the site will face towards B7 Business Park zone and will respond primarily to a commercial and industrial context. The design of this façade is to be consistent with the following objectives:

- To provide a high degree of articulation and include a visually interesting composition of materials that reflect the adjacent industrial and commercial context.

#### 4.3.4. South Façade

##### Objectives

The southern façade will directly face a medium density residential development. The design of this façade needs to respond to domestic styles of articulation and materials to soften the visual appearance and manage privacy issues between commercial and residential uses. The design of this façade is to be consistent with the following objectives:

- To provide articulation and modulation to maintain solar access. To provide appropriate screening devices to manage any potential overlooking from south facing openings or balconies.
- To provide landscaping within the rear setback to screen adjoining residential uses and ameliorate any impacts of development.



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#### 4.4. Safety and Security

The intent of this site specific DCP is to facilitate activation, provide an attractive interface with the public domain (i.e. Lord Street) and also to establish an interrelationship between the site and the adjacent church grounds. It is anticipated that this interrelationship will primarily occur on publicly accessible, private land. As such, consideration for safety and security of these spaces is essential in the design as well as ongoing occupation stages of development.

##### Design Criteria

- Development on the Site should be supported by a Crime Prevention Through Environmental Design (CPTED) study to demonstrate how the development incorporates 'Safer by Design' principles of:
  - **Surveillance:** maximise visibility and surveillance of the public domain and publicly accessible spaces.
  - **Access Movement and Sight lines:** establish direct connections and sight lines that minimise residual spaces and concealment opportunities.
  - **Activation:** maximise activity in the public domain by providing outward-facing land uses, especially at ground level. Where complementary land uses such as takeaway/ food and beverage (e.g. café) are proposed, these should be located at ground level to front onto public streets and/or publicly accessible spaces.
  - **Ownership/ Management:** provide clear definition of public and private areas of the development to ensure that public spaces (e.g. Lord Street/ public street), publicly accessible private space (e.g. laneway link/ lobby spaces) and private space (e.g. commercial premises) facilitate a logical and intuitive understanding of purpose of spaces and the permissibility of access to the public and when.
  - **Management: establish** clearly defined maintenance and management roles between adjoining land (i.e. the Site and adjacent Church) to ensure ongoing upkeep, visual quality and safety of the development on the Site and publicly accessible land.

#### 5. DEVELOPMENT APPLICATION REQUIREMENTS

- Any Development Application for the site will need to be supported by a Heritage Impacts Statement, which should consider external materials schedules and colours in order to maintain and enhance the visual prominence of the adjacent Church.



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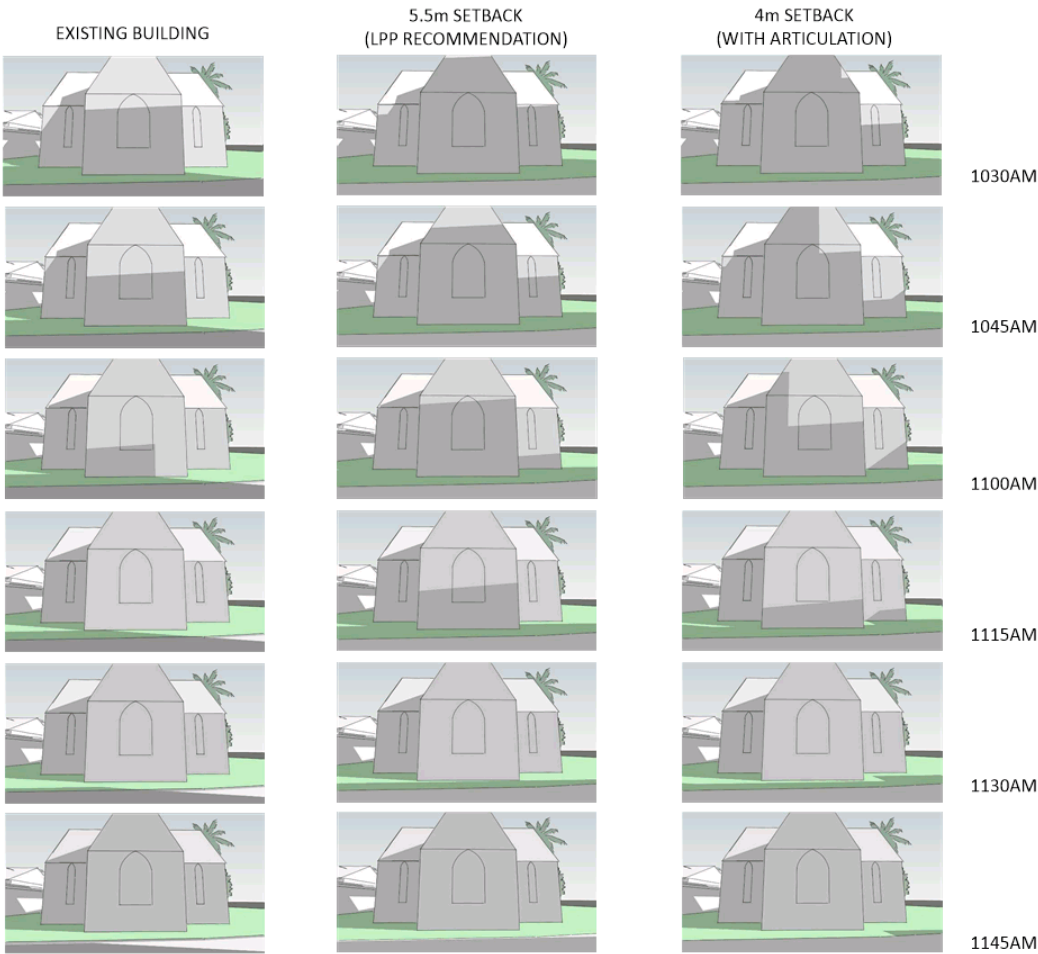
**Attachment B - Additional Urban Design and Solar Analysis**

# **1-3 Lord Street, Botany**

## **Envelope and Setback Analysis**

**OVERSHADOWING IMPACTS ON ADJACENT CHURCH WINDOWS**  
**16 July 2020**

**BuiltConsult Pty Ltd**  
architects | project managers



**SUMMARY**

- EXISTING BUILDING:
- CENTRE WINDOW RECEIVES SUN BETWEEN THE HOURS OF 1015AM – 1230PM
- 5.5m SETBACK PROPOSED ENVELOPE:
- CENTRE WINDOW OF CHURCH RECEIVES SUN BETWEEN THE HOURS OF 1100AM – 1230PM
- 4m SETBACK PROPOSED ENVELOPE WITH STRATEGIC ARTICULATIONS:
- CENTRE WINDOW OF CHURCH RECEIVES SUN BETWEEN THE HOURS OF 1045AM – 1230PM

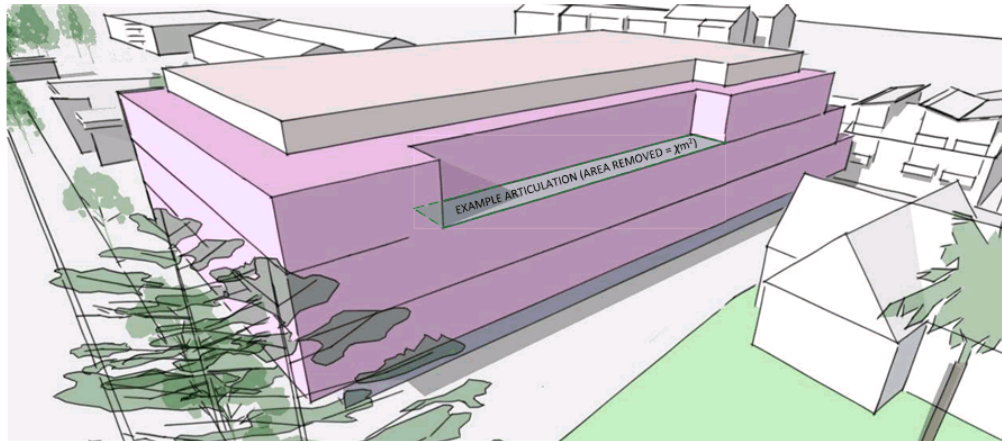
IMAGES INDICATING SHADOWS CAST BY EXISTING BUILT FORM AND PROPOSED ENVELOPES

**Façade Setback Analysis**

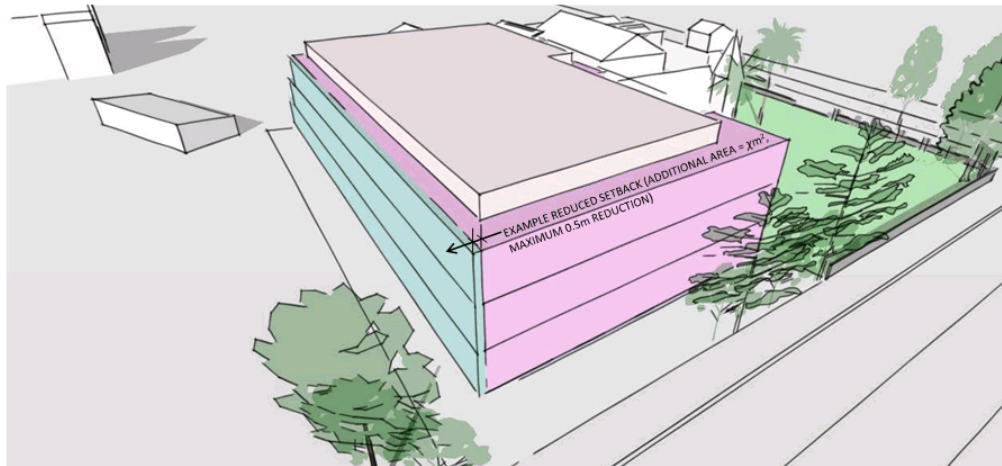
**BuiltConsult Pty Ltd**  
architects | project managers  
Nominated architect: Hayden Sterling - 10177

**21 JUNE – 15 MINUTE INTERVALS**

**1-3 Lord St Botany**  
16 July 2020



PROPOSED WESTERN FAÇADE INDICATING ARTICULATION



PROPOSED EASTERN FAÇADE INDICATING SETBACK REDUCTION

**SUMMARY**

SUITABLE PROVISIONS IN THE DCP WILL ENABLE COUNCIL TO FACILITATE A MERIT-BASED DEVELOPMENT OUTCOME AT DETAILED DESIGN STAGE, WHICH PROVIDES FOR THE REQUIRED ARTICULATION THAT WILL ENSURE NATURAL LIGHT REACHES THE CHURCH'S STAINED GLASS WINDOWS. ANY LOSS IN FLOORSPACE AS A RESULT OF INCREASED ARTICULATION TO THE WESTERN FAÇADE COULD BE GAINED THROUGH RELAXATION OF SETBACK CONTROLS TO THE EASTERN BOUNDARY.

**Proposed Setback Strategy**

**BuiltConsult Pty Ltd**  
architects | project managers  
Nominated architect: Hayden Stirling - 10177

**4m WESTERN BOUNDARY SETBACK ENVELOPE WITH INDICATIVE  
ARTICULATION AND EASTERN SETBACK REDUCTION**

**1-3 Lord St Botany**  
16 July 2020





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Attachment C - 1886 Subdivision Plan

**1<sup>st</sup> Sub!**

**LORD'S ESTATE**

**BOTANY**

*For Sale on the Ground*  
**SAT. 29<sup>th</sup> MAY 1886**  
*at 3.00.*

by  
**BATT & RODD**  
**PURVES**

**TERMS**  
*£3 per lot Deposit*  
*Balance £1 per Month*  
*Without Interest.*

**ATCHISON**  
**SCHILLIGER**  
*Civil Engineers & Surveyors*  
*110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000*

**POSTPONED to SAT. WEDNESDAY, JUNE 13**

**RESERVE FOR PARK**

**ATCHISON**  
**SCHILLIGER**  
*Civil Engineers & Surveyors*  
*110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000*

Government Submissions		
Government Agency	Submission	Council Officer Response
Environment, Energy and Science Group	<ul style="list-style-type: none"> <li>No objection to the Planning Proposal.</li> <li>The Planning Proposal adequately assesses flooding constraints. Flooding should be further assessed at DA stage.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Flooding will be assessed in detail at DA stage.</li> </ul>
Heritage NSW, Department of Premier & Cabinet	<ul style="list-style-type: none"> <li>No objection to the Planning Proposal.</li> <li>Notes that the proposed increase in height and FSR appears to allow the bulk of a new building to reach the height of the top of the spire. Council may wish to consider the desirability of this outcome and the precedent it may create.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Council officers also noted similar issues with the Draft Planning Proposal, as well as a need to provide appropriate ground floor activation, and to articulate the site's relationship with the Church.</li> <li>From these assessments, a series of recommendations were presented to the proponent to address. The proponent subsequently submitted a revised site-specific draft DCP which included:</li> <li>Amendments to the site-specific DCP to improve: <ul style="list-style-type: none"> <li>Activation of the ground floor;</li> <li>the future building's relationship with the Church through use of appropriate materials (to be determined at the Development Application stage); and</li> <li>Design criteria to improve safety and security on site; and</li> <li>Justification to maintain the upper-floor, western-side setback of 6m.</li> </ul> </li> <li>The Planning Proposal has adequately demonstrated how the upper floor setback would not impact the heritage curtilage of the church, through outlining improvements to the current context through the new DCP controls, and demonstrating that the views of the Church remain when viewed from key points.</li> </ul>

		<ul style="list-style-type: none"> <li>As such, no further amendments are required based on EES's comments.</li> </ul>
Transport for NSW	<ul style="list-style-type: none"> <li>No objections to the Planning Proposal.</li> <li>Detailed comments as follows:               <ul style="list-style-type: none"> <li>The indicative proposed vehicular access location is closer to the signalised intersection of Botany Road/Lord Street than at present. Positioning the driveway closer to this busy intersection is not supported as motorists wishing to turn right into the future development are likely to queue-back impacting the traffic signal operations. It is therefore suggested the driveway is located as far as practical way from the intersections (towards the eastern property boundary). It is requested this is reflected in the DCP.</li> <li>Full time No Stopping should be extended across the site frontage as part of any future DA. The double centreline and lane line markings are likely to be required to be extended in a similar fashion.</li> <li>Consideration should be given to removal of on-street parking along the northern side of Lord Street as part of the future DA (i.e. installation of full time No Stopping to correspond to the No Stopping signposting along the south side). This will assist in improving traffic flow around turning vehicles.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Council notes TfNSW request for a control to be included in the site specific DCP regarding location of the proposed driveway. It is considered that this point is adequately addressed by controls contained in Botany Bay DCP 2013, in particular Part 3A C15 which states that "Vehicular access point should not be located close to intersections". As such, it is considered that no amendments to the site specific DCP are required.</li> <li>Noted, these 2 matters will be addressed as part of a future DA, as suggested by TfNSW.</li> </ul>
Sydney Airport	<ul style="list-style-type: none"> <li>Referral to Sydney Airport and CASA will be required at DA stage.</li> <li>Windshear should be assessed in accordance with relevant guidelines at DA stage.</li> <li>Sydney Airport supports the retention of employment lands.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Any future DA will be referred to relevant agencies for comment.</li> <li>Windshear will be adequately assessed as part of any future DA. It should be noted that Botany Bay DCP 2013 contains controls relating to windshear.</li> <li>Noted.</li> </ul>
Civil Aviation Safety Authority	<ul style="list-style-type: none"> <li>No objection to the Planning Proposal.</li> <li>Wind effects should be further analysed at DA stage.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Wind effects will be subject to detailed assessment at DA stage.</li> </ul>
Department of Infrastructure, Transport, Cities and	<ul style="list-style-type: none"> <li>No objection to the Planning Proposal.</li> <li>Recommend that proponent liaise with Sydney Airport at the DA stage.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Any future DA on the subject site will be required to be referred to Sydney Airport for comments.</li> </ul>

Regional Development		
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## Council Meeting

12/08/2020

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Item No	8.4
Subject	<b>Kogarah Collaboration Area - Joint Councillor Reference Group</b>
Report by	Phoebe Mikhiel, Acting Director City Futures
File	SF20/4751

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## Summary

Bayside Council in collaboration with Georges River Council, the Greater Sydney Commission and other key stakeholders prepared the *Kogarah Collaboration Area Strategy*. The Kogarah Collaboration Area is now in the Implementation phase which is guided by the *Kogarah Place Strategy (2020)* **Attachment 1**.

It has been identified that there would be benefit in developing a Joint Councillor Reference Group, with 3 Councillors nominated from each Council, to provide input into the implementation of the Kogarah Place Strategy to ensure that the community is represented in the decision making process.

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## Officer Recommendation

That Council nominate three Councillor representatives to participate in the Joint Councillor Reference Group for the implementation of the Kogarah Place Strategy.

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## Background

Kogarah is identified as a Collaboration Area, Strategic Centre and Health and Education Precinct in the Greater Sydney Region Plan, owing to its significant cluster of health and educational activities.

The *Kogarah Place Strategy* was developed by the Greater Sydney Commission, Bayside Council, and Georges River Council, and other key stakeholders to guide the growth of the area over the next 20 years. The Strategy has been informed by the *Greater Sydney Region Plan*, *South District Plan* and the *Eastern City District Plan*. The *Kogarah Place Strategy* outlines the vision for the Kogarah Collaboration area, which identifies the opportunities and constraints, sets out the priorities, and actions to deliver the vision of ‘*By 2036, the Kogarah Collaboration Area will be a vibrant health and knowledge precinct that fosters innovation, provides access to comprehensive education, is home to research institutions and is well-connected to major economic centres by efficient transport links.*’

Briefings were provided to Councillors by the Greater Sydney Commission on the 27 February 2019 about the process and on 20 October 2019 regarding the draft Kogarah Place Strategy’s vision, priorities and actions. The *Kogarah Place Strategy* was endorsed by Council at the 11 December 2019 Council meeting.

The Kogarah Collaboration Area includes several areas (refer **Attachment 2**) including the:

- Health, knowledge and wellness core
- Kogarah Town Centre

- Rockdale Town Centre
- Kogarah North
- Kogarah West
- Rockdale Wetlands Corridor
- Jubilee Stadium, and
- Industrial and Urban Services Land

The *Kogarah Place Strategy* includes the Rockdale Town Centre, and identifies a strategic supporting role for Rockdale in achieving the Kogarah Collaboration Area Vision by 2036. The *Bayside Local Strategic Planning Statement (LSPS)* **Attachment 3** nominates the Rockdale Town Centre as a Strategic Centre, and supports the continual planning for the Kogarah Collaboration Area as identified in the following Bayside Planning Priorities:

- **Bayside Planning Priority 6 – Action 6.5** *Advocate for a train/metro station to be located in the Bexley town centre area as part of a potential future Kogarah to Parramatta Line*
- **Bayside Planning Priority 16 – Action 16.1** *Continue to plan for the Kogarah Collaboration Area (also refer to Bayside Planning Priority 3) and work with the Greater Sydney Commission and Georges River Council to implement the actions developed in the Place Strategy*

The *Kogarah Place Strategy* identifies 38 actions, 5 of which are immediate actions. As part of the delivery of these actions, Governance Groups have been developed.

It has also been identified that there would be benefit in developing a Joint Councillor reference group, with 3 Councillors nominated from each Council, to provide input into the implementation of the Kogarah Place Strategy to ensure that the community is represented in the decision making process. Georges River Council have indicated they support this approach.

Name of Group	Purpose	Meeting Frequency	Representative
<b>TBC Joint Councillor Reference Group</b>	The <b>Councillor Working Group</b> would play an advisory role to the Kogarah Collaboration Area, with any formal decision making to take place through standard Council processes.	6 weekly or as required	<b>Bayside Council</b> 3 Councillors  <b>Georges River Council</b> Nick Katris (Kogarah Bay Ward)  Leesha Payor (Kogarah Bay Ward)  Stephen Agius (Kogarah Bay Ward)
KCA Governance Group	The <b>KCA Governance Group</b> aims to accelerate		Manager Strategic Planning

Name of Group	Purpose	Meeting Frequency	Representative
	place outcomes in the Kogarah Collaboration Area by pursuing joint initiatives to support greater connectivity, productivity, liveability and sustainability. It is accountable for reporting on the actions contained in the <i>Kogarah Place Strategy</i> and its members will seek to support shared priorities and new or existing initiatives that will amplify place outcomes.	To be advised	
KCA Communications Working Group	The <b>KCA Communications Working Group</b> aims to accelerate place outcomes in the Kogarah Collaboration Area by promoting a consistent 'identity' and narrative for the Kogarah Collaboration Area.	To be advised	Manager Communications and Events
KCA Local Transport Working Group	The <b>KCA Local Transport Working Group</b> aims to accelerate transport related place outcomes in the Kogarah Collaboration Area by: <ul style="list-style-type: none"> <li>• sharing insights and developing joint and sustainable initiatives</li> <li>• providing a shared, place-based voice for transport studies and projects.</li> </ul>	To be advised	Senior Strategic Planner
KCA Public Spaces Working Group	The <b>KCA Public Spaces Working Group</b> aims to accelerate place outcomes in the Kogarah Collaboration Area by co-ordinating public domain improvements and development contributions plans and identify public space initiatives to work on together.	To be advised	Senior Strategic Planner



## Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

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## Community Engagement

Not Applicable.

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## Attachments

- 1 Kogarah Place Strategy [↓](#)
- 2 Kogarah Collaboration Area Map [↓](#)
- 3 Bayside Local Strategic Planning Statement [↓](#)