

Rezone land under SEPP (Port Botany & Port Kembla) 2013 and Botany Bay LEP 2013 from IN1 General Industrial to B7 Business Park

Proposal Title :	Rezone land under SEPP (Port Botany & Port Kembla) 2013 and Botany Bay LEP 2013 from IN1 General Industrial to B7 Business Park		
Proposal Summary :	The planning proposal seeks to remove land (9-15 Erith St, 5-9, 13-15, 21-23 Byrnes St, Botany) from SEPP (Port Botany & Port Kembla) 2013 and rezone this land and adjoining land (1 Bay Street & 2-10 Mc Fall St, Botany) from IN1 General Industrial to B7 Business Park under Botany Bay LEP 2013. The proposal seeks to apply an FSR of 1.5:1 and a maximum height of 12m under the Botany Bay LEP 2013 to all the subject land. In addition, an existing heritage item at 23 Byrnes St, Botany under SEPP (Port Botany & Port Kembla) 2013 is proposed to be incorporated as an item of environmental heritage under Schedule 5 of Botany Bay LEP 2013.		
PP Number :	PP_2013_BOTAN_001_00	Dop File No :	13/18202

Proposal Details

Date Planning Proposal Received :	29-Oct-2013	LGA covered :	Botany Bay
Region :	Sydney Region East	RPA :	The Council of the City of Botany Bay
State Electorate :	HEFFRON MAROUBRA	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	1 Bay Street		
Suburb :	Botany	City :	Postcode : 2019
Land Parcel :	Lot 1 DP 972702		
Street :	2-10 Mc Fall St		
Suburb :	Botany	City :	Postcode : 2019
Land Parcel :	Lot A DP 939296, Lot A DP939096, Lot 1 DP 938564, Lot D DP 939296, Lot 1 DP 773161, Lot 1 DP 961998		
Street :	9-15 Erith Street		
Suburb :	Botany	City :	Postcode : 2019
Land Parcel :	Lot 4 DP 28449, Lot 23 DP 803133, Lot 22 DP 803133, CNR Lot 1 DP 28449		
Street :	5-7 Erith Street		
Suburb :	Botany	City :	Postcode : 2019
Land Parcel :	Lot 6 DP 28449, Lot 5 DP 28449		
Street :	5-9 Byrnes Street		
Suburb :	Botany	City :	Postcode : 2019
Land Parcel :	Lot 1 DP 596566, Lot 7, 8, 9 in DP28449		

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Street : **13-15 Byrnes Street**
 Suburb : **Botany** City : Postcode : **2019**
 Land Parcel : **Lot 10, 11, 12 DP 28449**
 Street : **21-23 Byrnes St**
 Suburb : **Botany** City : Postcode : **2019**
 Land Parcel : **Lot 1 DP 444691, Lot 1 DP 507540, Lot 1 DP 169307**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro East subregion	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

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Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The planning proposal relates to land currently under SEPP (Port Botany and Port Kembla) 2013 (Ports SEPP) as well as adjoining land zoned under Botany Bay LEP 2013.

* Land covered by Ports SEPP: 9-15 Erith St, 5-9, 13-15, 21-23 Byrnes St, Botany
The planning proposal intends to amend State Environmental Planning Policy (Port Botany & Port Kembla) 2013 (Ports SEPP) to remove land bounded by Hale St, Byrnes St & Erith St Botany and incorporate this land into the Botany Bay LEP 2013 (BBLEP 2013).

It is proposed to:

- rezone this land from IN1 General Industrial under the Ports SEPP to B7 Business Park under the BBLEP 2013;
- apply a FSR of 1.5:1 and a maximum of height of 12m under the BBLEP 2013; and
- carry over the heritage listing of the Canary Date Palms on 23 Byrnes St, Botany under the Ports SEPP as an item of environmental heritage under Schedule 5 of the BBLEP 2013, should this land be removed from the Ports SEPP as proposed.

* Land covered by BBLEP 2013: 1 Bay St, 2-10 McFall Street, Botany

The planning proposal also seeks to rezone land adjoining the land covered by the Ports SEPP, at 1 Bay St & 2-10 Mc Fall St, Botany from IN1 General Industrial under the BBLEP 2013 to B7 Business Park under BBLEP 2013.

Council has described the current zoning of this land as a mapping anomaly, based on the recent rezoning of surrounding land between Bay Street, Chegwyn Street & Hale Street under LEP 2013 which changed the zoning from 4(a) General Industrial in Botany LEP 1995 (BLEP 1995) to B7 Business Park. It is also proposed to apply a FSR of 1.5:1 and a maximum of height of 12m to this land under the BBLEP 2013.

* Rezoning from IN1 General Industrial to B7 Business Park under BBLEP 2013

The planning proposal seeks to change the zoning of all the subject land from IN1 General Industrial to B7 Business Park. The objective of this change is to modify the uses in the precinct to enable Office premises, Light industries and airport related uses, so that these uses will be more compatible with nearby residential development, Botany Public School and the Botany Village Local Centre. Council also considers that the change in land uses will lead to a reduction in heavy vehicle movements throughout the precinct.

The IN1 General Industrial zone under the Ports SEPP aims to support port-related industrial uses. Currently, Business premises and Office premises are only permitted in association with, or ancillary to, port facilities or industries under the SEPP. Current uses under the IN1 General Industrial zones that would no longer be permitted include Boat building and repair facilities; Depots; Freight transport facilities; General industries; Jetties; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Council has provided an adequate explanation of the provisions.
The planning proposal seeks to:
1. remove land (including properties 9-15 Erith St, 5-9, 13-15, 21-23 Byrnes St, Botany) from

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State Environmental Planning Policy (Port Botany & Port Kembla) 2013 (Ports SEPP) and rezone this land from IN1 General Industrial under the Ports SEPP to B7 Business Park under the Botany Bay Local Environmental Plan 2013 (BBLEP 2013);
 2. correct a mapping anomaly relating to No. 1 Bay St and 2-10 Mc Fall St, Botany by rezoning this land from IN1 General Industrial to B7 Business Park under BBLEP 2013;
 3. apply Clause 4.3 Height of building to permit a maximum height of 12 metres over the subject precinct;
 4. apply Clause 4.4 Floor Space Ratio (FSR) to permit a maximum FSR of 1.5:1 over the subject precinct; and
 5. incorporate 23 Byrnes Street, Botany (Canary Island Date Palms [Phoenix Canariensis]) into Schedule 5 (Environmental Heritage) of the BBLEP 2013.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
 2.3 Heritage Conservation
 3.4 Integrating Land Use and Transport
 3.5 Development Near Licensed Aerodromes
 4.1 Acid Sulfate Soils
 6.1 Approval and Referral Requirements
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? No

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
 SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
 SEPP No 6—Number of Storeys in a Building
 SEPP No 22—Shops and Commercial Premises
 SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
 SEPP No 33—Hazardous and Offensive Development
 SEPP No 55—Remediation of Land
 SEPP No 60—Exempt and Complying Development
 SEPP No 64—Advertising and Signage
 SEPP No 65—Design Quality of Residential Flat Development
 SEPP (Building Sustainability Index: BASIX) 2004
 SEPP (Exempt and Complying Development Codes) 2008
 SEPP (Housing for Seniors or People with a Disability) 2004
 SEPP (Infrastructure) 2007
 SEPP (Temporary Structures and Places of Public Entertainment) 2007
 SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Council has also identified the following SEPPs in addition to those listed above:

* SEPP (State and Regional Development) 2011
 * SEPP (Port Botany and Port Kembla) 2013

The planning proposal is generally consistent with the relevant SEPPs, with the exception of SEPP (Port Botany & Port Kembla) 2013 (Ports SEPP) as it seeks to remove certain land from the SEPP and rezone from IN1 General Industrial under the SEPP to B7 Business Park under the BBLEP 2013. Council has argued that consistency with the Ports SEPP is unreasonable and unnecessary on the basis that:

* Port related uses under the SEPP are inconsistent with the long term strategic direction of the Metropolitan Plan for Sydney 2036 and the draft East subregional strategy;

* Council's land use survey indicates there are no properties within this precinct currently being used as "port-related industries" but are occupied by "General Industries", due to the constraints of the precinct including smaller lot sizes, fragmented landownership and inadequate infrastructure;

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- * The existing IN1 zone under the Ports SEPP is incompatible with the adjoining B7 Business Park zone under the BBLEP 2013 for land bounded by Bay St, Underwood Ave & Chegwyn St, Botany;
- * The Southern and Western Suburbs Ocean Outfall (SWSOOS) prevents the precinct from having direct vehicular access to Hale Street, which requires all vehicles to access the precinct inappropriately through local roads;
- * The precinct is not considered suitable for 'port-related industrial uses' as it is close to residential developments on Erith and Bay Streets;
- * Safety concerns about pedestrian and traffic conflicts near the school as a result of heavy vehicles gaining access to the precinct; and
- * The proposal seeks to rezone 2.18ha of IN1 land, which represents a reduction of 0.71% of General Industrial land under the Ports SEPP.

CONSIDERATION OF INCONSISTENCY WITH PORTS SEPP:

The current uses permissible with consent under this zone are generally more traditional industrial uses and aim to support port-related activities and industries. The removal of this land from the SEPP and its rezoning to B7 Business Park under BBLEP 2013, would mean that many of these traditional and port related uses would no longer be permitted on this land, and would rely on existing use rights.

COMMENTS FROM ASSESSMENT POLICY & SYSTEMS STAKEHOLDER ENGAGEMENT BRANCH

The Assessment Policy and Systems branch does not support the planning proposal as removing and rezoning land from the Ports SEPP is contrary to the aims of the Ports SEPP, in particular the aims of:

- * Clause 3(b) to allow the efficient development, re-development and protection of land at Port Botany and Port Kembla for port purposes, and
- * Clause 3(g) to ensure that land around the Lease Area is maintained for port-related and industrial uses, including heavy industry on land around Port Kembla.

The removal of this land would result in diminishing land intended for port-related and industrial uses.

COMMENTS FROM EMPLOYMENT LANDS DEVELOPMENT PROGRAM (ELDP) TEAM

The ELDP team does not support the rezoning of IN1 land to B7 in this location mainly because the proposed rezoning would reduce the area in which industrial type uses are permissible (especially related to the Port and Airport), given these lands service the whole of the subregion.

Other concerns raised in the comments include:

- * the specialist functions of this precinct should be protected for the long term and other non-specialised but competing uses must not override the core employment activities;
- * the land under the SEPP will continue to serve a vital role in supporting Sydney Airport and Port Botany and should be preserved as industrial zoned land;
- * the proposed rezoning is not consistent with the aims of the SEPP, as B7 prohibits Freight transport facilities which are considered essential to preserving the integrity of the industrial land zoned under the SEPP.

SRE COMMENT

Based on the above advice and the consideration of the inconsistency of the proposal with the Ports SEPP, the proposed removal and rezoning of land from the Ports SEPP to B7 Business Park under the BBLEP 2013, is inconsistent with the intention of the Ports SEPP to secure port and related industrial land for the ongoing benefit the port provides for trade and growth. Therefore, the planning proposal is inconsistent with the intentions and aims of the Ports SEPP to retain land for port-related and industrial uses and is not supported.

s.117 Directions

1.1 Business and Industrial Zone

Council considers that the planning proposal is consistent with this direction because:

- * The IN1 zone in the Ports SEPP and the B7 zone in BBLEP 2013 enables similar

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industrial and business uses within the precinct and will not reduce or remove employment generating opportunities within the area but instead promote businesses that best fit within the constraints of the precinct;

* The B7 zone allows light industrial uses within the precinct and does not reduce the potential floor space for industrial uses;

* According to the Employment Generated Assessment report prepared by SGS Economics & Planning (to inform the comprehensive BBLEP 2013), office land uses will have the highest jobs generation, followed by Business Park;

* Light industrial uses proposed under B7 are more compatible with adjoining land uses; and

* A total of 350.25ha (18.4%) of the LGA is zoned for industrial purposes under LEP 2013. The precinct consists of 17 properties comprising 2.55ha which would reduce general industrial zoned land in the LGA by 0.73%.

* SRE CONSIDERATION

While Council has argued that the proposed rezoning will not result in the reduction of employment lands within the Botany LGA, the planning proposal is inconsistent with 1.1 Business and Industrial Zones as it will not retain areas and locations of existing industrial zones, and will reduce potential floor space area for industrial uses in industrial zones, particularly traditional industrial uses that will no longer be permitted on this land.

Although Council has argued the proposed B7 Business Park zone has the potential to yield more jobs than the IN1 zone, in this particular location the employment capacity of the land is less important than the types of industries and jobs that this zoning creates opportunities for (see ELDP team comments). Many of the types of development permitted under the IN1 General Industrial zone will not be permitted under the B7 Business Park zone, eg. Freight transport facilities, boat building and repair facilities; Depots; General industries; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities. Therefore total floorspace available for these general industrial uses will be reduced.

The part of the precinct covered by the Port SEPP has been identified as an area to support port-related industries of State importance. Therefore the inconsistency with Direction 1.1 Business and Industrial Zones is not considered to be of minor significance with regard to the land covered by the Ports SEPP and is not supported.

The rezoning of the land outside the SEPP (No. 1 Bay St & 2-10 Mc Fall St, Botany) and its inconsistency with s.117 direction 1.1 Business and Industrial zone, is considered to be of minor significance, on the basis that the adjoining land was previously rezoned to B7 under BBLEP 2013 and that this land is not identified within the SEPP as critical to providing supporting port industries. The inconsistency with this direction in the draft Comprehensive LEP was justified as it was considered to be of minor significance. Land near this precinct was rezoned under BBLEP 2013 from 4(a) General Industrial to B7 Business Park, as it was considered that whilst the draft LEP modified the number of areas of existing industrial zones it did not reduce the total area of industrial land in the LGA. There was an overall increase in industrial zoned land of 8.44Ha under the draft LEP, due to the Port Botany expansion.

However, the majority of current land uses as indicated in Council's land use survey (see Att. 6 of the planning proposal) are all of a general industrial nature. For example, 1 Bay Street is currently operating as an approved Waste or resource management facility - recycling yard; No. 2 Mc Fall St is a General Industrial - Manufacturing use (Samos Kangaroo Skins); No. 4 Mc Fall St is a Vehicle body repair workshop; No. 6-8 Mc Fall St is currently vacant (although has an approved use for warehouse and distribution) and No. 10 Mc Fall St is a Warehouse or distribution Centre (House of Bamboo).

7.1 Implementation of the Metropolitan Plan for Sydney 2036.

Council considers that the planning proposal is not inconsistent with the strategic directions and actions of the Metropolitan Plan for Sydney 2036. However, SRE (& the

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ELDP team) considers that the planning proposal is inconsistent with this direction as it is contrary to Objective E3 of the Metropolitan Plan for Sydney 2036, which aims to provide employment lands to support the Economy's Freight and Industry needs and acknowledges employment lands are coming under pressure to be rezoned for other uses.

The ELDP team considered the Strategic Assessment Checklist under this objective in the Metropolitan Plan for Sydney 2036 and in the draft Metropolitan Strategy for Sydney 2031 and concluded that the subject site should be retained as industrial zoned land to provide an appropriate supporting system to Sydney Airport and Port Botany.

It is otherwise agreed that the planning proposal is generally consistent with the s.117 directions as identified by Council, including:

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

3.5 Development near Licenced Aerodromes

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

It is considered that inconsistencies with the Ports SEPP are not justified and that the removal of land from the SEPP should not be supported. The land covered by the Ports SEPP has strategic significance for its employment contributions to the State and Region. In particular, the Port SEPP identifies this land for port-related and industrial uses. The removal of the land would result in the diminishing of land intended for port-related and industrial uses. The planning proposal is inconsistent with 1.1 Business and Industrial Zones because it will not retain areas and locations of existing industrial zones and it will reduce potential floor space area for industrial uses, particularly traditional industrial uses in industrial zones. The inconsistency with Direction 1.1 Business and Industrial Zones is not considered to be of minor significance with regard to the land covered by the Ports SEPP.

The inconsistency with direction 1.1 in relation to 1 Bay St & 2-10 Mc Fall St, Botany is considered to be of minor significance, as this area falls outside the area covered by the Ports SEPP. This would be more consistent with the larger area of adjoining land in Bay, Chegwyn and Hale Sts, previously rezoned to B7 under BBLEP 2013 from 4(a) General Industrial, and that access to this land for large vehicles is particularly difficult given the physical barrier of the Southern and Western Suburbs Ocean Outfall (SWSOOS). Most of the current land uses in Bay & McFall Sts, as indicated in Council's land use survey (Att. 6 of the planning proposal) are all of a general industrial nature, which will no longer be permitted under the B7 zoning and will rely on existing use rights.

The planning proposal is inconsistent with Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036. The ELDP has provided comments on the Assessment checklist for rezoning of Industrial land within the Metropolitan Plan for Sydney 2036 and the draft Metropolitan Strategy to 2031 and concludes that the subject site should be retained as industrial zoned land in order to provide an appropriate supporting system to Sydney Airport and Port Botany.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Council has provided the relevant maps for the proposed zoning and planning controls under Botany Bay LEP 2013.

Existing Maps:

SEPP (Port Botany & Port Kembla) 2013:

Land Zoning Map Sheet LZN_001 Port Botany

Height of Building Map Sheet HOB_001 Port Botany

Additional Permitted Uses Map Sheet APU_001

Proposed:

Botany Bay LEP 2013:

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Land Zoning Map - Sheet LZN_002
Floor Space Ratio Map - Sheet FSR_002
Height of Buildings Map - Sheet HOB_002
Heritage Map - Sheet HER_002
Acid Sulfate Soils Map Sheet ASS_003

If the planning proposal is supported to amend the Ports SEPP land, maps in the Ports SEPP would also require amendment to remove the subject land. The BBLEP 2013 Land Application Map would also need to be amended to alter the boundary of the SEPP land.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is agreed with Council that the proposal should be placed on exhibition for 28 days, if it includes the removal of land covered by the Ports SEPP.

However, if this land is excluded from the proposal, it is considered that a 14 day public exhibition is sufficient for the planning proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : The planning proposal does not comply with the aims and objectives of the Ports SEPP, s.117 directions 1.1 Business and Industrial zones & 7.1 Implementation of the Metropolitan Plan for Sydney 2013, as it relates to the removal of land from the Ports SEPP and its rezoning.

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP : The Botany Bay LEP 2013 was made on 21 June 2013 and is consistent with the Standard Instrument. This planning proposal is proposed as Amendment No. 1 to Botany Bay LEP 2013.

Assessment Criteria

Need for planning proposal : The planning proposal is the result of a Council resolution to investigate key areas in the Local Government Area. The Department agreed this matter would be best considered as a separate planning proposal rather than form part of the BBLEP 2013.

Council considers the planning proposal is necessary as it will result in a better planning outcome for the precinct. Council is concerned about ongoing issues such as traffic and pedestrian conflicts, inadequate space for vehicle manoeuvring, inadequate road network for manoeuvring trucks, port onsite storage, noise and odour from industry operation and poor built form and public domain. Council considers that the proposed B7 Business Park zone will enable more compatible uses to the adjoining residential and other business uses. Council also maintains that the planning proposal will ensure a consistent zoning with the surrounding properties under Botany Bay LEP 2013.

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Consistency with strategic planning framework :

The planning proposal has been assessed against the relevant strategic planning framework. All of the subject land is located within the "Global Economic Corridor" and "Sydney Airport & Environs Specialised Centre" identified in the Metropolitan Strategy for Sydney 2036, the draft Metropolitan Strategy for Sydney to 2031 and the draft East Subregional Strategy.

Whilst Council considers the planning proposal to be consistent with the strategic planning framework, this is not agreed with. The planning proposal is inconsistent with:

- * Ports SEPP as the intention of the SEPP is to secure port and related adjacent industrial land for port uses for the ongoing benefit that the port provides to the State and Region;
- * draft Metropolitan Strategy for Sydney to 2031 which identifies the Botany LGA as a specialised precinct and aims to protect the functions of these precincts over the long term without allowing competing uses to override the core employment activities of these precincts; and
- * draft East Subregional Strategy which identifies strategic employment lands within Botany and land to be retained for industrial purposes. In particular the Botany Industrial Area specialising in Freight & Logistics & Local Industry is recognised as one of the four concentrations of employment lands in the East.

Council has assessed the proposal under Objective 13 of the draft Metropolitan Strategy for Sydney to 2031 and in particular the assessment checklist for the rezoning of industrial land (pg .49) and concludes that the proposed rezoning will not result in the reduction of employment lands within the Sydney Airport and Environs Specialised Centre or Botany Bay LGA. Council relies on the SGS Economics and Planning report to support its argument that office uses generate the a higher employment potential than industrial uses.

The ELDP team has assessed the proposal with regard to this checklist and has concluded that all the land covered by the proposal should retained as industrial zoned land given these lands have a role in servicing the region. There is no compelling argument that industrial land cannot be used for industrial purposes now or in the foreseeable future and it is considered that the precinct has sufficient demand for industries related to the airport and the port into the future and should be retained. The ELDP team considers the planning proposal to be inconsistent with the draft East Subregional Strategy, which classifies the subject precinct site as land to be retained for industrial purposes.

SRE Consideration

The proposal is inconsistent with the Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney to 2031, and the draft East Subregional Strategy. The land covered by the Ports SEPP should not be removed from the SEPP and the IN1 General Industrial should be retained. This land is part of the larger Ports SEPP area, as it makes an employment contribution of State and Regional significance. While the land adjoining the SEPP has a secondary role to the land in the Ports SEPP, it is nevertheless used for the purpose of general industries.

Environmental social economic impacts :

The proposal will not impact upon any critical habitat, threatened species, populations or ecological communities or their habitats as it does not contain any of the above communities. Council considers there will not be any adverse environmental effects on the subject land.

The proposed rezoning from IN1 General Industrial to B7 Business Park may improve social impacts as it will enable uses that are more consistent and compatible with uses on adjoining land including dwelling houses, Botany Public School and the Botany Village Centre.

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Assessment Process

Proposal type : Precinct Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **DG**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Given the inconsistencies of the planning proposal with the Ports SEPP's aims and objectives and direction 1.1 Business and Industrial zone and the strategic planning framework, the land covered by the Ports SEPP should be excluded from the planning proposal and be retained within the Ports SEPP.**

The proposed rezoning of the land adjoining the Ports SEPP at 1 Bay St and 2-10 McFall St, Botany should proceed as the adjoining land north of Hale St was already rezoned under BBLEP 2013 from 4(a) General Industrial to B7 Business Park.

Council has proposed to consult with the following Public Authorities:

- Roads and Maritime Services
 - Sydney Ports Corporation
 - Sydney Airport Corporation
 - Department of the Commonwealth and the lessee of the Sydney Airport
- It is also recommended that Council consult with the Department of Environment and Heritage should the proposal be supported.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**Employment Lands (ELDP)
Part 3A**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
01.Cover Letter.pdf	Proposal Covering Letter	No
Planning Proposal _Version 5.pdf	Proposal	No
Attachment 1 - Botany Bay Local Environmental Plan 2013 - Zoning and Planning Controls (Current).pdf	Proposal	No
Attachment 10 - SEPP (Port Botany and Port Kembla) - Zoning Map.pdf	Map	No

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Attachment 2 - Zoning (Proposed).pdf	Map	No
Attachment 2 - FSR Map (Proposed).pdf	Map	No
Attachment 2 - Height of Buildings Map (Proposed).pdf	Map	No
Attachment 2 - Heritage Map (Proposed).pdf	Map	No
Attachment 10 - SEPP (Port Botany and Port Kembla) - Additional Permitted Uses Map.pdf	Map	No
Attachment 10 - SEPP (Port Botany and Port Kembla) - Height of Building Map.pdf	Map	No
Attachment 6 - Landuse Survey.pdf	Proposal	No
Attachment 7 - Industrial Lands Strategic Assessment Checklist for rezoning of existing industrial land to other uses.pdf	Proposal	No
Attachment 8 - Permissible Uses Comparison.pdf	Proposal	No
Attachment 9 - List of State Environmental Planning Policies.pdf	Proposal	No
Attachment 3 - Development Agenda 4 September 2013.pdf	Proposal	No
Attachment 3 - Development Minutes 4 September 2013.pdf	Proposal	No
Summary of ELDP comments on the Botany Bay Planning Proposal.doc	Proposal	No
comments from Assessment Policy & Systems.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 6.1 Approval and Referral Requirements
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the proposal proceed subject to the following conditions:**

1. The removal of land from the State Environmental Planning Policy (Port Botany & Port Kembla) 2013 is not supported. The land at 9-15 Erith Street, Nos 5-9, 13-15, 21-23 Byrnes Street, Botany be excluded from this planning proposal.
2. The planning proposal should be exhibited for 14 days.
3. The planning proposal should be completed with 9 months.
4. Consultation should be undertaken with:
 - Roads and Maritime Services
 - Sydney Ports Corporation
 - Sydney Airport Corporation
 - Department of the Commonwealth and the lessee of the Sydney Airport
 - Department of Environment and Heritage

The RPA should be advised that with regard to the proposed removal of land from the State Environmental Planning Policy (Port Botany & Port Kembla) 2013, the planning proposal is considered to be inconsistent with:

1. the directions and actions of the Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney to 2031 and the draft East Subregional State
2. State Environmental Planning Policy (Port Botany & Port Kembla) 2013; and
3. s.117 direction 1.1 Business and Industrial Zones & 7.1 Implementation of the Metropolitan Plan for Sydney 2036.

Should the LEP Review Panel agree with the removal of land under State Environmental Planning Policy (Port Botany & Port Kembla) 2013, it is recommended that the planning proposal be exhibited for 28 days.

**Rezone land under SEPP (Port Botany & Port Kembla) 2013 and Botany Bay LEP 2013 from
IN1 General Industrial to B7 Business Park**

Supporting Reasons : The proposal is contrary to aims 3(b) and 3(g) of the SEPP (Port Botany & Port Kembla) 2013 as the removal of the land from the SEPP will diminish land intended for port-related and industrial uses. The rezoning of the Ports SEPP land is inconsistent with the aims of the SEPP, particularly as the B7 Business Park zone will prohibit many uses that are essential to preserving the integrity of industrial land zoned under the SEPP for the purpose of supporting the operation of the Ports.

Signature:

_____

Printed Name:

M Kokot

Date:

25/11/13