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**PLANNING PROPOSAL**

FOR

**3 MACQUARIE STREET (LOT 5 DP 18556)**

**AND**

**3A MALONEY STREET (LOT 8 DP 18556)**

**ROSEBERY**

MADE TO

**BAYSIDE COUNCIL**

ON BEHALF OF

**THOMAS HOTELS**

OCTOBER 2017  
REF: 160819.PP

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## **APPENDICES**

- Appendix 1**      **Extract from Botany Bay LEP 2013 – Schedule 1**
- Appendix 2**      **Indicative Concept Plan prepared by Darren Mah Design**
- Appendix 3**      **Traffic Impact Statement prepared by Traffix**
- Appendix 4**      **Acoustic Impact Report prepared by Koikas Acoustics**
- Appendix 5**      **Heritage Impact Statement prepared by City Plan Heritage**
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## 1. INTRODUCTION

This Planning Proposal is made to Bayside Council in respect of land located at 3 Macquarie Street and 3A Maloney Street, Rosebery (*the site*) described as Lots 5 and 8 in DP 18556, respectively. The Planning Proposal seeks concurrence and adoption by Council to apply for a gateway determination from the NSW Department of Planning and Environment for the inclusion of an additional permitted use on the site.

An aerial photograph of the site is attached at **Plan 1** which shows its location and the immediately surrounding development.

The site is occupied by two (2) single storey dwellings, one fronting Macquarie Street and the other fronting Maloney Street with vehicle crossovers to each frontage. Adjoining the site to the north are Lot 6 in DP 18556 and Lot 11 in DP 1142723 which contain a car park serving the Lakes Hotel situated at the corner of Gardeners Road and Macquarie Street.

The site is zoned R2 Low Density Residential under the provisions of Botany Bay Local Environmental Plan 2013 (the LEP).

The Planning Proposal seeks to insert a site specific clause in Schedule 1 of the LEP to permit the use of the site as a “car park” in association with the Lakes Hotel. The LEP already contains a similar such provision, being Clause 17 of Schedule 1 (see **Appendix 1**), in relation to the two properties to the north of the site which are now developed as a carpark.

The Planning Proposal seeks to allow car parking on the site for use in conjunction with the adjoining hotel to provide additional off-street car parking for hotel patrons. The proposal will increase the available on-street parking for local residents, visitors and hotel patrons that cannot be accommodated within the new car park. The submission is accompanied by an Indicative Concept Plan of the car park (see **Appendix 2**). The Indicative Concept Plan forms the basis of the assessment of the Planning Proposal undertaken in this submission.

The Planning Proposal is supported by studies by specialist consultants in relation to traffic and parking (see **Appendix 3**), acoustic issues (see **Appendix 4**), heritage (see **Appendix 5**) and light spill (see **Appendix 6**).

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the NSW Department of Planning and Environment’s *A Guide to Preparing Planning Proposals* (August 2016).

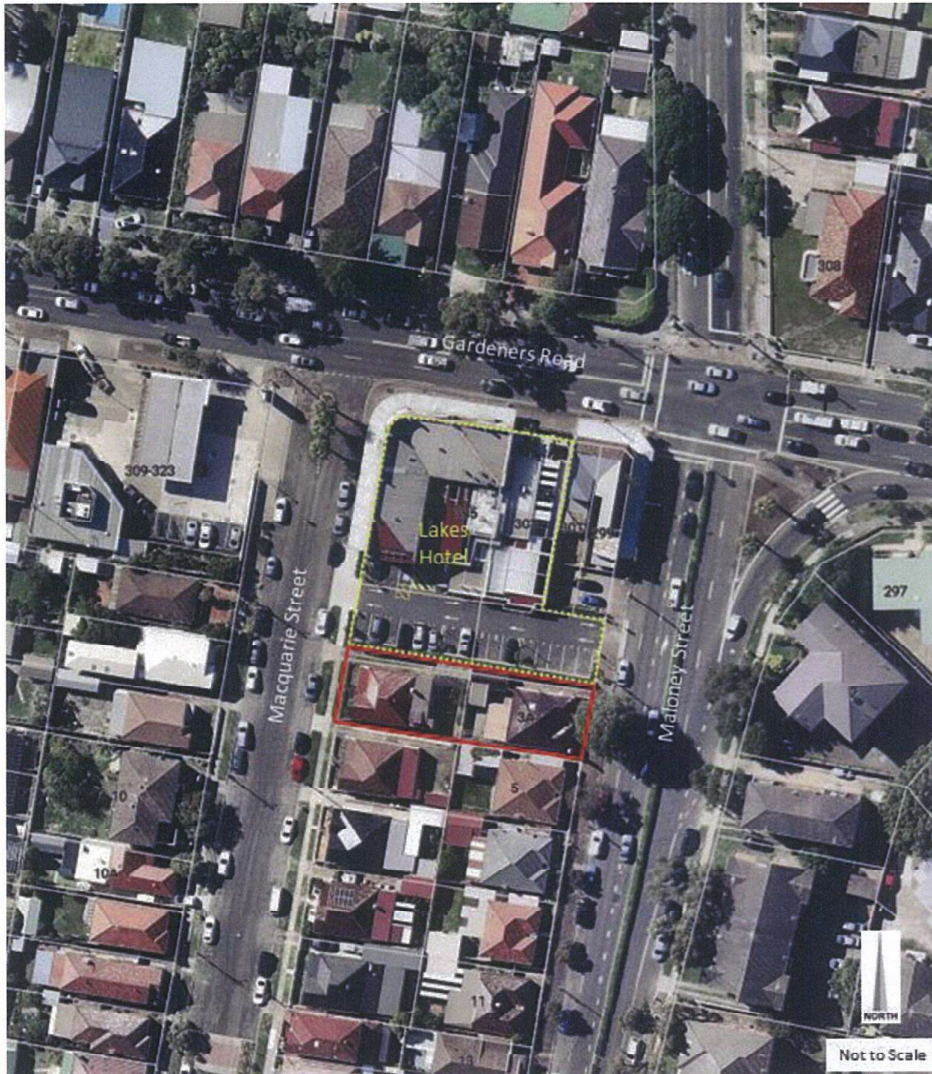


## 2. SITE AND CONTEXT

As set out above, the site the subject of the Planning Proposal is:

- Lot 5 in DP 18556, known as 3 Macquarie Street, Rosebery, and
- Lot 8 in DP 18556 known as 3A Maloney Street, Rosebery (see **Plan 1**).

The two lots are each occupied by a single storey residential dwelling fronting the street with vehicle crossovers. A site survey is contained in **Appendix 7**.



**Plan 1: Location** (land the subject of the Planning Proposal shown edged red)

Source: [www.nearmap.com.au](http://www.nearmap.com.au)

The adjoining land to the north, Lot A in DP 187154, Lots 10 and 11 in DP 1142723, and Lot 6 in DP 18556 known as 303-305 Gardeners Road, Rosebery contains a two storey hotel building known as “The Lakes Hotel” with a car park to the rear (see **Plan 1**). The Lakes Hotel is listed as a heritage item under the LEP.



The existing car park to the rear of the Lakes Hotel contains 19 spaces and is accessible via driveways from both Maloney Street and Macquarie Street (although access is controlled by boom gates in accordance with conditions of consent – see further below). Three spaces are located on the northern side of the driveway with an additional sixteen (16) spaces across the southern boundary. Landscaping is provided within the carpark and around its perimeter, including within the road reserve to Macquarie Street. An acoustic wall is located along the southern boundary of the car park adjacent the site.

The use of the existing car park is in accordance with conditions of consent imposed under DA No. 13/141, including the following relevant matters:

- there is an approved Plan of Management (General Management Policy) in place for the Lakes Hotel which includes the management of the car park;
  - subject to a 12 month trial period (currently the subject of a Section 96 modification), the car park may operate 24 hours with access restricted to the Maloney Street entrance with the Macquarie Street access to be secured from 10pm;
  - deliveries to the rear of the Hotel through the car park are restricted to between 8am and 6pm;
  - noise emissions from the car park are to comply with the following:
    - (a) *The LA10, 15 minute noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 10.00pm when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.*
    - (b) *The LA10, 15 minute noise level emitted from the licensed premises shall not exceed the ambient LA90 noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 10pm one day to 7.00am the day following when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.*
- Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 10pm one day to 7.00am the following day.*
- the car park is to be patrolled regularly by security personnel;
  - signage is erected and maintained on the acoustic wall of the car park including the words “Please consider our neighbours and keep noise to a minimum. Please switch off car stereos”; and
  - the CCTV system for the Hotel includes surveillance of the car park.

As set out in the submitted Traffic Impact Statement (see **Appendix 3**), a comparison of the level of parking provided on-site for the Hotel and the applicable parking generation rates for “pubs” under the Botany Bay DCP 2013 indicates that there is existing unmet demand for on-site car parking associated with the Lakes Hotel. The Traffic Impact Statement states that *“an assessment against the DCP parking requirement of the hotel has been undertaken for reference. Botany Bay DCP 2013 – Part 3A requires parking for ‘pubs’ at the following rate:*

- 1 space / 2 employees; plus
- 1 space / 5m<sup>2</sup> GFA

*The application of these rates to the public floor area [of the Lakes Hotel] of 377m<sup>2</sup> and 17 employees produces a requirement under the DCP of 84 parking spaces. This rate would be applicable to cater for expected demand if the site was constructed today.”* (p. 6)

Accordingly, parking generated by the Hotel use over and above the current provision on-site (some 65 spaces on the basis of the above figures) is being met through the use of available on-street parking.

The Lakes Hotel forms part of a strip of existing retail/commercial development located on Gardeners Road at Rosebery which was designated as a “neighbourhood centre” in the *Botany Bay Planning Strategy 2031*. The centre comprises predominantly one and two storey commercial/retail premises, some with residential accommodation at the upper level, located on the southern side of Gardeners Road. The northern side of Gardeners Road is characterised by single storey, detached dwelling houses.

The Lakes Hotel is situated at the eastern end of the strip which terminates at the intersection of Gardeners Road and Maloney Street. It adjoins to the east a two storey building with ground level retail/commercial premises, which also extends around to the Maloney Street frontage. To the west, on the opposite side of Macquarie Street is a service station with access driveways off both Gardeners Road and Macquarie Street.

Macquarie Street and Maloney Street consist predominantly of residential properties. Macquarie Street and the western side of Maloney Street are predominantly made up of single storey detached dwellings while the eastern side of Maloney Street contains a number of residential flat buildings. The dwelling house at No. 4 Macquarie Street opposite the site is listed as a heritage item under the LEP.

Public bus services are available along Gardeners Road and along the southern portion of Maloney Street and taxi services are also available.

Gardeners Road has restricted on-street car parking and unrestricted car parking is available on Macquarie Street and Maloney Street. No public car park is available within the surrounding area.



### 3. OBJECTIVES OR INTENDED OUTCOMES

The primary objective of the Planning Proposal is to permit an additional permitted use on the site for a “car park” so as to facilitate the extension of the existing car park associated with the Lakes Hotel onto the site.

The intended outcome of the Planning Proposal (subject to the granting of development consent) is the redevelopment of the site for car parking purposes as an extension of the existing car park serving The Lakes Hotel.

As set out in the previous Section, there is unmet demand for car parking associated with the use of the Hotel which is currently accommodated in the surrounding streets. The Planning Proposal, by allowing for the provision of additional on-site parking for the Hotel, would reduce that level of unmet demand and the level of on-street parking.

This submission is accompanied by an Indicative Concept Plan (see **Figure 1** and **Appendix 2**) showing the redevelopment of the site that is to be facilitated by the subject Planning Proposal. The Concept Plan is illustrative only and additional design detail would be provided in any future DA. It is noted that the Concept Plan also includes the necessary consequential modifications to the existing car park layout.

The Concept Plan illustrates the intended outcome of the Planning Proposal. It shows the manner in which the objectives of the Planning Proposal would be implemented having regard to the existing adjoining development, the physical features of the site as well as the character and physical features of residential dwellings on adjoining and nearby properties. The Concept Plan has been prepared taking into account potential impacts on the adjoining residential properties and the surrounding locality.



**Figure 1: Car Park Indicative Concept Plan (extract)**  
Source: Dwg DR-01C prepared by Darren Mah Design – see Appendix 2



The Concept Plan (see **Figure 1**) comprises the following components:

- Demolition of the existing dwelling houses at 3 Macquarie Street and 3A Maloney Street and removal of the associated driveway crossings;
- Provision of an additional 14 parking spaces and circulation on the site as an extension of the existing car park to the north; and
- Additional landscaping and installation of an acoustic wall along the southern boundary.

Landscaping is provided within the centre of the expanded car park, along the new southern boundary and along the frontages to Maloney Street and Macquarie Street. The central landscaped area, in particular, has a width which is capable of accommodation small trees which were not able to be accommodated within the existing car park. Consistent with the existing situation, landscaping along the frontage to Macquarie Street is within the road reserve. The existing crossovers to the site from Macquarie and Maloney Streets would be removed.

The Concept Plan includes the relocation of the existing acoustic wall along the southern boundary adjacent to the residential properties at 5 Macquarie Street and 5 Maloney Street. The existing acoustic wall incorporates clear perspex panels at the top and above the splayed ends to facilitate sunlight access and maintain visibility for vehicles.

## 4. EXPLANATION OF PROVISIONS

The objective and intended outcome of this Planning Proposal would be achieved by amending the Botany LEP 2013 as set out below.

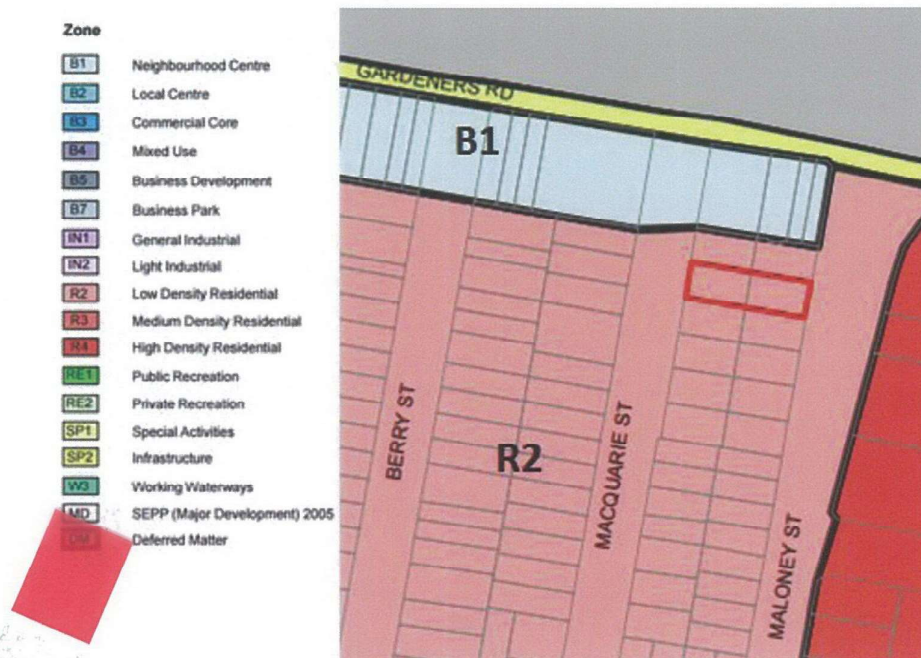
### 1. Amending Botany LEP 2013 by adding the following item to Schedule 1:

#### *Use of certain land at 3 Macquarie Street and 3A Maloney Street, Rosebery*

- (1) *This Clause applies to land at 3 Macquarie Street and 3A Maloney Street, Rosebery, being Lot 5 and Lot 8 in DP 18556 and identified as “[insert number]” on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of a car park in association with the use of the hotel at 305 Gardeners Road, Rosebery, known as The Lakes Hotel, is permitted with development consent.*

### Explanation

The subject site is zoned R2 Low Density Residential under the LEP (see **Plan 2**).



**Plan 2: Zoning** (subject site shown edged red)

Source: Botany Bay LEP 2013 Land Zoning Map - Sheet LZN\_004

The Land Use Table for the R2 zone provides as follows:

#### *1 Objectives of zone*

- *To provide for the housing needs of the community within a low density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage development that promotes walking and cycling.*

## **2 Permitted without consent**

*Home occupations*

## **3 Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings.*

## **4 Prohibited**

*Any development not specified in item 2 or 3.*

In accordance with the above Land Use Table, development for the purpose of a “car park” is prohibited in the R2 zone.

In order to achieve its objective, the Planning Proposal seeks to include an additional permissible use for the site, being a *carpark in association with the use of the hotel at 305 Gardeners Road, Rosebery, known as The Lakes Hotel*. The qualification of the permitted use in this way limits the scope of development that would be permitted under it and provides additional certainty as to the potential development outcome and the nature of that use.

No change is proposed to the existing R2 zoning of the site. Nor are any changes proposed to development standards or other existing provisions of the LEP which are applicable to the site.

The Planning Proposal therefore maintains the existing planning regime as it applies to the site, while permitting its use as a car park.

The Planning Proposal is considered to be appropriate given that the existing zoning context will be maintained and the proximity to land where development for the purpose of a car park is permissible with consent from Council. As noted above, the expectation of development for landowners, adjoining properties and Council will also remain clear.



## 5. JUSTIFICATION

### 5.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

**Q1.** *Is the Planning Proposal a result of any strategic study or report?*

No.

**Q2.** *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal is the best means of achieving the objectives or intended outcomes.

The current R2 zoning restricts the use of the land for the purpose sought.

There is no other mechanism available other than an amendment of the LEP to achieve the objective as the proposed use is prohibited under the current zoning.

The proposed amendment, ie. the inclusion of an additional item relating to the site in Schedule 1 to the LEP as set out in the previous section, is considered to be the most appropriate approach as it otherwise maintains the existing planning regime applicable to the site. The scope of the proposed amendment is therefore considered to be minimal (as opposed to, say, an approach which sought to amend the underlying zoning of the site for business purposes). The maintenance of the current R2 zoning and other related development standards and controls ensures that the Planning Proposal will not disrupt the overall strategic direction of the LEP or the underlying zoning pattern, while recognising the site's location at the interface of the residential and neighbourhood business zones. In addition, it allows for the use of the site to revert to a residential or other permitted use in the R2 zone in the future.

### 5.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

**Q3.** *Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes, the Planning Proposal is considered to be consistent with relevant objectives and actions contained in *A Plan for Growing Sydney, Towards our Greater Sydney 2056* (a draft amendment to update *A Plan for Growing Sydney*) and the *Draft Central District Plan* as set out below.

#### a) A Plan for Growing Sydney

*A Plan for Growing Sydney* was released by the State government in December 2014. While a draft amendment to the Plan has been publicly exhibited (see *Towards our Greater Sydney 2056*, below), it is still the current regional plan for the Sydney Metropolitan Area which is to guide development in the region over the next 20 years.

The Plan for Growing Sydney shows that the site is within the Global Economic Corridor and is in proximity to the Sydney Airport transport gateway and just to the south of the Green Square strategic centre.



The Plan contains four goals and related actions for Sydney to achieve the vision of the Plan:

- a competitive **economy** with world-class services and transport;
- a city of **housing choice** with homes that meet our needs and lifestyles;
- a **great place to live** with communities that are strong, healthy and well connected; and
- a sustainable and resilient city that protects the **natural environment** and has a balanced approach to the use of land and resources. (p. 5)

While the directions and actions contained within the Plan are not directly relevant to the subject Planning Proposal, it is nevertheless, compatible with its goals, as follows:

1. A competitive economy with world class services and transport:

The site is located adjacent to an existing neighbourhood retail/commercial centre and the Planning Proposal is associated with an established and long-standing business in that centre.

The provision of additional parking for the Hotel on the site will alleviate the existing on-street parking situation and will make additional parking spaces available for local residents and customers of the retail and commercial premises along Gardeners Road. The Planning Proposal will therefore support the existing local economy and future development within the centre. It will not reduce employment opportunities and will not displace existing commercial development. The Planning Proposal will not alter the function of the centre or its place in the established hierarchy of centres in the council area.

As set out in the submitted Traffic Impact Statement (see **Appendix 3**), the Planning Proposal will have no adverse effect on the capacity of the surrounding road network. It states that the Planning Proposal (and its associated anticipated development) will not in itself generate additional traffic (p. 6).

The Planning Proposal will not reduce the viability of public transport within walking distance of the subject site.

2. A city of housing choice with homes that meet our needs and lifestyles:

The Planning Proposal will result in the removal of two existing single storey residential dwellings on the site. It will therefore have minimal impact on the overall supply of housing in the council area or the achievement of State government housing targets. In this regard, it is noted that the site has limited potential for additional residential density taking into account the small size of the subject lots and the restrictions in the LEP on higher density housing forms in the R2 zone (eg. Clause 6.11).

At the same time, the R2 zoning will be maintained by the Planning Proposal should circumstances within the immediate surrounding area change. The Planning Proposal will not reduce the potential for the provision of new housing on the subject land in the future.

3. *A great place to live with communities that are strong, healthy and well connected:*

The Planning Proposal will facilitate the provision of additional parking for the Hotel which will support its role in the local community, while also providing support for the local shopping precinct.

The provision of additional parking on the site will reduce the level of non-residential traffic and parking in the adjoining residential streets, thereby improving residential amenity.

As shown in the Indicative Concept Plan and described elsewhere in this submission, mitigative measures are able to be incorporated to ensure that future development in accordance with the Planning Proposal maintains the amenity and liveability of the surrounding residential neighbourhood. The Concept Plan has been designed to integrate into the residential streetscape through the provision of additional landscaping and selection of materials while maintaining a safe environment for customers and residents. The Planning Proposal has the potential to increase the tree canopy on the site which will enhance the local environment.

As set out in the submitted Heritage Impact Statement (see **Appendix 5**), the Planning Proposal will not give rise to adverse impacts on the heritage significance of the Hotel or heritage items in the vicinity of the site.

4. *A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources:*

The Planning Proposal will not have any adverse impact on the natural environment or resources. The site is currently occupied by single storey residential dwellings and does not contain any significant trees or critical habitat.

The potential impacts of the likely future development in accordance with the Planning Proposal are able to be appropriately managed and mitigated as described in this submission.

**b) Towards our Greater Sydney 2056 (A Draft Amendment to Update *A Plan for Growing Sydney*)**

*Towards our Greater Sydney 2056* was released by the State government in November 2016 and was publicly exhibited until the end of March 2017.

The amendment reflects a change in strategic direction for the region as a metropolis of three cities (p. 1), Eastern City, centred around Sydney City, Central City centred around Greater Parramatta and the Olympic Peninsula and Western City focussed on the Western Sydney Airport.

The site of the Planning Proposal is located within the Eastern City, described in the Draft Amendment as:

*The **established Eastern City** is the currently established Sydney City and economic corridors to its north through to Macquarie Park and south through Sydney Airport and Port Botany to Kogarah.*



*It is an economic engine – especially in the financial, business and professional services and innovation start-up sectors – with a beautiful harbour, sought-after suburbs and a large proportion of knowledge-intensive jobs.*

*There are many opportunities to enhance the Eastern City, such as the renewal of government-owned land near Sydney City and tackling congestion. Our planning must support and enable the continued growth of the Eastern City's global industries and branding.*

*The established city contains significant heritage precincts such as The Rocks, Millers Point, Macquarie Street and the Royal Botanic Gardens and the Domain. The Harbour foreshores include significant evidence of Aboriginal occupation and interaction with the landscape. (p. 5).*

Metropolitan priorities for the region are as follows:

- *A Productive Sydney*: a growing city, a city with smart jobs, a 30 minute city;
- *A Liveable Sydney*: an equitable, polycentric city, a city of housing choice and diversity, a collaborative city;
- *A Sustainable Sydney*: a city in its landscape, an efficient city and a resilient city (p. 6).

The Planning Proposal is consistent with the strategic direction of the Draft Amendment as it seeks to provide supporting infrastructure for an existing business in an established centre and will therefore support the local economy and improve access. While it will remove 2 houses in proximity to the centre, it will have benefits for local residential amenity through the removal of non-residential traffic and parking from the adjoining streets and through the implementation of mitigative measures designed to minimise impacts from noise, light spill and overshadowing. It will also contribute to the tree canopy of the local area.

### **c) Draft Central District Plan**

The *Draft Central District Plan* was released by the State government in November 2016 and was publicly exhibited until the end of March 2017. The Central District comprises the LGAs of City of Sydney, Woollahra, Waverley, Randwick, Bayside, Inner West, Canada Bay, Burwood and Strathfield. The draft Plan proposes a 20 year vision for the District and building on the directions of the regional plan (and draft amendment).

The Draft Plan contains priorities and actions to realise the vision for the District in terms of the regional priorities (see above) of :

- *A productive city*;
- *A liveable city*; and
- *A sustainable city*.

The subject Planning Proposal is consistent with the overarching productivity priority of “Growing economic activity in centres” (p. 4, pp. 58-67). While the site is not located within a strategic, district or local centre as identified in the Draft Plan, it is, nevertheless, in an established neighbourhood centre and relates to a long-standing business within that centre.

The Draft Plan recognises that centres “not only provide important services and jobs for local residents, but a focal point for communities. Their vitality and viability is important to local economies as well as to the character of local areas” (p. 58). The subject Planning Proposal supports the existing neighbourhood centre and businesses by providing additional parking infrastructure in close proximity. The provision of additional parking on the subject site is not intended to increase car use or traffic to the centre but rather to reduce the present use of on-street parking (in residential streets) around the centre. In this way, the Planning Proposal is not inconsistent with strategies to promote walking, cycling and public transport to access centres.

In accordance with the considerations contained in the Draft Plan, the subject Planning proposal is considered to reflect the commercial requirements of the Hotel operator (and other business operators in the centre) in relation to servicing and accessibility which are not addressed in the existing planning regime (p. 58).

The Planning Proposal also “manages the transition between centre activity and lower activity around the centre” (p. 58) through a number of mitigative measures as shown in the Indicative Concept Plan to address noise, streetscape and character and light spill. These measures are designed to mitigate potential impacts and maintain residential amenity. The Concept Plan also incorporates “CPTED principles” (p. 58) to ensure a safe, healthy environment on the site.

In terms of the liveable city, the subject Planning Proposal is consistent with the liveability priorities of “create great places” and “foster cohesive communities in the Central District” (p. 84) by providing for development which will support the existing shopping centre and community meeting places. The urban design of the Indicative Concept Plan is considered to be consistent with the actions related to “design-led planning” as it has been designed to be functional and safe and meet relevant standards while being integrated within its streetscape context and mitigating potential impacts on nearby residential development and buildings of heritage significance. It will contribute positively to the landscape setting, particularly through the opportunity for additional tree plantings on the site, as well as supplementary landscaping.

While it will result in the loss of two dwellings, no change is proposed to the underlying zoning of the land. Accordingly, there is no reduction in the theoretical capacity of the site for residential development and there is potential for the site to be redeveloped for residential development in the future.

***Q4. Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?***

Yes. The Planning Proposal is consistent with the *Botany Bay Planning Strategy 2031* as set out below.



**a) Botany Bay Planning Strategy 2031 (BBPS)**

The BBPS was prepared for the City of Botany Bay by SGS Planning in 2009. Its purpose was to address the *Draft East Subregional Strategy* (now replaced by the Draft Central District Plan), to provide a framework for growth to 2031 and to guide the preparation of the Botany LEP 2013.

The Strategy draws comparisons against the objectives of the Metropolitan Strategy and the draft East Sub-Regional Strategy in relation to the characteristics of development within the (former) Botany Bay LGA.

At the time of preparation of the BBPS, there were around 13,200 dwellings in the LGA (p. 34). The BBPS estimated that Botany Bay LGA could provide capacity for around 3,800 new dwellings in and around centres with good amenity. It also estimated that there was additional capacity for a further 3,500 dwellings with an adjustment of development controls and restructuring of development and investment in public transport and public domain (p. 6). The BBPS found that there was sufficient existing capacity to accommodate future employment related floor space in the LGA (p. 6). The identification of locations for additional housing and employment capacity undertaken as part of the BBPS did not include the site of the Planning Proposal or the surrounding residential area. The neighbouring retail/commercial centre was identified as an area that could accommodate additional commercial development.

The BBPS identified that a high proportion of residents and workers use private cars as their main transport mode (58% and 64% respectively) (p. 37) which has resulted in the current on-street parking conflict between local residents and hotel patrons and commercial/retail customers. Public transport alternatives are identified as being required to reduce car dependency.

The BBPS identified the retail/commercial centre at Gardeners Road, Rosebery as a “neighbourhood centre”, the lowest order centre in the LGA centres typology (p. 30).

The BBPS contained 7 strategic directions for the formulation of recommendations for action, including proposal for modifying zoning and development controls to accommodate future housing and jobs. The actions proposed in the BBPS did not relate specifically to the site or surrounding residential area. Under Strategic Direction 4 (Reviving the Local Economy) Objective 4.3, the BBPS proposed that the Gardeners Road centre be rezoned to B6 Enterprise Corridor. However, this objective was not implemented in the LEP and, as noted above, the centre is zoned B1 Neighbourhood Centre. The BBPS also highlighted buffers and transition to residential land away from Gardeners Road.

The following Strategic Direction and objectives are generally relevant to the site and Planning Proposal:

**1. Enhancing Housing Choice and Liveability**

**Objective 1.3** – *Protect the valued characteristics of Botany Bay’s centres and suburbs and minimise the impacts from industrial areas and activities*

**Objective 1.7** – *Advocate for a high quality public transport system and improve local transport management*



The Indicative Concept Plan demonstrates that the development envisaged under the Planning Proposal is able to be undertaken in a manner which would maintain the character and residential amenity of the locality, including the nearby heritage items. It also demonstrates that impacts on residential amenity are able to be minimised through the design of future development to minimise land use conflict. The Planning Proposal is considered to provide for an appropriate use of land in a transitional location between commercial/retail and residential development.

One of the objectives for this area within the Strategy is to reduce parking provision for development around transport nodes to encourage lower private car usage. This requires a detailed study of parking needs, including identifying differentiated rates by location depending on public transport access and local road capacity. It is understood that the outcome of this Study is not yet available.

The Planning Proposal, as well as reducing the reliance on existing on-street parking for hotel patrons has the potential to increase parking available for customers and employees associated with the employment activities and shopping from the commercial premises along Gardeners Road especially when parking restrictions along Gardeners Road apply.

#### ***Assessment Criteria – A Guide to Preparing Planning Proposals***

The Department of Environment and Planning's *Planning Proposals – A guide to preparing planning proposals* (August 2016) provides at p. 12:

*“Assessment Criteria have been established to assist proponents or a RPA justify a planning proposal. These criteria form the basis of the strategic merit and site-specific merit assessment for the rezoning review process. As a minimum, the justification component of a planning proposal should address the following Assessment Criteria where no Sustainability Criteria applies to the land.”*

No Sustainability Criteria apply to the site and therefore the assessment criteria contained in the Guide are addressed below.

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

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

The Planning Proposal is considered to have strategic merit. It is a response to site specific circumstances, particularly the needs of hotel patrons and other customers of retail/commercial premises in the Gardeners Road centre for parking (especially when parking restrictions along Gardeners Road apply) and to reduce conflict with residential on-street parking and associated impacts on residential amenity. The proponent of the Planning Proposal has the opportunity to provide additional parking on the subject site – an



opportunity which has only recently arisen.

While the Metropolitan Strategy (and draft amendment) and the Draft Central District Plan do not contain objectives or actions which are directly applicable to the subject Planning Proposal or surrounding area, it is, nevertheless, considered to be consistent with their overall goals and direction as set out above. While the proposal results in the loss of residential accommodation, this impact is negligible in the context of the existing and projected supply of housing in the LGA. In addition, the maintenance of the underlying zoning as part of the Planning Proposal means that it does not result in any loss of theoretical capacity.

Similarly, the Planning Proposal is considered to be generally consistent with the local council planning strategy which informed the preparation of the current LEP. That LEP contains a similar provision to that now sought which permitted the development of the existing car park to the rear of the Hotel.

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

- **the natural environment;**
- **the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and**
- **the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The proposal is considered to have site specific merit for the reasons set out above.

It will have no impact on the natural environment.

The submitted Indicative Concept Plan and related assessments set out in this submission demonstrate that development anticipated by the Planning Proposal is able to be designed to take into account the existing uses, approved uses and likely future uses of land in the vicinity. It shows that the potential adverse impacts arising from the Planning Proposal are able to be appropriately addressed to minimise impacts on residential amenity by way of traffic, noise and light spill, on the significance of nearby heritage items and the character of the locality.

The development anticipated under the Planning Proposal does not require the provision of any special additional services or infrastructure for its implementation. In a similar manner to the existing car park, future development under the Planning Proposal would utilise existing infrastructure and is not expected to place significant additional demands on that infrastructure. That existing development was subject to requirements relating to stormwater management and tree planting in the public domain. It is anticipated that similar requirements would apply to and be addressed in the context of any future DA and would be the responsibility of the Proponent.

***Q5. Is the Planning Proposal consistent with applicable state environmental planning policies?***

State Environmental Planning Policies (SEPPs) which are relevant to the site are:

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Planning Proposal

3 Macquarie Street and

3A Maloney Street, Rosebery

- SEPP (Exempt and Complying Development Codes) 2008;
- SEPP No. 55 – Remediation of Land; and
- SEPP No. 64 – Advertising and Signage.

The above SEPPs do not raise any matters which are required to be addressed as part of this Planning Proposal. In particular, with regard to SEPP 55, no change to the zoning of the land is proposed and the Planning Proposal would facilitate the change of use of the site to a less sensitive use (car park) than the existing residential use.

***Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 Directions)?***

The relevant Ministerial Directions that apply to this Planning Proposal are those relating to:

- Residential Zones (3.1);
- Integrating Land Use and Transport (3.4);
- Development Near Licensed Aerodromes (3.5); and
- Implementation of a Plan for Growing Sydney (7.1).

The requirements of these directions are addressed under the related sub-headings below.

**a) Residential Zones**

Direction 3.1 provides that it applies when:

*“a relevant planning authority prepares a planning proposal that will affect land within:*

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.”*

Direction 3.1 is therefore relevant to this Planning Proposal as it affects land within an existing residential zone (being the R2 Low Density Residential zone under Botany LEP 2013).

Where this Direction applies the relevant planning authority must:

- (4) A planning proposal must include provisions that encourage the provision of housing that will:*
  - (a) broaden the choice of building types and locations available in the housing market, and*
  - (b) make more efficient use of existing infrastructure and services, and*



- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
  - (d) *be of good design.*
- (5) *A planning proposal must, in relation to land to which this direction applies:*
  - (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
  - (b) *not contain provisions which will reduce the permissible residential density of land.*

The Planning Proposal is not inconsistent with Direction 3.1 in that it will not have any effect on the existing LEP provisions addressing the above matters. The Planning Proposal does not seek to change the existing zoning of the land or any of the development standards or other LEP provisions applicable to the site. The Planning Proposal is of minor significance in the context of the extent of the residential zones in the LGA.

#### **b) Integrating Land Use and Transport**

Direction 3.4 provides that it applies when:

*a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

Direction 3.4 is therefore relevant to this Planning Proposal as it creates a provision relating to urban land, being land zoned for residential purposes.

Where this Direction applies, the relevant planning authority must:

*"locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*

- (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001)."*

The Planning Proposal is not inconsistent with Direction 3.4 in that it does not propose any changes to the locations of existing zones and will not have any effect on the existing LEP provisions addressing the above matters. The Planning Proposal is of minor significance in the context of the extent of the urban zones in the LGA.

**c) Development Near Licensed Aerodromes**

Ministerial Direction 3.5 for Development near Licensed Aerodromes is relevant to this Planning Proposal.

The site is located in the vicinity of Sydney Airport and is affected by the Australian Noise Exposure Forecast (ANEF) contour. The site is located between the 20 and 25 ANEF contours.

Where this Direction applies:

- (4) *In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:*
  - (a) *consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,*
  - (b) *take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,*
  - (c) *for land affected by the OLS:*
    - (i) *prepare appropriate development standards, such as height, and*
    - (ii) *allow as permissible with consent development types that are compatible with the operation of an aerodrome*
  - (d) *obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.*
- (5) *A planning proposal must not rezone land:*
  - (a) *for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or*
  - (b) *for schools, hospitals, churches and theatres where the ANEF exceeds 20, or*
  - (c) *for hotels, motels, offices or public buildings where the ANEF exceeds 30.*
- (6) *A planning proposal that rezones land:*
  - (a) *for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or*
  - (b) *for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or*
  - (c) *for commercial or industrial purposes where the ANEF is above 30,*



*must include a provision to ensure that development meets AS 2021 regarding interior noise levels.*

Botany LEP 2013 contains provisions which address the above matters, being *Clause 6.8 – Airspace operations* and *Clause 6.9 – Development in areas subject to aircraft noise* (see **Appendix 8**).

Therefore, to the extent that the Direction is applicable to the Planning Proposal, the relevant matters are addressed by the existing provisions within the Botany LEP 2013 and, accordingly, the Planning Proposal is consistent with the Direction.

#### **d) Implementation of A Plan for Growing Sydney**

Direction 7.1 applies to a number of LGAs including (the former) Botany Bay. It is therefore applicable to the subject site.

Where this Direction applies:

*Planning proposals shall be consistent with:*

(a) *the NSW Government's A Plan for Growing Sydney published in December 2014.*

As set out above in Section 5.2(a), the Planning Proposal is considered to be consistent with the principles, directions and priorities for subregions contained in *A Plan for Growing Sydney*.

### **5.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

**Q7.** *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No.

**Q8.** *Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?*

As described above, the Planning Proposal is accompanied by an Indicative Concept Plan (see **Appendix 2**) showing how the site could be developed under the proposed amendment. The preparation of the Indicative Concept Plan has taken into account a range of potential impacts associated with the use of the site as a car park and has been designed to mitigate those impacts. Accordingly, the Indicative Concept Plan provides a good indication of how the potential impacts of the Planning Proposal may be managed.

The matters considered in the preparation of the Indicative Concept Plan were:

- Traffic and parking issues;
- Acoustic issues;
- Heritage issues;
- Light spill;
- Landscaping (particularly Macquarie Street frontage);

- Loss of residential accommodation;
- Cumulative impact on residential character; and
- Overshadowing impact of the acoustic wall.

These matters are addressed, in turn, below.

### **Traffic and Parking**

The Planning Proposal is accompanied by a Traffic Impact Statement prepared by Traffix (see **Appendix 3**). That Statement undertakes an assessment of the Planning Proposal by reference to the Indicative Concept Plan. The findings of its assessment are as follows:

#### ***Parking Proposed***

##### *Car Parking*

*With an existing parking provision of 19 spaces and a proposed parking provision of 33 spaces the Indicative Concept Plan represents an increase in parking by approximately 74%. It is anticipated that this increase will better accommodate the current demand for parking and allow customers currently parking on Maloney and Macquarie Streets to park on site, freeing up parking for residents and limiting potential for disruption caused by customers returning to their vehicles of an evening.*

*Whilst no change to the operation or GFA of the hotel is proposed an assessment against the DCP parking requirement of the hotel has been undertaken for reference. Botany Bay DCP 2013 – Part 3A requires parking for ‘pubs’ at the following rate:*

- 1 space / 2 employees; plus
- 1 space / 5m<sup>2</sup> GFA

*The application of these rates to the public floor area of 377m<sup>2</sup> and 17 employees produces a requirement under the DCP of 84 parking spaces. This rate would be applicable to cater for expected demand if the site was constructed today.*

*Hence the increased provision of 33 spaces shall significantly improve residential amenity by reducing this demand for on street parking.*

##### *Bicycle Parking*

*Council’s DCP only requires bicycle parking for new developments where floor space exceeds 600m<sup>2</sup> GFA. As such, since the development is existing and no increase in GFA is proposed, bicycle parking is not required to be provided.*

##### *Accessible Parking*

*The existing carpark contains one accessible space, located adjacent to the hotel entry. This space is retained in the Indicative Concept Plan and meets the required provision of 1 space per 59 vehicle spaces as specified in Part 3C of Botany DCP (2013).*

### ***Traffic Impacts***



*There will be no change to the hotel's GFA and therefore the increase in parking provided will not in itself generate any additional traffic. The anticipated impact of the proposed development is to reduce the use of on street parking, particularly on Macquarie Street, reducing the traffic impacts on nearby residents of Macquarie Street.*

*In addition, the removal of existing driveway crossovers at No. 3 Macquarie Street and 3A Maloney Street will result in an addition of one on street parking space in each of these streets, further improving amenity for surrounding residents.*

### **Access**

*It is noted whilst the number of traffic movements in the neighbourhood shall not change, the number of traffic movements entering and exiting the carpark would be expected to increase in line with the number of spaces. Hence a review of the access arrangements has been undertaken in response to this increase in parking provision. Table 3.1 of AS2890.1 requires a Category 2 access drive way (a combined entry exit driveway of 6m to 9m in width) for a Class 2 carpark onto a local road with fewer than 100 spaces.*

*Under the existing design that there are two (2) two-way accesses servicing the existing car park (one from Macquarie Street and one from Maloney Street) of 6m in width and a two-way aisle that runs between the two accesses. This arrangement is already superior to the minimum requirements of AS2890.1. However, in response to the proposed parking increase the Indicative Concept Plan changes the existing access to allow only one-way traffic entering via Macquarie Street and exiting via Maloney Street. This is the safest and most efficient circulation arrangement with the one-way circulation aisles at the eastern and western ends of the site. Pedestrians and vehicles are easily able to anticipate and respond to traffic movements in a one way arrangement and shall provide a simplified superior arrangement improving safety over the existing access and circulation arrangement for both internal traffic and traffic on Macquarie Street and Maloney Street.*

*The existing DA consent conditions for ongoing use approved by the Land and Environment Court require the Macquarie Street access to be closed between 10pm one day and 7am the next day, 7 days of the week. The reasons specified for this condition's inclusion was to reduce the amenity impacts of traffic on the surrounding residents.*

*The one-way circulation provided in the Indicative Concept Plan will only allow vehicles to exit via Maloney Street preventing vehicles exiting on to Macquarie Street, as is currently the case no when the Macquarie Street access is closed. The only change will be vehicles entering the car park from Macquarie Street, rather than Maloney Street, during the times that the access is currently closed. Therefore the amenity impacts of this change are expected to be minimal as few patrons would arrive after 10pm and most patrons would arrive from Gardeners Road, at the northern end of Macquarie Street, which would not impact residents further south on Macquarie Street.*

*This arrangement is therefore considered acceptable as all exiting traffic will be directed to exit onto Maloney Street and restricted to a left turn movement heading away from the residential neighbourhood.*

### **Internal Design**

*The internal design of the car park, illustrated in the Indicative Concept Plan, has been assessed in accordance with AS2890.1 (2004), with the following noteworthy:*

- *All parking space dimensions satisfy the minimum requirement of User Class 2 with a space width of 2.5m, a space length of 5.4m and aisle width of 5.8m with the exception of one space provided with a design width of 2.4m. This space should be designated a 'small car space' if used by customers or reserved as an employee space (meeting the requirements of User Class 1A–Employee parking).*
- *The swept path analysis in **Attachment 2** demonstrates that the proposed one-way circulation aisles accommodate a vehicle up to the size of a B99 vehicle.*

*In summary, the internal design for the Indicative Concept Plan is expected to operate satisfactorily. It is envisaged that any minor amendments required (if any) can be reviewed and undertaken at development application stage once the Planning Proposal is finalised.*

### **Summary**

*In summary, the Planning Proposal to facilitate an expanded car park to be constructed at 3 Macquarie Street and 3A Maloney Street, as illustrated in the Indicative Concept Plan, is expected to reduce parking demands in the residential streets of Maloney and Macquarie Streets, improving residential amenity. The change in access arrangements is expected to have minimal impact on the traffic and surrounding streets by directing traffic to Gardeners Road.*

*The Planning Proposal is therefore supported on traffic planning grounds and is expected to provide a net benefit to neighbouring residents.” (pp. 6-8).*

Accordingly, the Planning Proposal is satisfactory with respect to traffic and parking matters and is likely to result in benefits to surrounding residents.

### **Acoustic Assessment**

The Planning Proposal is accompanied by a Noise Impact Assessment prepared by Koikas Acoustics (see **Appendix 4**). That Report undertakes an assessment of the Planning Proposal by reference to the Indicative Concept Plan. The findings of its assessment are as follows:

#### **“7.0 Conclusion**

*KA was requested to assess the acoustic impact of an expanded car park concept design for The Lakes Hotel at Rosebery, and to what extent noise mitigation measures are required to ensure suitable acoustic amenity for surrounding residents with regard to the planning levels contained in the EPA INP.*

*Surrounding noise sensitive development are residential properties located in Macquarie Street and Maloney Street. It is these residential properties that form the basis for the assessment and associated findings.*

*The INP planning levels are related to the prevailing environmental noise levels. Therefore, determining the applicable acoustic criteria involves conducting noise logging to measure the existing environmental noise levels.*



*Environmental noise logging was conducted by KA at 3 Macquarie Street between Tuesday 18<sup>th</sup> and Monday 24<sup>th</sup> July 2017. Survey results are included within Section 3.0 of this report.*

*The RNP was referenced to assess noise impacts associated with the changing traffic pattern that will result from the introduction of an expanded car park and the total noise associated with vehicles arriving and leaving the car park on the local road network.*

*The assessment concludes the following in relation to the proposed use and operation of the car park:*

- 1. The noise barrier that is currently located along the southern boundary of the car park is to be retained in the expanded car park design. It will be relocated to the southern car park boundary shared with 5 Macquarie Street and 5 Maloney Street.*
- 2. Noise emission from the car park and mechanical plant is predicted to comply with the intrusive and amenity planning levels of the INP at all surrounding receivers.*
- 3. A screening test for possible sleep disturbance to nearby residential receivers during the night period has identified there will be a low probability of sleep disturbance.*
- 4. By increasing the car park size, vehicles that are currently parking on Macquarie and Maloney Street will now have access to off-street parking. Impulsive-type noises such as car doors and car engines starting are predicted to be up to 12dB lower with cars now parked in the off-street car park as opposed to on-street.*
- 5. For vehicles using the Hotel's car park, associated noise as they arrive along Macquarie Street and depart along Maloney Street is found to comply with the assessment criteria included in the NSW RNP.*

*The proposed development has been assessed in term of its expected acoustic impact to the neighbourhood and has been found to comply with standard acoustic planning guidelines.” (pp. 15-16)*

Accordingly, the Planning Proposal is satisfactory with respect to potential acoustic impacts and is capable of complying with relevant acoustic criteria.

### **Heritage Assessment**

The Lakes Hotel and No. 4 Macquarie Street, opposite the subject site, are listed as heritage items under the LEP.

The Planning Proposal is accompanied by a Heritage Impact Statement prepared by City Plan Heritage (see **Appendix 5**) which assess the impact of the Planning Proposal on those items. The assessment and conclusions are as follows:

### ***Heritage Impact Assessment***

*The heritage impact of the Planning Proposal is assessed according to Clause 5.10 Heritage Conservation, of the Botany Bay LEP 2013. The Planning Proposal relates particularly to objective Clause 1(b), which aims*

- *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

*In the redevelopment of 3 Macquarie Street and 3A Maloney Street as an extension of the existing carpark, the heritage significance of The Lakes Hotel will be minimally impacted as it will contribute to the ongoing function, and thereby reinforce the historical and social significance of the item.*

*The demolition of the 3 Macquarie Street will have no adverse impact to the views and settings of 4 Macquarie Street, particularly when one considers the existing carpark and the four other similar and more intact Inter-War bungalows next to the subject site. This is similar to 3A Maloney Street, which is also part of a group of Inter-War bungalows. In both cases, there are better representative examples of Inter-War bungalows within the local area and Heritage Conservation Areas. Consequently, the demolition of these two residential dwellings would be an acceptable compromise from a heritage perspective within the area.*

*The Planning Proposal is also assessed according to Part 3B Heritage of the Botany Bay DCP 2013, specifically, Section 3B.7 Development in the Vicinity of Heritage Items or Heritage Conservation Areas. The development, which would be facilitated by the Planning Proposal, would meet the objectives outlined here relating to maintenance of consistent setbacks, scale, context and character of the neighbouring listed heritage items. This is because the development would be an extension of the existing carpark and so, would be compatible in form, function, scale and setback to the already existing development.*

*Provision of additional car parking spaces would also aid to the function and operational requirements of the Hotel and would improve its feasibility as well as enjoyment by its patrons. This would increase appreciation of the Lakes Hotel's heritage significance by wider public.*

### ***Conclusions and Recommendations***

*It is concluded that the Planning Proposal to facilitate the extension of the adjoining carpark serving The Lakes Hotel over both 3 Macquarie Street and 3a Maloney Street, Rosebery, is an acceptable compromise and will have negligible impact on the heritage significance of the neighbouring heritage items. (pp. 8-9)*

*Accordingly, the Planning Proposal is satisfactory with regard to heritage matters and will have a negligible impact on nearby heritage items.*



### **Light spill assessment**

The Planning Proposal is accompanied by a Lighting Report and Obtrusive Light Compliance Report prepared by Tigerlight (see **Appendix 6**) which details the lighting output and light spill associated with the Planning Proposal Indicative Concept Plan in accordance with the applicable Australian Standards. The lighting assessed within the report comprises four LED street/area lights within the extended car park and two LED sentry lights on the rear wall of the Hotel building.

The Report indicates that light spill associated with the assessed lighting will not exceed the maximum permitted 4 Lux applicable to residential development, with a maximum illumination of 3.6 Lux. It achieves compliance with obtrusive light criteria under the applicable Australian Standard.

Accordingly, the Planning Proposal will not cause excessive light spill to neighbouring properties.

### **Overshadowing impact of acoustic wall**

The Planning Proposal is accompanied by a shadow diagrams prepared by Darren Mah Design (see **Appendix 2**) which show the impact of the Concept Plan development on the neighbouring development to the south of the site.

The diagrams show that the acoustic wall along the southern boundary of the site as depicted in the Concept Plan will result in overshadowing of Nos 5 Macquarie and 5 Maloney Streets at midwinter and the equinox primarily affecting the northern side setback of those properties. The diagrams indicate that solar access would be maintained to the rear garden areas of the neighbouring dwellings for at least 2 hours between 9am and 3pm at midwinter, as required under Botany DCP 2013. In addition, the shadow elevations show that no north-facing window of either dwelling house would be affected by overshadowing at any time of year readily achieving compliance with the controls in the DCP.

Accordingly, the Planning Proposal will not cause excessive overshadowing of the neighbouring properties.

### **Landscaping**

Landscaping of the enlarged car park that would be facilitated by the Planning Proposal is shown on the Indicative Concept Plan (see **Appendix 2**). That landscaping is an extension of the landscaping within the existing car park on the Hotel site in terms of indicative plantings and locations.

As noted above, the expansion of the car park offers the opportunity for additional landscaping within the central bed of the expanded car park. The central bed has a width of around 2.5m allowing for tree plantings. The Indicative Concept Plan shows 4 trees (*Tristania laurina*) within that central bed and another two in an extended bed within the Macquarie Street at the western end of the site. Additional street tree plantings in Macquarie Street are also shown. It is considered that the opportunity for new tree planting within the extended car park afforded by the Planning Proposal will improve the landscape character of the site and the locality.

Apart from new tree plantings, the Indicative Concept Plan shows garden beds containing *Lomandra Tanika* at the eastern and western ends of the car park (forming an extension of the existing beds in these locations) and within the central bed. Also reflecting the existing situation, climbers (*Sollya heterophylla* and *Hibbertia scandens*) are shown in the bed along the southern boundary with timber climbing frames fixed to the northern side of the acoustic wall.

The proposed landscaping will improve the landscape character of the site and will assist in integrating the expanded car park into the residential streetscape.

### **Cumulative impact on residential character**

As shown in the Indicative Concept Plan, the development anticipated under the Planning Proposal would involve the demolition of the two existing dwellings which adjoin the existing Hotel car park and the extension of the car park over that site. It is considered that the Planning Proposal and associated anticipated development would have minimal impact on the residential character of the remainder of Macquarie and Maloney Streets or the wider area. The majority of development in these streets will remain residential and the Planning Proposal is considered to be minimal in its scope and impact in this regard.

The Planning Proposal is considered to provide for a transition between the commercial/retail development on the Gardeners Road frontage and residential development to the south and offers the opportunity to reduce impacts associated with those uses on the neighbouring residential area. As noted above, the Planning Proposal is assessed as being likely to result in improvements to residential amenity due to reductions in commercial/retail traffic/parking through residential streets as well as associated noise (see **Appendix 3** and **4**). That activity and noise will be largely contained at the northern ends of Macquarie and Maloney Streets on the site of the expanded car park.

In terms of urban design, the extension of the car park as shown in the Indicative Concept Plan, represents an extension of the existing development on the neighbouring site to the north. As noted in the Heritage Impact Statement, the extension of the car park *would be compatible in form, function, scale and setback to the already existing development* (pp. 8-9).

At the same time, as described above, the Planning Proposal and associated anticipated development, offers the opportunity for additional landscaping both within the site and in the adjoining street frontages (including the removal of existing driveway crossings to the site). It is considered that the additional landscaping would improve the landscape character of the site and area generally, particularly through the opportunity for additional tree plantings, and would assist in integrating the development into the streetscape and mitigating adverse impacts on residential character.

Overall, taking into account the above matters, it is considered that the Planning Proposal will not have an adverse cumulative impact on residential character.



***Q9. How has the Planning Proposal adequately addressed any social and economic effects?***

The Planning Proposal would have positive social and economic effects in terms of:

- providing support and additional infrastructure for an existing and long-standing business which provides leisure and recreational facilities for the local community. The Planning Proposal would, in turn, provide support for the neighbourhood centre on Gardeners Road through the provision of additional off-street parking and increased activation;
- reduced amenity impacts on neighbouring residents in terms of traffic and parking and noise as set out in the submitted Traffic Impact Statement (see **Appendix 3**) and Acoustic Impact Report (see **Appendix 4**); and
- provision of additional on-street parking for local residents.

As noted above, while the Planning Proposal will result in the loss of two dwellings, it will have minimal impact on the overall supply of housing in the council area or the achievement of State government housing targets. The site has limited potential for additional residential density taking into account the small size of the subject lots and the restrictions in the LEP on higher density housing forms in the R2 zone (eg. Clause 6.11). At the same time, the Planning Proposal maintains the R2 zoning and, should circumstances within the immediate surrounding area change, the Planning Proposal will not reduce the potential for the provision of new housing on the subject land in the future.

#### **5.4 SECTION D – STATE AND COMMONWEALTH INTERESTS**

***Q10. Is there adequate public infrastructure for the Planning Proposal?***

The site is serviced by existing adequate public transport infrastructure, utility services, roads and essential services.

The effect of the Planning Proposal on the road network is addressed in the Traffic Impact Statement (see **Appendix 3**) which found that there would be no adverse traffic impacts associated with the Planning Proposal.

***Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

A gateway determination has not yet been issued.

## 6. COMMUNITY CONSULTATION

Council officers have advised that Council has endorsed a Community Engagement Policy requiring up-front consultation with the community for any Planning Proposal. That consultation takes the form of a community engagement meeting.

Community consultation would be expected to involve a formal exhibition period of 14 days. The community would be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on Council's website. The written notice would:

- Give a brief description of the objectives or intended outcomes of the Planning Proposal;
- Indicate the land affected by the Planning Proposal;
- State where and when the Planning Proposal can be inspected;
- Give the name and address of the relevant planning authority for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material would be made available for inspection:

- The Planning Proposal, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the Planning Proposal.



## 7. PROJECT TIMELINE

It is difficult to estimate a precise project timeline at this stage. Nevertheless, the following provisional project timeline is provided. The timeline below assumes that no additional information is requested during the process.

- *Anticipated date of Gateway Determination:* December 2017;
- *Anticipated time for the completion of required technical information:* nil;
- *Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination):* as required by Gateway determination (anticipated to be completed by end March 2018).
- *Commencement and completion dates for public exhibition period:* 14 days, to be completed by end of February 2018;
- *Dates for public hearing (if required):* To be confirmed by council. ;
- *Timeframe for consideration of submissions:* Approximately 28 days, including any dates for public hearing, to be completed by end of April 2018;
- *Date of submission to the Department to finalise the LEP:* Anticipated to coincide with the above, to be completed by May 2018;
- *Anticipated date RPA will make the plan (if delegated):* To be confirmed by Council (anticipated to be by end June 2018);
- *Anticipated date RPA will forward to the Department for notification:* Approximately three months, to be completed by October 2018. [To be confirmed by Council].

We consider that the above accurately and conservatively outlines the likely timeframes for the Planning Proposal. The total timeframe from the Gateway determination to the plan being made is estimated to be nine months to 1 year.

## 8. CONCLUSION

This Planning Proposal seeks the amendment of Botany LEP 2013 to permit an additional permitted use on the site at 3 Macquarie Street and 3A Maloney Street Rosebery for a “car park” so as to facilitate the extension of the existing car park associated with the Lakes Hotel onto the site.

This submission is accompanied by an Indicative Concept Plan (see **Appendix 2**) showing the redevelopment of the site that is to be facilitated by the subject Planning Proposal.

This Planning Proposal demonstrates that:

- there is a need for the Planning Proposal and that the Planning Proposal is the only means currently available of achieving its objectives;
- the Planning Proposal is consistent with the objectives and actions of the Sydney Metropolitan Strategy, the Draft East Subregional Strategy and the Botany Bay Planning Strategy 2031, particularly those relating to Sydney Airport and its Environs;
- the Planning Proposal is consistent with applicable SEPPs and Ministerial Directions;
- the likely environmental effects of the Planning Proposal as illustrated by the Indicative Concept Plan are within acceptable parameters and able to be managed;
- the Planning Proposal will have positive social and economic effects, particularly in providing support to the neighbourhood centre and the Hotel, improving residential amenity and providing additional on-street parking opportunities for residents; and
- there is adequate public infrastructure for the Planning Proposal.

Given the above, this Planning Proposal for the site provides a robust case for the proposed amendment of Botany LEP 2013 which can be supported by Council on the basis of all relevantly applicable urban planning criteria.