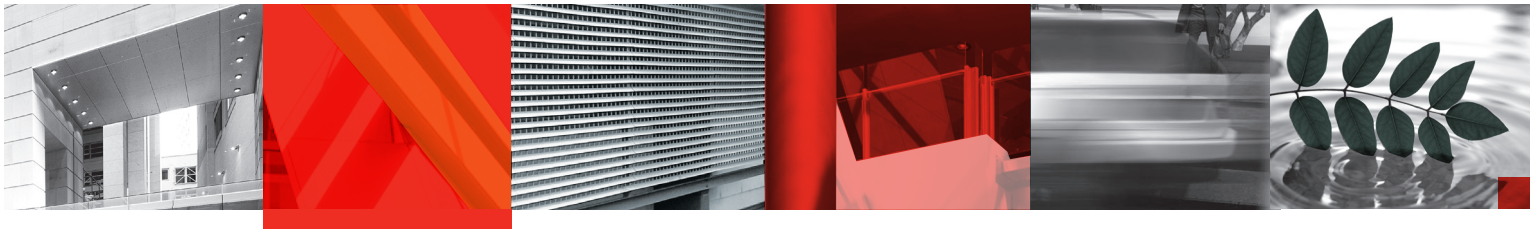


Planning Proposal



BATA Site, Westfield Drive, East Gardens

Submitted to Botany Bay City Council
On Behalf of British American Tobacco Australia

March 2012 ■ 11051

Reproduction of this document or any part thereof is not permitted without prior written permission of JBA Urban Planning Consultants Pty Ltd.

JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:

Andrew Wilson

A handwritten signature in blue ink, appearing to read 'Andrew Wilson', written in a cursive style.

Date 07/03/12

This report has been reviewed by:

Julie Bindon

A handwritten signature in blue ink, appearing to read 'Julie Bindon', written in a cursive style.

Date 07/03/12

Contents

Executive Summary	1
1.0 Introduction	8
2.0 Site Description	9
2.1 Location and Context	9
2.2 Description	12
2.3 Surrounding Land Uses	12
2.4 Land Use Capability	13
2.5 Current Zoning under Botany Bay Local Environmental Plan 1995	14
3.0 Objectives and Intended Outcomes	15
4.0 Explanation of Provisions	16
4.1 Botany LEP 1995	16
4.2 Draft Botany Bay LEP 2012	18
5.0 Justification	22
5.1 Need for the Planning Proposal	22
5.2 Relationship to Strategic Planning Framework	35
5.3 Environmental, Social & Economic Impact	54
5.4 State and Commonwealth Interests	57
6.0 Community Consultation	60
7.0 Conclusion	61

Figures

1 Proposed zoning, floor space ratio and building height limit	2
2 Site location and context	10
3 Site and surrounding land use	11
4 Proposed zoning map under Botany LEP 1995	17
5 Proposed zoning map under Draft Botany Bay LEP 2012	19
6 Proposed floor space ratio map under Draft Botany Bay LEP 2012	20
7 Proposed building height map under Draft Botany Bay LEP 2012	21

Contents

Appendices

- A** Site Survey prepared by Denny Linker & Co.
- B** Access, Transport & Traffic Report prepared by Colston Budd Hunt & Kafes, and Supplementary Traffic Modelling Report prepared by Parsons Brinckerhoff
- C** Stormwater Management Report prepared by Aurecon
- D** Flood Study Report prepared by Aurecon
- E** ESD Report prepared by Aurecon
- F** Utility Services Infrastructure Report prepared by Aurecon
- G** Geotechnical Desk Top Study prepared by Douglas Partners
- H** Phase 1 Contamination Assessment and supplementary Sampling Analysis and Quality Plan prepared by Douglas Partners
- I** Economic Impact Assessment prepared by Hill PDA
- J** Social Impact Assessment prepared by Hill PDA
- K** BATA Contamination Assessment prepared for Botany Bay City Council by Environmental Risk Sciences
- L** Indicative Masterplan prepared by Krikis Tayler Architects
- M** Development Yield Schedules and Figures by Krikis Tayler Architects
- N** Commentary on Olsson Associates Architects BATA site density testing by Krikis Tayler Architects and JBA

Executive Summary

This Planning Proposal is to request the land described as part Lot 1 DP 776089 owned by British American Tobacco Australia (BATA) at Eastgardens be rezoned to permit development for a mix of residential and commercial purposes under the current Botany Local Environmental Plan (LEP) 1995 and the new Draft Botany Bay LEP 2012.

The Draft Botany Bay LEP 2012 is presently before the NSW Department of Planning & Infrastructure awaiting certification under section 65 of the Environmental Planning and Assessment Act to allow for public exhibition. Given the landowner's need to confirm the rezoning of the site as soon as possible and the significant public benefits associated with the proposal (including major contributions to housing targets, employment generation opportunities), the Planning Proposal option was chosen. This will provide certainty and will facilitate the earliest release of the land as well as mitigate risk to BATA through any potential delay to the Draft Botany Bay LEP 2012 process and its finalisation.

This Planning Proposal is consistent with the relevant provisions of the new Draft Botany Bay LEP 2012 as they relate to the BATA site. Accordingly, the proposed zoning, FSRs, and heights accord with Council's draft LEP provisions. Similarly, the same documents proposed to be placed on public exhibition (as they relate to the BATA site) are also included in this Planning Proposal.

The BATA land at Eastgardens has an area of approximately 16.5ha. in total. BATA proposes to continue its general industrial operations at a reduced scale on approximately 6.1ha. of land over the medium to long term future, and vacate the remaining 10.4ha. of land which is surplus to its needs. The BATA land is currently zoned 4(a) Industrial under the Botany LEP 1995.

The following provisions are proposed to apply to the BATA land in the Botany LEP 1995 and the Draft BBLEP 2012 as shown in Figure 1 below:

- 3(b) Business Restricted Zone under Botany LEP 1995 and B4 Mixed Use Zone under Draft Botany Bay LEP 2012 with a maximum FSR of 3:1 and building heights up to 44m covering 3.7ha. of the surplus BATA land on the southern side of the site immediately adjacent to the Eastgardens shopping centre;
- 2(b) Residential "B" Zone under Botany LEP 1995 and R3 Medium Density Residential Zone under Draft Botany Bay LEP 2012 with a maximum FSR of 1:1 and building heights of 11m to 39m covering 6.7ha. of the surplus BATA land on the central and north west parts of the site;
- 4(a) Industrial Zone under Botany LEP 1995 and IN1 General Industrial Zone under Draft Botany Bay LEP 2012 with a maximum FSR of 1:1 remaining on 6.1 ha. of the BATA land on the northeast part of the site on which BATA's industrial operation is proposed to continue at a reduced scale.

The Planning Proposal will facilitate the development of between 1,200 to 1,500 dwellings and 5,000 to 35,000 sq.m of retail and commercial floor space on the surplus BATA land. Whilst an upper limit of 35,000 sq.m of retail and commercial floor space (being 30,000sq.m of retail and 5,000sq.m of commercial floorspace) is demonstrated as being feasible in terms of level of development impacts (whether by traffic or economic impacts), BATA's desired outcome lies with a lower limit retail and commercial yield in the order of 5,000 sq.m.

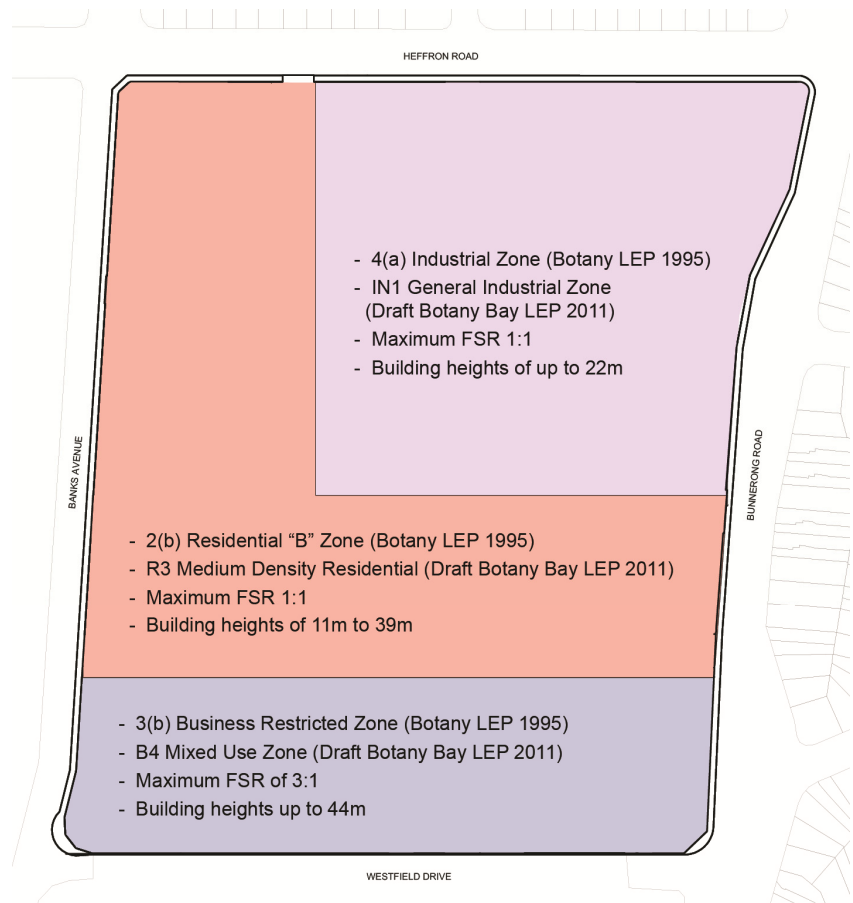


Figure 1 – Proposed zoning, floor space ratio and building height limit

The key strategic planning issues, merits and justification associated with the Planning Proposal are as follows:

Urban Context and Surrounding Land Uses

The urban and subregional context of the BATA land is characterised by:

- a relatively central location within the Sydney metropolitan urban region with a good level of accessibility to transport, jobs, services and recreation/entertainment facilities;
- excellent road access in close proximity to the main Sydney arterial ring road of the Eastern Distributor with relatively direct access to the local main roads of Bunnerong Road, Heffron Road, Banks Avenue and Wentworth Avenue;
- a good level of public transport accessibility in the form of the bus corridors along the adjacent Bunnerong Road and Wentworth Avenue and adjacent to the bus interchange at Eastgardens shopping centre;
- highly accessible to Sydney Domestic and International Airport and Port Botany;
- adjacent to the subregional shopping centre at Eastgardens, and in relatively close proximity to other business centres in the Sydney east subregion;
- adjacent to low-medium density residential areas to the north and east;
- adjacent to a large expanse of golf courses and parkland to the west; and
- physical separation from the remainder of the Botany industrial zone to the south by the urban barriers of the Eastgardens shopping centre and the arterial road of Wentworth Avenue;

- site is outside the Botany industrial zone hazard risk consultation region in the Botany / Randwick Industrial Area Land Use Safety Study Development Control Plan No.30;
- site is outside the airport 2023/24 and 2029 ANEF contours, and subject to an airport OLS building height limit.

The urban and subregional context of the BATA land is suitable for the development of a mix of residential, retail and commercial uses with a medium to high density and scale of development as proposed under the new zones, FSR and building heights in this Planning Proposal.

Consistent with Strategic Planning Objectives

The Planning Proposal to allow a mix of new residential and commercial/retail uses on the surplus BATA land will contribute to achieving important objectives and directions in NSW Government planning strategies and policies including:

- growing and building on the adjoining stand alone retail centre at Eastgardens and its associated infrastructure to create a mixed use centre on a strategic bus corridor;
- contributing to achieving housing targets within the Sydney East Subregion and Botany LGA in a location that is well serviced with infrastructure and accessible to the transport network and centres of employment, retailing and business services, recreational and entertainment opportunities;
- achieving a mix of uses and a density of development that is appropriate for its urban location and context adjoining an existing centre, strategic bus corridor and bus interchange at Eastgardens.

This Planning Proposal is also in accordance with the specific directions and actions in the Botany Bay Planning Strategy 2031 which envisage a mixed use centre at Eastgardens after BATA vacate the land.

Not Significant for Industrial Land Supply

Hill PDA have carried out an economic impact assessment which is included in this Planning Proposal and concludes that the BATA land is not strategically significant industrial zone land, and the rezoning of the surplus land to a mix of residential and commercial/retail uses as proposed will not have a significant impact on the viability of the industrial land supply at Botany in the following respects:

- the BATA land is not identified within the significant industrial land area in the Three Ports (Botany, Newcastle and Port Kembla) State Significant Site (SSS) listing under Schedule 3 of the Major Development SEPP, and is therefore not identified as critical or required for existing or future port related industrial functions;
- the BATA land is isolated from other industrial land at Botany and physically separated from the industrial zones to the south by Eastgardens Shopping Centre and Wentworth Drive;
- the BATA surplus land does not contain any infrastructure of strategic significance to the industrial zone at Botany and its rezoning will not impact on the continued viability of the industrial zone;
- the BATA land is adjacent to residential and retail uses which are not compatible with the heavier industry and port related transport industry around Botany;
- there is an adequate supply of industrial land in the subregion to meet demand into the foreseeable future without the BATA land, particularly for local services and trades;

- the location, context and attributes of the BATA land are more highly suitable for a mix of residential, retail and commercial uses, and there are no significant environmental constraints to such a mixed use development on the BATA land;
- the BATA site can support retail and commercial uses that are more employment intensive than industrial use; and
- Council has advised that the rezoning of industrial zone land including the BATA surplus land and the translation of industrial zones from Botany LEP 1995 to the new standard industrial zones in Draft BBLEP 2012 results in a **net increase of 8.44 ha. of pure industrial zone land in the Botany Bay LGA.**

The proposed rezoning of the BATA land is unique and will not create a precedent or expectations for other landowners in the locality to rezone industrial land given the unique circumstances of the BATA land being isolated and clearly separated from the remainder of the industrial zone at Botany, and located adjacent to an existing retail centre, strategic bus corridor and residential zone unlike the remainder of the industrial zone at Botany.

Retail Assessment

The Planning Proposal for a 3(b) Business Restricted Zone under Botany LEP 1995 and B4 Mixed Use Zone under Draft Botany Bay LEP 2012 has potential for the development of additional retail and commercial uses on the site that will increase competition and choice for consumers.

A retail floor space supply and demand assessment prepared by Hill PDA is included in this Planning Proposal which concludes that the provision of around 30,000sqm of retail floorspace on the BATA site together with 5,000sqm of commercial floorspace would not adversely impact upon any other existing centres in the trade area to a great extent.

Whilst an upper limit of 35,000 sq.m of retail and commercial floor space is demonstrated as being feasible (being 30,000sq.m of retail and 5,000sq.m of commercial floorspace), BATA's desired outcome lies with a lower limit retail or commercial yield in the order of 5,000 sq.m.

Employment Opportunities

The proposed 3(b) Business Restricted Zone under Botany LEP 1995 and B4 Mixed Use Zone under Draft Botany Bay LEP 2012 allow a wider range of employment generating land uses with higher employment densities compared to the existing industrial zoning. Hill PDA's economic assessment concludes that up to around 1,550 jobs can be accommodated on the site under the proposed mixed use business zone compared to 900 jobs under an industrial zoning.

Housing Supply and Affordability

The proposed zoning, FSR and building heights on the BATA surplus land have potential to contribute 1,200 to 1,500 new dwellings to the supply of residential dwellings in the Botany LGA, Sydney East Subregion and Metropolitan Region. The number of new dwellings will depend on the amount of commercial/retail floor space developed.

Given the relatively large size of the BATA land and the long lead time for development, the most feasible development scenario is likely to be a mix of uses and housing choices to meet different segments of the housing market.

Access and Transport Infrastructure

Public transport

The BATA site adjoins a strategic bus corridor on Bunnerong Road with a bus interchange at the adjacent Eastgardens retail centre. Sydney Buses operate services along Bunnerong Road, Heffron Road, Westfield Drive and Wentworth Avenue adjacent to the site with numerous bus services and connections to surrounding areas including Sydney City, Bondi Junction, Rockdale and Burwood.

Walking and cycling

The pedestrian and cycling network in the locality will be enhanced by connections through the site in future development under the proposed new zones in this Planning Proposal.

Road network

The BATA land has excellent road access with direct access to the local main roads of Bunnerong Road, Heffron Road, Banks Avenue and Wentworth Avenue which link with the nearby Eastern Distributor and Sydney arterial ring road. The road network is capable of supporting future development of the site for a mix of residential, retail and commercial uses in this Planning Proposal subject to a number of road intersection upgrades in the vicinity as described in the attached traffic reports prepared by Colston Budd Hunt & Kafes and Parsons Brinckerhoff.

Travel demands

Future development of the BATA land for a mix of residential and retail uses under the proposed new zones would improve access and reduce travel demands by car through increasing employment densities close to existing public transport services, locating a mix of uses adjacent to the strategic bus corridor and bus interchange at Eastgardens, improving the pedestrian and cycle network through the locality, and co-locating complementary land uses in a mixed use centre.

Utility Services Infrastructure

The full range of utility services – electricity, telecommunications, gas, water, sewer and stormwater drainage – are available on and adjacent to the BATA land. The existing utility services support industrial use on the BATA land and also support the future development of the site for a mix of residential, retail and commercial uses under the new zoning in this Planning Proposal. A Utility Services Infrastructure Report has been prepared by Aurecon and is included in this Planning Proposal.

No Significant Environmental Constraints

There is no environmentally sensitive land or land with significant biodiversity value on or around the BATA site that will be affected by the Planning Proposal. There are no environmental constraints or hazards of such significance as to preclude mixed use development on the BATA surplus land under the proposed new zoning. The environmental issues associated with the Planning Proposal are addressed in the following documents prepared by BATA's consultants in consultation with Council.

- Site survey prepared by Denny Linker & Co.;
- Indicative Masterplan prepared by Krikis Tayler Architects and JBA Planning;
- Access, Transport & Traffic Report prepared by Colston Budd Hunt & Kafes and Traffic Modelling Report prepared by Parsons Brinckerhoff;
- Stormwater Management Report prepared by Aurecon;
- Flood Study Report prepared by Aurecon;
- ESD Report prepared by Aurecon;
- Utility Services Infrastructure Report prepared by Aurecon;

- Geotechnical Desk Top Study prepared by Douglas Partners;
- Phase 1 Contamination Assessment and supplementary Sampling Analysis and Quality Plan prepared by Douglas Partners;
- BATA Contamination Assessment prepared for Botany Bay City Council by Environmental Risk Sciences;
- Economic Impact Assessment prepared by Hill PDA; and
- Social Impact Assessment prepared by Hill PDA.

Additionally, Krikis Tayler Architects has also prepared a detailed set of schedules to indicate the likely potential residential development yields under both 5,000sqm and 35,000sqm retail and commercial development scenarios. It concludes that in the order of 1,200 to 1,500 dwellings is possible. These schedules and accompanying figures are appended to this draft Planning Proposal. Further, the Council-commissioned Olsson Associates Architects (OAA) BATA site density testing has been reviewed by both Krikis Tayler Architects and JBA. Comments on the assumptions used by OAA in its testing have also been appended to this draft Planning Proposal.

A range of planning and design measures are proposed to manage the interface and mitigate potential impacts between the factory remaining in the industrial zone on the north east part of the BATA land and the future mix of residential and commercial development on the remaining BATA surplus land. This includes measures in the planning and design of the factory redevelopment and in planning for future residential development on the surplus BATA land in a Draft DCP.

Vision of a new Eastgardens

The vision for the BATA surplus land is the creation of a vibrant urban renewal area at Eastgardens with the development of a high quality sustainable mix of residential, retail and commercial uses including the following:

- A mix of housing types with potential for 1,200 to 1,500 terrace house and apartments (depending on the amount of retail and commercial floor space);
- Retail, commercial and other non-residential uses at the south end of the site with potential for integration with Eastgardens Shopping Centre;
- A public Town Square and Central Park lined with active retail, cafes and restaurants;
- A contemporary urban community with walkable streets, pocket parks and cycleways;
- Building heights ranging from 3 to 14 storeys (11m to 44m) stepping up from north to south; and
- Substantial water sensitive urban design and ESD measures to be implemented.

This vision for the surplus BATA land is embodied in the Indicative Masterplan submitted with this Planning Proposal, and is proposed to form the basis of a Botany Bay City Council Development Control Plan for the land.

Implications of not proceeding

The site presents a unique once in a lifetime opportunity to create a vibrant urban renewal area and mixed use centre at Eastgardens. If the Planning Proposal does not proceed, the surplus BATA land is likely to remain a largely vacant underutilised and inaccessible industrial site for the foreseeable future as the potential future redevelopment of the land for industrial purposes is severely constrained by its location and context with adjacent residential and retail uses, its isolation from other industrial zone land, and limited demand for industrial land.

Conclusion

Given the above, the draft Planning Proposal to rezone underutilised industrial zone land to a new vibrant urban renewal area at Eastgardens has strategic planning merit and is considered to provide a net community benefit and lead to a more sustainable planning outcome for the region. There is a strong and compelling strategic planning case for the BATA surplus land to be rezoned from industrial to a mix of residential, retail and commercial uses. Therefore, we request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the EP&A Act.

1.0 Introduction

This draft Planning Proposal is submitted to Botany Bay City Council to request the land described as part Lot 1 DP 776089 at Eastgardens be rezoned to permit development for a mix of commercial and residential purposes under the current Botany Bay Local Environmental Plan (LEP) 1995 and the new Draft Botany Bay LEP 2012.

JBA Planning has prepared this Planning Proposal on behalf of the landowner and proponent British American Tobacco Australia (BATA).

This Planning Proposal has been prepared for the purpose of section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the guideline prepared by the Department of Planning dated July 2009 entitled "A guide to preparing Planning Proposals". In particular, this Planning Proposal addresses the following specific matters in the guideline:

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification;
 - Need for the Planning Proposal;
 - Relationship to strategic planning framework;
 - Environmental, social and economic impact;
 - State and Commonwealth interests; and
- Community consultation.

The Draft Botany Bay LEP 2012 is presently before the NSW Department of Planning & Infrastructure awaiting certification under section 65 of the Environmental Planning and Assessment Act to allow for public exhibition. Given the landowner's need to confirm the rezoning of the site as soon as possible and the significant public benefits associated with the proposal (including major contributions to housing targets, employment generation opportunities), the Planning Proposal option was chosen. This will provide certainty and will facilitate the earliest release of the land as well as mitigate risk to BATA through any potential delay to the Draft Botany Bay LEP 2012 process and its finalisation.

The Planning Proposal process will run in parallel with the Draft Botany Bay LEP 2012 process but it is anticipated that it will advance ahead of it to finalisation and gazettal. Accordingly, the Planning Proposal will amend Botany Bay LEP 1995, with the proposed provisions ultimately incorporated into the gazetted form of Draft Botany Bay LEP 2012. The Planning Proposal option will effectively allow for earlier development of the site which is soon to be substantially vacated.

This Planning Proposal is consistent with the relevant provisions of the new Draft Botany Bay LEP 2012 as they relate to the BATA site. Accordingly, the proposed zoning, FSRs, and heights accord with Council's draft LEP provisions. Similarly, the same documents proposed to be placed on public exhibition (as they relate to the BATA site) are also included in this Planning Proposal.

We request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the EP&A Act.

2.0 Site Description

2.1 Location and Context

The BATA site is located adjacent to Eastgardens shopping centre in the north east of the Botany Bay City Council area abutting the Randwick Council area.

It is located approximately 8km south of the Sydney CBD, 6km south-west of Bondi Junction, 3km east of the Airport and 3km north of Port Botany, 1km west of Maroubra Junction, 1.8km south of Kingsford and 3km east of Botany.

The site location and context are shown in **Figures 2 and 3**.

The urban and subregional context of the BATA land is characterised by the following:

- a relatively central location within the Sydney metropolitan urban region with a good level of accessibility to transport, jobs and services;
- excellent road access in close proximity to the main Sydney arterial ring road of the Eastern Distributor with relatively direct access to the local main roads of Bunnerong Road, Heffron Road, Banks Avenue and Wentworth Avenue;
- a good level of public transport accessibility in the form of the bus corridors along the adjacent Bunnerong Road and Wentworth Avenue and adjacent to the bus interchange at Eastgardens shopping centre;
- highly accessible to Sydney Domestic and International Airport and Port Botany;
- adjacent to the subregional shopping centre at Eastgardens, and in relatively close proximity to other business centres in the Sydney east subregion;
- adjacent to low-medium density residential areas to the north and east;
- adjacent to a large expanse of golf courses and parkland to the west;
- physical separation from the remainder of the Botany industrial zone to the south by the urban barriers of the Eastgardens shopping centre and the arterial road of Wentworth Avenue;
- site is outside the Botany industrial zone hazard risk consultation region in the Botany / Randwick Industrial Area Land Use Safety Study Development Control Plan No.30;
- site is outside the airport 2023/24 and 2029 ANEF contours; and
- the site is subject to an airport OLS building height limit.



Figure 2 – Site location and context



Figure 3 – Site and surrounding land use

2.2 Description

The site is described as Lot 1 DP 776089. It is located at Westfield Drive, Eastgardens, is rectangular in shape and has a site area of 16.5 ha. The site is entirely owned and occupied by BATA. A site survey is included at **Appendix A**.

The site is bounded by Heffron Road to the north, Westfield Drive to the South, Bunnerong Road to the east and Banks Avenue to the west.

The site is currently used by BATA for tobacco manufacturing processing and packaging and it includes a number of building structures including main manufacturing building located in the eastern portion of the site, administration and ancillary buildings on the south east portion of the site, large warehouse building on the northwest of the site, extensive at-grade car park area on the southern part of the site.

Road access is currently available to the site directly off Westfield Drive and Heffron Road.

Vegetation on the site is limited to large trees around the perimeter of the site and small landscaped gardens around main vehicle and pedestrian access points.

2.3 Surrounding Land Uses

Land uses surrounding the site are shown above in **Figure 3** and influence the suitability of the site for different land uses and scales of development.

To the north

To the north on the opposite side of Heffron Road is the low density residential suburb of Pagewood. Heffron Road is a relatively wide road with heavy traffic that effectively acts as an environmental buffer to activities on the BATA site.

To the east

To the east on the opposite side of Bunnerong Road is a mix of commercial and residential uses generally at a medium density of 2 to 4 storeys. Bunnerong Road is a wide 6 lane main road that provides a north-south road connection between Randwick and Kensington in the north and Eastgardens, Matraville and La Perouse in the south. In the vicinity of the site, Bunnerong Road provides two to three traffic lanes in each direction, with a central concrete median and parking permitted clear of intersections. Major intersections are signalised with additional lanes for turning traffic. There are bus stops on both sides of the road and a 60 kilometres per hour speed limit. Bunnerong Road carries very heavy traffic including heavy vehicles to and from Port Botany and acts as an environmental buffer to activities on the BATA site.

To the south

To the south of the BATA site on the opposite side of Westfield Drive is the Eastgardens shopping centre, and in particular the 'back-of-house' structures of loading docks, car parks and driveways facing the site. The BATA site benefits from a right of carriageway over Westfield Drive. The Eastgardens shopping centre also includes a bus interchange.

To the west

To the west of the site on the opposite side of Banks Avenue is the Bonnie Doon golf course. Banks Avenue is a wide road that has relatively low traffic volumes.

2.4 Land Use Capability

Our analysis of the capability of the physical attributes and context of the BATA surplus land to support redevelopment for the purposes of a mix of residential, retail and commercial uses is summarised in the following table.

Site Attributes	Capability for Rezoning for Mixed Residential, Retail and Commercial Development
Urban and subregional context	Suitable for residential, retail and commercial uses at a medium to high density of development. Airport obstacle limitation surface establishes building height limit.
Surrounding properties	Compatible with residential, retail and commercial uses at a medium to high density and scale of development.
Land size and topography	Capable of supporting residential, retail and commercial uses at a medium to high density and scale of development.
Existing vegetation	Capable of accommodating residential, retail and commercial uses at a medium to high density and scale of development.
Existing buildings and infrastructure	Existing buildings on residual land are not capable of accommodating new residential, retail and commercial uses, and will need to be demolished. Existing infrastructure is available to service new uses and development as described in the appended Utility Services Infrastructure Report prepared by Aurecon.
Access and Transport	Public transport is available as a strategic bus corridor and interchange adjacent to the site. The road network is capable of supporting residential, retail and commercial uses at a medium to high density and scale of development subject to certain road intersection upgrade works as described in the appended Traffic Reports prepared by Colston Budd Hunt & Kafes and Parsons Brinckerhoff.
Heritage Significance	No items of heritage significance are located on BATA surplus land, and there are no heritage constraints to new residential, retail and commercial development.
Geotechnical & Groundwater Conditions	Capable of supporting residential, retail and commercial uses at a medium to high density and scale of development as described in the appended Geotechnical Desktop Study prepared by Douglas Partners. Water table is at a depth of around 10m below ground which limits the amount of basement parking below ground.
Contamination	Site contains relatively low level contaminants that can be remediated and made suitable for the proposed mixed use development as described in the appended Phase 1 contamination report and supplementary SAQP prepared by Douglas Partners. A review for Council by Environmental Risk Sciences indicates that the Douglas Partners documentation has "provided sufficient confidence that the further assessment and remediation of site contamination will occur at the site such that the site can be made suitable for the proposed rezoning. This satisfies Clause 6 of SEPP 55 for the rezoning of the BATA site."
Stormwater and flood risk	Site is capable of accommodating stormwater management system and local low level flood risk mitigation as described in the appended Stormwater Management Report and Flood Study prepared by Aurecon.

The physical context and attributes of the residual BATA land are capable of supporting residential, retail and commercial uses at a medium to high density and scale of development.

2.5 Current Zoning under Botany Bay Local Environmental Plan 1995

The BATA site is currently zoned 4(a) Industrial with a maximum FSR of 1:1 under the Botany Local Environmental Plan (LEP) 1995. This zoning permits (with consent) a variety of industrial uses and uses that support industrial development, including:

Air freight forwarders; automotive uses; building identification signs; bulk stores; bus depots; business identification signs; car repair stations; child care centres; clubs; community facilities; container terminals; convenience shops or facilities; hotels; industries; light industries; materials recycling yard; motor showrooms; motor vehicle repair workshops; places of worship; recreation facilities; refreshment rooms; retail plant nurseries; road transport terminal; service stations; subdivision; taverns; utility installations; warehouses or distribution centres.

Residential, retail and commercial development is currently prohibited on the site.

3.0 Objectives and Intended Outcomes

The objectives and outcomes of the draft Planning Proposal are to:

- rezone 10.4 ha. of land at Eastgardens that is surplus to BATA's needs to permit the development of a mix of commercial and residential uses under the current Botany LEP 1995 and new Draft Botany Bay LEP 2012;
- retain the industrial zoning over 6.1ha. of BATA land under Botany LEP 1995 and Draft Botany Bay LEP 2012 on the northeast part of the site on which BATA's industrial operation is proposed to continue at a reduced scale;
- meet increasing demand for additional housing supply and choices with the potential addition of 1,200 to 1,500 dwellings (depending on the amount of retail and commercial floor space developed);
- meet increasing consumer spending and demand for additional commercial floor space including up to 30,000sq.m of retail floor space in the area without undermining existing centres in the subregion Whilst an upper limit of 35,000 sq.m of retail (which includes 5,000sq.m of commercial floor space) is demonstrated as being feasible in terms of level of development impacts (whether by traffic or economic impacts), BATA's desired outcome lies with a lower limit retail and commercial yield in the order of 5,000 sq.m;
- create a significant opportunity to increase employment densities on the site with retail and commercial uses;
- generate over \$600 million in investment in the construction sector;
- generate no significant public infrastructure costs and no impacts on any environmentally sensitive land; and
- contribute to achieving important objectives and directions in Government planning strategies and policies including:
 - reinforcing and building on the existing retail centre at Eastgardens; and
 - achieving housing targets within the Sydney East Subregion and Botany LGA in a location that is well serviced with infrastructure and accessible to the transport network and centres of employment, retailing and business services, recreational and entertainment opportunities;

The objectives and intended outcomes are illustrated in the Indicative Masterplan prepared by Krikis Tayler Architects included at **Appendix L**. The potential yields associated with this scheme are provided at **Appendix M**.

4.0 Explanation of Provisions

This section provides an explanation of the provisions proposed to apply to the subject land under the current Botany LEP 1995 and the Draft Botany Bay LEP 2012.

4.1 Botany LEP 1995

The following provisions are proposed to apply to the BATA land in the current Botany LEP 1995.

Land to which the Plan will Apply

The Planning Proposal applies to the site known as Lot 1 DP 776089, Westfield Drive, Eastgardens.

Relationship to Existing Local Planning Instruments

It is anticipated that the current Botany LEP 1995 applying to the BATA site will eventually be replaced by the Draft BBLEP 2012.

Land Use Zoning

The BATA site is proposed to be zoned part 3(b) Business Restricted Zone, part 2(b) Residential “B” Zone, and part 4(a) Industrial Zone in the Botany LEP 1995 zoning map as shown below in **Figure 4** below.

Maximum FSR

The Planning Proposal is to amend ‘Clause 12 – Floor space ratios’ in Botany LEP 1995 by adding the following subclause:

“(7) Notwithstanding the other provisions of this clause, the Council may consent to the carrying out of development on land to which this subclause applies to a maximum floor space ratio of 3:1 within Zone No 3(b) and to a maximum floor space ratio of 1:1 within Zone No 2(b). The land to which this subclause applies is shown by heavy black edging on the map marked Botany Local Environmental Plan 1995 (Amendment No.X).”

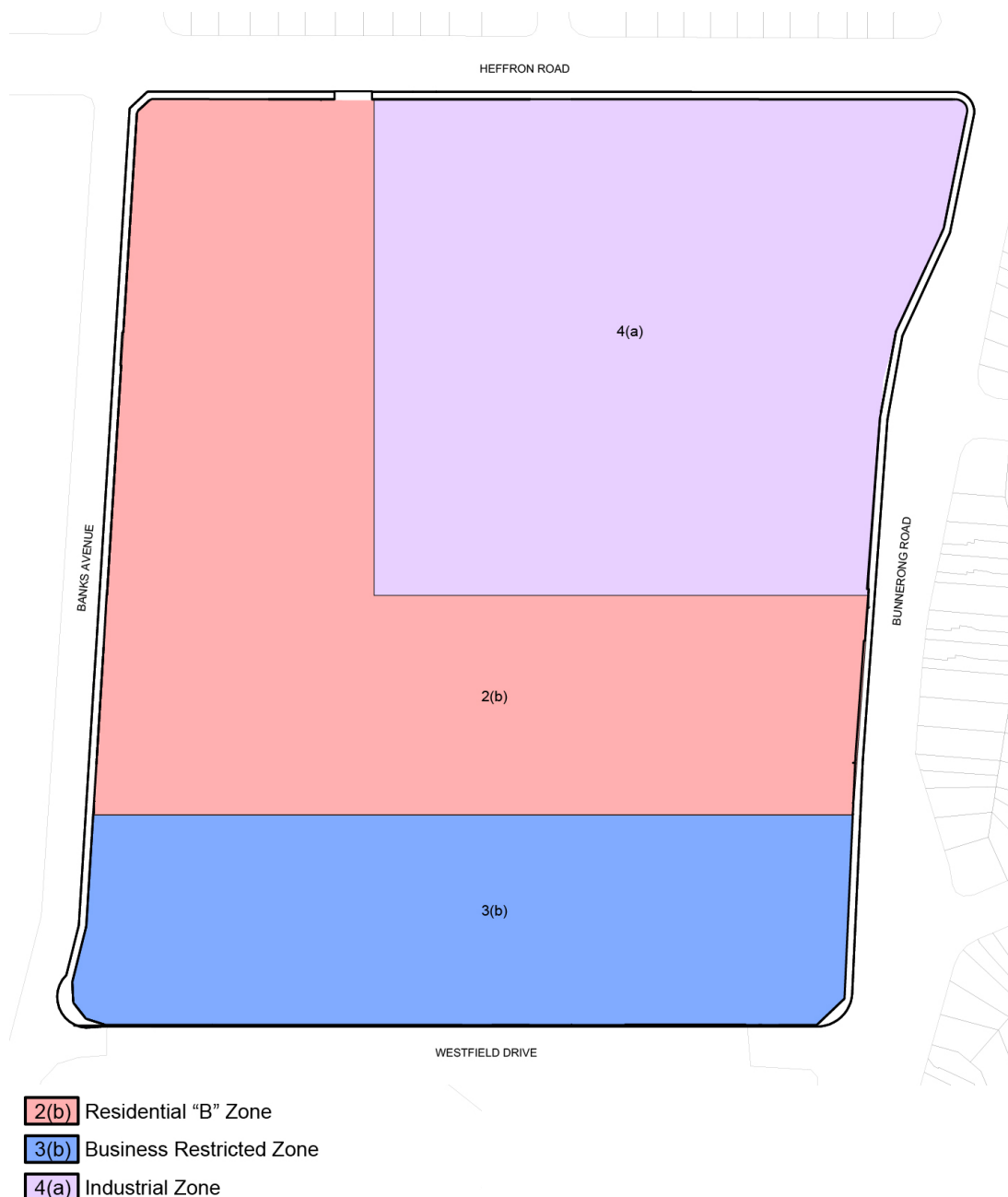


Figure 4 – Proposed zoning map under Botany LEP 1995

4.2 Draft Botany Bay LEP 2012

The following provisions are proposed to apply to the BATA land in the new Draft Botany Bay LEP 2012.

Land to which the Plan will Apply

The Planning Proposal applies to the site known as Lot 1 DP 776089, Westfield Drive, Eastgardens.

Relationship to Existing Local Planning Instruments

It is anticipated that the Botany Bay LEP 2012 will eventually replace the current Botany LEP 1995 as the principal planning instrument applying to the Botany Bay local government area including the subject land.

Land Use Zoning

The BATA site is proposed to be zoned part B4 Mixed Use Zone, Part R3 Medium Density Residential Zone and part IN1 General Industrial Zone in the Draft Botany Bay LEP 2012 zoning map as shown below in **Figure 5** below.

Maximum FSR

The Planning Proposal is for a maximum floor space ratio (FSR) of 3:1 over the B4 Zone, 1:1 over the R3 Zone, and 1:1 over the IN1 Zone under the Draft Botany Bay LEP 2012 FSR map as shown below in **Figure 6** below.

Maximum Building Height

The Planning Proposal is for building heights up to 44m in the B4 Zone, 11m to 39m in the R3 Zone, and 22m in the IN1 Zone under Draft Botany Bay LEP 2012 building height map as shown below in **Figure 7** below.

No Active Street Frontages Clause

The BATA site is proposed to be excluded from the Active Street Frontages clause and map in the Draft BBLEP 2012.

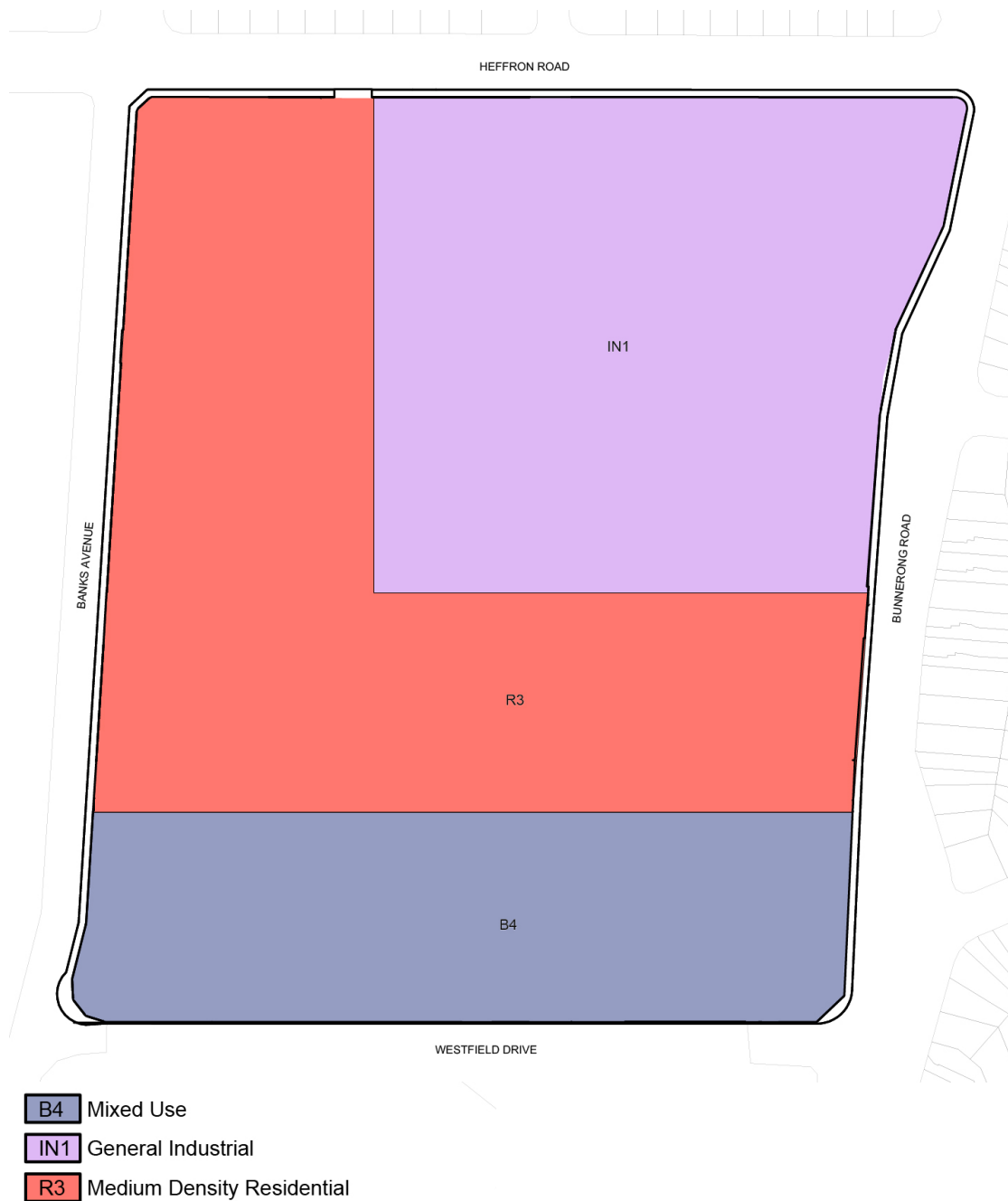


Figure 5 – Proposed zoning map under Draft Botany Bay LEP 2012

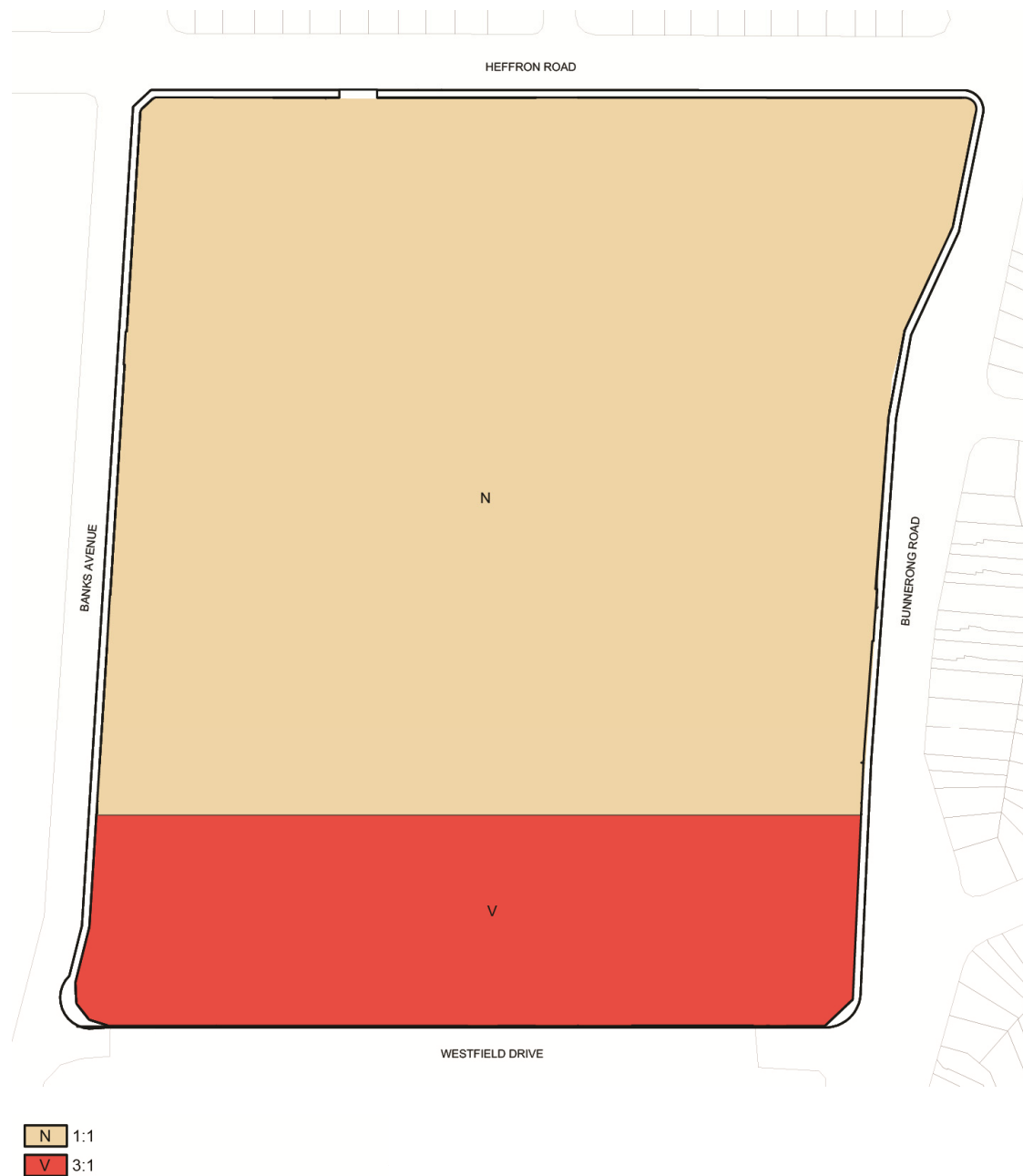
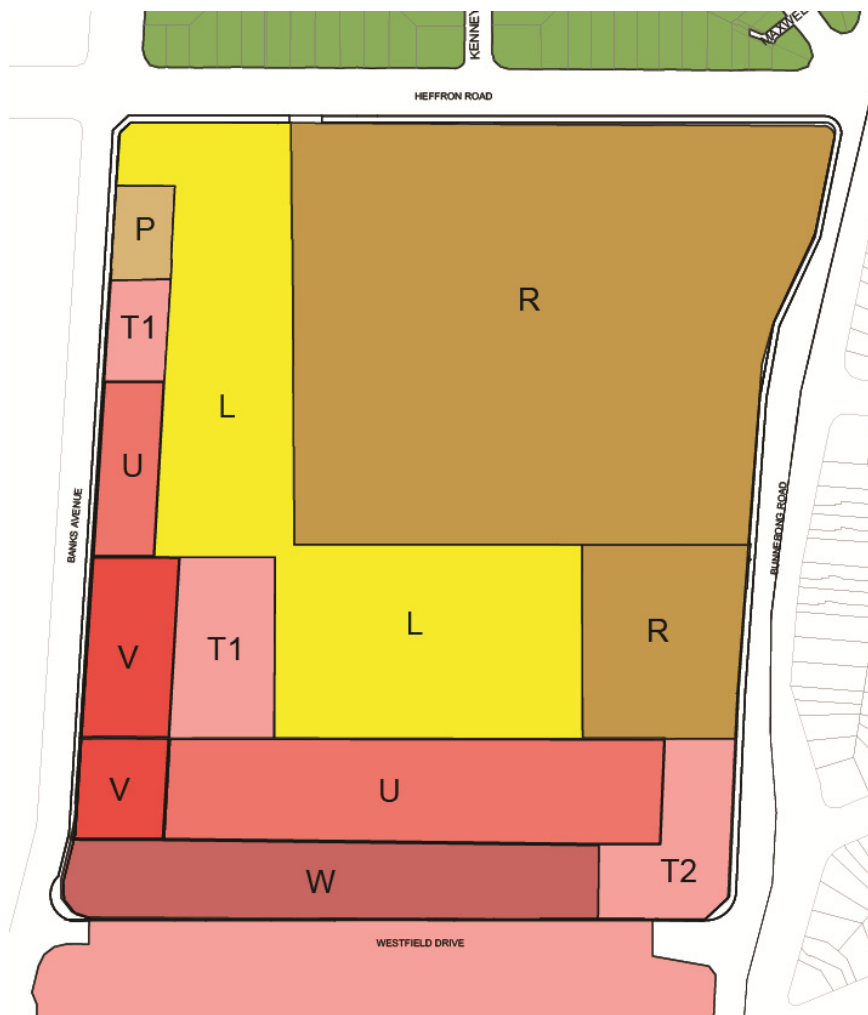


Figure 6 – Proposed floor space ratio map under Draft Botany Bay LEP 2012



Maximum Height (m)

L	11
P	17
R	22
T1	26
T2	28
U	32
V	39
W	44

Figure 7 – Proposed building height map under Draft Botany Bay LEP 2012

5.0 Justification

5.1 Need for the Planning Proposal

5.1.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is a result of the following:

- Botany Bay Planning Strategy 2031; and
- Strategic planning studies prepared by BATA's consultants.

Botany Bay Planning Strategy 2031

The Botany Bay Planning Strategy 2031 identifies the BATA site as a future mixed use town centre as proposed in this Planning Proposal. The Strategy is described further below in Section 5.2.2 of this Planning Proposal.

BATA Consultants' Strategic Planning Studies

BATA's consultants have prepared a number of studies that provide a strategic planning justification for this Planning Proposal. These studies include:

Document	Consultant
Planning Proposal	JBA Planning
Land Economics Assessment	Hill PDA
Urban Design and Masterplanning	Krikis Tayler Architects and JBA Planning
Survey	Denny Linker & Co.
Access, Transport and Traffic Report	Colston Budd Hunt & Kafes and Parsons Brinckerhoff
Stormwater Management and Flood Report	Aurecon
Utility Services Infrastructure Report	Aurecon
Contamination Report – Phase 1	Douglas Partners
Geotechnical Report – Phase 1	Douglas Partners
ESD Report	Aurecon
Social Impact Assessment	Hill PDA

The consultant studies present a strong and compelling strategic planning case for this Planning Proposal on a number of grounds including the following:

- the BATA land is not strategically significant industrial zone land in the following respects:
 - it is not identified within the significant industrial land area in the Three Ports (Botany, Newcastle and Port Kembla) State Significant Site (SSS) listing under Schedule 3 of the Major Development SEPP, and is therefore not identified as critical or required for existing or future port related industrial functions;
 - it is isolated from other industrial land at Botany and physically separated from the industrial zones to the south by Eastgardens Shopping Centre and Wentworth Drive;
 - it is adjacent to residential and retail uses which are not compatible with the heavier industry and port related transport industry around Botany;

- there is an adequate supply of industrial land in the subregion to meet demand into the foreseeable future without the BATA land, particularly for local services and trades;
- the location, context and attributes of the BATA land are more highly suitable for a mix of residential, retail and commercial uses, and there are no significant environmental constraints to such a mixed use development on the BATA land;
- the BATA site can support retail uses that are more employment intensive than industrial use;
- the BATA land can support the development of at least 30,000 sq.m of retail floor space without unreasonable economic impacts on other existing retail centres;
- the zoning of the BATA land for a mix of residential, retail and commercial uses is in accordance with the Botany Bay Planning Strategy 2031;
- there are no environmentally sensitive areas, hazards or constraints of such significance as to preclude or constrain this Planning Proposal;
- the development of the residual BATA land for mixed retail and residential uses is better placed to contribute to achieving important objectives and directions in Government planning strategies and policies including:
 - reinforcing the existing retail centre at Eastgardens; and
 - achieving housing targets within the Sydney East Subregion and Botany LGA in a location that is well serviced with infrastructure and accessible to the transport network and centres of employment, retailing and business services, recreational and entertainment opportunities.

Council's Independent Review of Contamination at BATA

On 10 February 2012, Environmental Risk Sciences wrote to Council to advise that ... "Review of the reports and information and correspondence provided by BATA has provided sufficient confidence that the further assessment and remediation of site contamination will occur at the site such that the site can be made suitable for the proposed rezoning. This satisfies Clause 6 of SEPP 55 for the rezoning of the BATA site."

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

The Planning Proposal to have the BATA site rezoned with specific development standards for maximum FSR and building heights supplemented with a Draft DCP Masterplan is consistent with Government policy and approaches to the rezoning of land, and is the best means of achieving the objectives and intended outcomes.

5.1.3 Is there a net community benefit?

The Department of Planning and Infrastructure's Draft Centres Policy requires that new proposals for commercial and retail development that are inconsistent with the permitted uses in a zone should be subject to a Net Community Benefit Test. The key criteria specified in the Draft Centres Policy for assessing the net community benefit are in bold italics below.

- (a) ***Will the rezoning be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?***

The Planning Proposal will contribute to achieving important objectives and directions in Government planning strategies and policies including:

- growing and building on the adjoining stand alone retail centre at Eastgardens and its associated infrastructure to create a mixed use centre on a strategic bus corridor;
- contributing to achieving housing targets within the Sydney East Subregion and Botany LGA through the provision of 1,200 to 1,500 dwellings in a location that is well serviced with infrastructure and accessible to the transport network and centres of employment, retailing and business services, recreational and entertainment opportunities;
- achieving a density of development that is appropriate for its urban location and context adjoining an existing centre, strategic bus corridor and bus interchange at Eastgardens; and
- in accordance with the Draft Retail Policy, a retail floor space supply and demand assessment has been prepared by Hill PDA which concludes that the provision of around 30,000sqm of retail floorspace on the BATA site together with 5,000sqm of commercial floorspace would not adversely impact upon any other existing centres in the trade area to a great extent.

(b) Is the subject site located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/Subregional strategy?

The BATA site adjoins the existing retail centre and strategic bus corridor at Eastgardens which are identified in the Draft Sydney East Subregional Strategy.

(c) Is the rezoning likely to create a precedent or create or change the expectations of the landowner or other landholders?

The rezoning of the BATA site is unique and will not create a precedent or create expectations for other landowners to rezone industrial land given the following unique circumstances:

- The BATA land is an isolated site from the remainder of the industrial zone at Botany and Banksmeadow and clearly separated from the industrial zone by the Eastgardens Shopping Centre, open space/ parkland and residential areas that surround the site.
- The location and context of the BATA site adjoining an existing retail centre and strategic bus corridor at Eastgardens and adjacent to residential uses is less suitable for industrial use, and particularly unsuitable for heavy industry, and far more suitable for a mix of residential and business zones. This is not the case for the remainder of the industrial zone land.

(d) Have the cumulative effects of other rezoning proposals in the locality been considered? What was the outcome of these considerations?

The rezoning of industrial zoned land including the BATA land and translation of industrial zones from Botany LEP 1995 to the new standard industrial zones in Draft BBLEP 2012 result in a **net increase of 8.44ha. of pure industrial zone land** in the Botany Bay LGA.

The term 'pure industrial zones' is used here to refer to industrial zones in which commercial premises are prohibited. In the current Botany LEP 1995, the 4(a) Industrial Zone is the only pure industrial zone that permits industrial use and prohibits commercial premises.

All the other industrial zones in the current Botany LEP 1995 including the 4 (b) Mixed Industrial, 4 (b1) Mixed Industrial—Restricted, 4 (c1) Industrial Special—Airport Related, and 4 (c2) Industrial Special—Airport Related—Restricted zones all allow commercial premises (and are all largely developed for commercial premises) and are therefore not considered pure industrial zones.

The industrial zones under the SEPP (Major Development) 2005 – Three Ports State Significant Site in Schedule 3 and new standard industrial zones in the Draft BBLEP 2012 are considered ‘pure industrial zones’.

The cumulative effect of the rezoning of industrial zone land including the BATA land and the translation of industrial zones from Botany LEP 1995 to the new standard industrial zones in Draft BBLEP 2012 results in a net increase of 8.44 ha. of pure industrial zoned land in the Botany Bay LGA.

(e) *Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?*

The Planning Proposal is to zone the BATA land for a mix of residential and commercial employment generating land uses including commercial premises, retail premises, business premises and light industry. In comparison to the existing industrial zoning, the proposed new zones allow a wider range of employment generating land uses which are more employment intensive with higher employment densities.

The Economic Assessment prepared by Hill PDA states the following in relation to employment numbers on the BATA land under the existing industrial zoning in comparison to development scenarios under the proposed zone.

Retain Industrial Zone Option

In the case of the “do nothing” zoning option BATA would reduce the size of its operations to 6.7ha and scale its workforce to 120 people in manufacturing only. The balance of the site (9.9ha) would be subdivided and divested for industrial uses. For the purposes of assessing potential future employment on the Subject Site were it to be redeveloped for industrial purposes we can draw upon the employment ratios used by SGS in their employment land demand study, which was completed on behalf of Council in 2007.

Of relevance in this Study are the following land uses which may be appropriate on the Subject Site, were it to be redeveloped under the current zoning:

- Freight and Logistics 29 jobs per hectare;
- Manufacturing Light 78 jobs per hectare;

On this basis, the redevelopment of the Subject Site under the current zoning for continued light manufacturing uses or freight and logistics uses is likely to provide between 450 and 900 jobs. Note that if the site was subdivided into smaller lots employment densities will increase but some land is likely to be taken up by local roads. Accordingly 900 jobs on site represent a maximum.

Employment in Retail and Commercial Operations

Approximately 5,000sqm of non-retail commercial uses are expected to be accommodated on the Subject Site once it has been redeveloped. A significant number of new jobs would also be provided on the site in retail operations. 30,000sqm of lettable retail floor space would create a significant number of new jobs which may be greater than employment on the site were it to be used for industrial purposes. Finally a component of residential uses is likely to include live and work lifestyle dwellings.

Employment levels were sourced from the ABS Retail Industry Survey (1998-99 /Cat. 8622.0) which are 1 full time and part time worker per 27sqm of retail space (being all retail net of bulky goods retailers and including department stores, supermarkets and specialty stores). Around two thirds of these jobs are casual and part-time. Employment in the non-retail commercial suites is assumed at one full time equivalent job per 25sqm.

Based on 15,000sqm to 30,000sqm of retail floorspace and 5,000sqm commercial floorspace being provided, these uses could provide between 750 and 1,300 jobs. This is additional to the residual 6.62ha of land which would be retained for light industrial uses and would provide (or retain) a further 120 jobs.

Employment in the Proposed Residential or Mixed Use Zone

Home-based businesses can exist in several economic sectors including:

- Manufacturing – i.e. home industries such as a seamstress;
- Creative industry – painting, glass blowing, glass staining, dress making, pottery, fashion design, writing, architecture, etc;
- Professionals – including accountants, IT consultants, web designers, etc;
- Retail – including crafts, assembled computers, etc;
- Professional suites – including general practitioner, dentist, acupuncturist, etc
- Tele-working – or virtual offices as part of a larger corporation.

Tele-working should be viewed as a new form of corporate organisation. It has been the development of technology, social attitudes and managerial modernism that have now made distance working concepts a viable, if not universally applicable, organisational response to the management of corporate activity.

The reasons for the growth of home based employment are as follows:

- Primary and manufacturing industries have declined while service and high technology industries have grown.
- Globalisation has increased competition and put all business under pressure to minimise costs.
- Out-sourcing of non-core activities has become the most cost-effective means of accessing many types of specialist skills.
- Telecommunications technology has freed many jobs from centralised locations, and most new jobs are not tied to a place of production.
- Information technology employment has grown extensively.
- Increasing technological complexity and the need to access a wider range of skills has promoted the use of consultants rather than employees.
- Demand for highly specialist or knowledge based skills has grown.

In terms of regional employment, the key factor is that employment generation is no longer simply a matter of attracting large companies. One of the keys to employment growth has become that of attracting mobile workers who run their own businesses or subcontract their labour from home. In 1996, the ABS reported 5% of all households were being used to carry out a business (excluding people who occasionally work at home). In June 2000, a further ABS report found that these figures had risen dramatically to 7.7% of the workforce, equivalent to 692,600 people. In addition, another 135,000 people had a second job which they carried out from home. About 32% of 'own account' workers worked mainly from home.

In relation to Home Based Businesses (as opposed to the wider category of home based employment) an ABS report into the Characteristics of Small Businesses, in 1997, divided home based businesses into two classes:

- Businesses at home (e.g. consultants, herbalists) and
- Businesses from home (e.g. Plumbers).

This 1997 data estimated that there were 846,300 home businesses operated by 1.3 million people. These figures meant that 12% of households hosted a home business. ABS found that "Property and Business Services" were the most frequent areas of home based employment (19.5% of employees) followed by "Education" (12%), "Construction" (10%) and light manufacturing. The research also found that a third of home based workers were professionals and one third was managers (although many of these were farmers). About a quarter worked in clerical occupations. It also found that the great majority of home based business people (78%) cited low overheads as the main reason they had decided to work from home, followed by lifestyle reasons. Finally it found that most people worked at home by choice.

Based on 1,000 to 1,500 dwellings we can assume that a further 100 to 150 jobs would be generated on site accommodating home based businesses.

Total Employment

Based on the above analysis up to around 1,550 jobs can be expected to be accommodated on the site. This comprises:

- 120 jobs in the BATA factory;
- Up to 1,300 jobs in retail and commercial operations; and
- 130 (say) in home based businesses.

Without rezoning the land the likely employment numbers will be around half of this and at the very most 900 jobs.

(f) Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The proposed rezoning of the BATA land with maximum FSRs is anticipated to contribute between 1,200 to 1,500 dwellings on the 10.4ha. surplus BATA land (depending on the extent of retail and commercial development), and potential in the long term future for a further 800 dwellings on the 6.1ha. of BATA land proposed to continue to be occupied by the BATA factory for the medium to long term future.

The proposed zones allow a wide range of land uses including medium and high density residential, retail premises, office and business premises, and light industrial use. The land uses likely to be developed on the site under the proposed zones depend on the market conditions and the highest and best use and value of the land.

At this time, Hill PDA have found in their Economic Assessment that the highest land value is derived from higher density residential uses, followed by medium density residential use, retail uses, and then industrial strata unit and commercial strata unit developments which are both marginal propositions with little demand for office space and limited demand for strata industrial units in this location.

Hill PDA advise that given the relatively large size of the BATA land and the long program for future development, it is likely that a mix of uses will be developed which can be developed simultaneously to meet different segments of the market. This would provide a more feasible development scenario with a shorter development program, lower land holding costs and finance charges, higher rate of return, and lower risk for development projects.

Given these economic circumstances, it is anticipated that future development of the 10ha. BATA surplus land will include a mix of uses with residential being the predominant use yielding in the order of 1,200 to 1,500 residential units depending on the amount of retail and commercial floor space that is developed on the land. This estimate is supported by economic analysis prepared by Hill PDA and preliminary masterplanning of a mixed use development by Krikis Tayler Architects on the BATA surplus land. After BATA vacates the remaining factory and 6ha., we anticipate that there is potential for development of a further 800 residential units.

The Draft East Subregional Strategy identifies a housing target of 6,500 additional dwellings for the Botany Bay LGA. We understand from the Botany Bay Planning Strategy that there is a lack of residentially zoned land suitable for intensification (due to various constraints, i.e. ANEF (airport noise constraints), heritage matters, and strata titling) and therefore a difficulty in reaching the housing target set for the Botany LGA by the Draft Subregional Strategy. The Planning Strategy indicates that there is only the capacity to accommodate around 3,800 additional dwellings across the LGA without adjusting development controls (well short of the 6,500 target).

The potential for between 1,200-1,500 dwellings on the BATA surplus land and a further 800 dwellings on the factory land in the long term would make a substantial contribution to reaching the housing target of 6,500 additional dwellings in Botany LGA. It would also reduce reliance on the redevelopment and intensification of other land that is more highly constrained and less suitable to meet the housing target.

It is also anticipated that there will be a mix of housing types developed on the site including more affordable housing for the same economic reasons a mix of uses are likely to be developed on the site as mentioned above.

(g) *Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?*

Utility Services Infrastructure

The full range of utility services – electricity, telecommunications, gas, water, sewer and stormwater drainage – are available on and adjacent to the BATA land. The existing utility services support industrial use on the BATA land, and also support future development of the site for the proposed mix of residential, retail and commercial uses.

A Utility Services Report prepared by BATA's consultant Aurecon is appended to this Planning Proposal.

Transport infrastructure

Colston Budd Hunt & Kafes (CBHK) has prepared the Access, Transport and Traffic Report appended to this Planning Proposal which provides an analysis of the transport network and its capability to support a mixed use development on the surplus BATA land. This is supported by supplementary traffic modelling undertaken by Parsons Brinckerhoff (PB). The following is a summary of the findings.

Public transport

Local bus services are provided by Sydney Buses. There are bus stops on Bunnerong Road, Heffron Road and Westfield Drive, adjacent to the site. Buses also use Wentworth Avenue, to the south.

There is a bus interchange at the shopping centre, adjacent to the site.
Routes include:

- 301: Eastgardens, Mascot, Surry Hills, city;
- 302: Eastgardens, Kensington, Surry Hills, city;
- 310: Eastgardens, Mascot, Redfern, city;
- 316, 317: Eastgardens, Mascot, Redfern, city;
- 353: Eastgardens, Maroubra, Bondi Junction;
- 391: Port Botany, Eastgardens, Anzac Parade, Central, city;
- 392: Little Bay, Eastgardens, Anzac Parade, city;
- 400: Burwood, airport, Eastgardens, UNSW, Bondi Junction;
- 410: Rockdale, Eastgardens, UNSW, Bondi Junction.

The BATA land is therefore well served by numerous services which connect to surrounding areas, the city and Bondi Junction.

Walking and cycling

The locality has an established pedestrian and cycling network that will be enhanced by the Planning Proposal as shown in the appended Indicative Masterplan.

Road network

The road network in the vicinity of the site includes Bunnerong Road, Wentworth Avenue, Heffron Road, Page Street, Banks Avenue and Westfield Drive. Bunnerong Road provides a north-south road connection between Randwick and Kensington in the north and Eastgardens, Matraville and La Perouse in the south. In the vicinity of the site, Bunnerong Road provides two to three traffic lanes in each direction, with a central concrete median and parking permitted clear of intersections. Major intersections are signalised with additional lanes for turning traffic. There are bus stops on both sides of the road and a 60 kilometre per hour speed limit. Adjacent to the site, opposite Kingsford Street, the road reserve is wider. The northbound carriageway in the wider section, adjacent to the site, provides a bus bay, shelter, and kerbside parking.

Wentworth Avenue is a major road which connects Bunnerong Road in the east with Botany Road in the west. It generally provides a six lane divided carriageway with three traffic lanes in each direction. Major intersections, including those with Bunnerong Road, Denison Street, Banks Avenue and Page Street, are signalised, with additional lanes for turning traffic. Wentworth Avenue provides access to industrial development, residential development and the shopping centre.

Heffron Road intersects Bunnerong Road at a signalised intersection north of the site. Maroubra Road forms a fourth (eastern) approach to the intersection. The intersection provides right turn bays in both directions on Bunnerong Road and left slip lanes on all approaches, except the northbound approach on Bunnerong Road. Heffron Road provides for one traffic lane, one parking lane and one bicycle lane in each direction, clear of intersections. There are bus stops for westbound services. West of Banks Avenue, Heffron Road has a three tonne load limit. Page Street connects to the western end of Heffron Road and bends south to connect to Wentworth Avenue.

Banks Avenue provides a north-south road connection on the western side of the site. It provides two traffic lanes in each direction along the site frontage. North of Heffron Road it provides one traffic lane, one parking lane and one bicycle lane in each direction.

The intersection of Banks Avenue with Heffron Road is controlled by a two lane roundabout. There is a roundabout on Banks Avenue south of Westfield Drive which provides access to the shopping centre.

Westfield Drive connects Bunnerong Road with Banks Avenue. Its intersections with both of these roads are signalised. We understand that Westfield Drive is a private road. It provides access to the shopping centre and BATA site. It provides for one traffic lane in each direction, clear of intersections. There is a bus stop on the southern side of the road.

The existing road network is capable of supporting some industrial use on the BATA land. According to CBHK and PB, it is also capable of supporting future development of the site for a mix of residential and retail uses subject to potential upgrades to key intersections in the vicinity of the BATA site dependent upon the future development scenario.

(h) Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

The Planning Proposal for a mix of residential and retail uses would reduce travel demands by car in the following respects:

- it would increase employment densities close to existing public transport services;
- the site is located adjacent to the Eastgardens bus interchange, and is highly accessible to public transport services, which offer viable alternatives to travel by car;
- the proposed redevelopment of BATA land for mixed retail and residential uses presents good opportunities to extend the pedestrian and cycle network through the site, to connect to the existing shopping centre, bicycle routes and areas of open space and housing both within the site and surrounding locality;
- the location of the site adjacent to the shopping centre and bus interchange will improve the choice of transport mode and reduce the use of cars for travel purposes;
- co-locating complementary land uses reduces the need to travel;
- the opportunity to moderate demand for travel and distance travelled will be provided by the development being close to existing residential populations and hence providing employment opportunities within a short distance; and
- greater employment and residential densities in the area will provide more potential customers for the existing public transport services and hence support their efficient and viable operation.

(i) Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

The Planning Proposal facilitates development that will result in increased patronage and improved viability of government services including public transport infrastructure in the area. It will also better utilise the major road network infrastructure which is currently underutilised and has spare capacity in certain areas around the BATA site.

A Utility Services Report prepared by Aurecon is appended to this Planning Proposal which demonstrates that infrastructure services are available with capacity to accommodate the Proposal.

(j) Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

There is no environmentally sensitive land or land with significant biodiversity value on or around the BATA site that will be affected by the Planning Proposal. There are also no environmental constraints or hazards of such significance as to preclude mixed use development on the BATA land under the proposed zonings.

The environmental considerations associated with the proposed development are being addressed in the following documents being prepared by BATA's consultants:

Document	Consultant
Planning Proposal	JBA Planning
Land Economics Assessment	Hill PDA
Urban Design and Masterplanning	Krikis Tayler Architects and JBA Planning
Survey	Denny Linker & Co.
Access, Transport and Traffic Report	Colston Budd Hunt & Kafes and Parsons Brinckerhoff
Stormwater Management and Flood Report	Aurecon
Utility Services Infrastructure Report	Aurecon
Contamination Report – Phase 1	Douglas Partners
Geotechnical Report – Phase 1	Douglas Partners
ESD Report	Aurecon
Social Impact Assessment	Hill PDA

(k) Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Surrounding land uses

The Planning Proposal is compatible and complementary with surrounding land uses as described below. The Indicative Masterplan for the Planning Proposal is proposed to be implemented in a DCP to ensure that it is compatible with surrounding land uses.

To the north

To the north on the opposite side of Heffron Road is the low density residential suburb of Pagewood. Heffron Road is a relatively wide road with heavy traffic that effectively acts as somewhat of an environmental buffer to activities on the BATA site.

The northern side of the BATA land on the Heffron Road frontage is suitable for the proposed residential zone which is most compatible with the adjacent residential zone on the opposite side of Heffron Road.

To the east

To the east on the opposite side of Bunnerong Road is a mix of commercial and residential uses generally at a medium density of 2 to 4 storeys.

Bunnerong Road is a wide 6 lane main road that provides a major north-south road connection and carries very heavy traffic including heavy vehicles to and from Port Botany. It effectively acts as an environmental barrier to activities on the BATA site.

The eastern side of the BATA land on the Bunnerong Road frontage is suitable for the proposed mix of retail, commercial and residential uses.

To the south

To the south of the BATA site on the opposite side of Westfield Drive is the Eastgardens shopping centre, and in particular the 'back-of-house' structures of loading docks, car parks and driveways facing the site.

BATA has a right of carriageway over Westfield Drive. The Eastgardens shopping centre also includes a bus interchange.

The southern side of the residual BATA land is suitable for the proposed mix of commercial, retail and residential uses which are compatible with the adjacent shopping centre.

To the west

To the west of the site on the opposite side of Banks Avenue is the Bonnie Doon golf course. Banks Avenue is a wide road that has relatively low traffic volumes.

The western side of the BATA land is suitable for the proposed mix of residential and retail uses that are compatible with the adjacent golf course.

Amenity of the locality and public domain

The amenity of the locality and public domain will be enhanced immeasurably by the Planning Proposal for a mix of residential, retail and commercial uses and public open spaces as proposed in the appended Indicative Masterplan.

At present, the amenity of the BATA site can be described as an inaccessible large underutilised industrial site that contains broad at-grade asphalt car park, buildings of various commercial and industrial forms and ages surrounded by security fencing and tall established perimeter trees around the site boundary.

The Planning Proposal and accompanying Indicative Masterplan ensures that it is compatible with surrounding land uses and enhances the amenity of the locality and public domain. The masterplanning principles to be used in the preparation of the Draft DCP include the following:

- Vision of a new expanded centre with urban design quality and amenity and a high quality sustainable mixed use development with land uses and a scale of development and amenity appropriate for its context as a centre in Botany and the Sydney East subregion.
- A mix of land uses including residential, retail, commercial uses and central public open space.
- A mix of housing types and choices including affordable housing choices.
- Retail development accommodated on the southern end of the site adjoining and integrated with the existing Eastgardens shopping centre.
- Public open spaces and plazas that provide amenity and passive recreational use for future residents that is central and accessible, and gives pedestrian and bicycle paths of connection through the site to surrounding areas.

- Appropriate building scale, density and height including higher density and tall buildings located on southern and western sides of the site adjacent to Eastgardens shopping centre and Bonnie Doon golf course; medium scale and height of buildings on the eastern side of the site to respect and minimise impacts on the adjacent residential buildings on the opposite side of Bunnerong Road; and lower scale and height of buildings on the northern side of the site to respect and minimise impacts on the adjacent residential buildings on the opposite side of Heffron Road; and low to medium scale and height of buildings around the Stage 2 central open space and around the BATA factory.
- Accessible precinct with a road hierarchy and network of pedestrian/cycle paths with multiple north-south and east-west connections through the site including connection/s to Eastgardens shopping centre and bus interchange.
- Integration with Eastgardens shopping centre with pedestrian connection/s, retail podium, and co-ordination of service vehicle access.
- Social sustainability measures as outlined in the appended Social Impact Assessment prepared by Hill PDA.
- Environmentally sustainable measures as outlined in the appended ESD Strategy prepared by Aurecon.
- Managed interface between new mixed use development on the residual land and the continuing BATA factory with a range of planning and design measures to manage potential impacts.

(l) Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

The Planning Proposal is anticipated to lead to the development of a mix of retail, commercial and residential uses on the BATA site which are permissible in the proposed zones. The development of additional retail and commercial uses on the site will increase choice and competition.

(m) If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposed zoning will effectively build on and provide the potential to grow the adjoining stand alone shopping centre at Eastgardens into a mixed use centre.

(n) What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

Public interest reasons for proceeding with Planning Proposal

In summary, the planning proposal is in the public interest and provides a net community benefit according to the criteria in the Draft Centres Policy in the following respects:

- The Planning Proposal will contribute to achieving important objectives and directions in Government planning strategies and policies including:
 - growing and building on the adjoining stand alone retail centre at Eastgardens and its associated infrastructure to create a mixed use centre on a strategic bus corridor;
 - contributing to achieving housing targets within the Sydney East Subregion and Botany LGA through the provision of 1,200 to 1,500 dwellings in a location that is well serviced with infrastructure and accessible to the transport network and centres of employment, retailing and business services, recreational and entertainment opportunities; and
 - achieving a mix and density of development that is appropriate for its urban location and context adjoining an existing centre, strategic bus corridor and bus interchange at Eastgardens.

- The proposed rezoning is unique and will not create a precedent or create expectations for other landowners in the locality to rezone industrial land given the unique circumstances of the BATA land being isolated and clearly separated from the remainder of the industrial zone at Botany, and located adjacent to an existing retail centre, strategic bus corridor and residential uses unlike the remainder of the industrial zone land.
- The cumulative effect of the rezoning of industrial zoned land including the BATA site and the translation of industrial zones from Botany LEP 1995 to the new standard industrial zones in Draft BBLEP 2012 is a net increase of pure industrial zoned land in the Botany Bay LGA.
- The proposed zones allow a wider range of employment generating land uses which are more employment intensive with higher employment densities compared to the existing industrial zoning. Hill PDA's economic assessment concludes that up to around 1,550 jobs can be expected to be accommodated on the site under the proposed zones compared to around 900 jobs under an industrial zoning.
- The site and locality has utility services infrastructure, public transport infrastructure and a main road network available to support new development under the Proposal.
- The future development for a mix of residential and retail uses would improve access and reduce travel demands by car by increasing employment densities close to existing public transport services; locating a mix of uses adjacent to the strategic bus corridor and bus interchange at Eastgardens; improving the pedestrian and cycle network through the locality; and co-locating complementary land uses.
- There is no environmentally sensitive land or land with significant biodiversity value on or around the BATA site that will be affected by the Planning Proposal. There are also no environmental constraints or hazards of such significance as to preclude mixed use development on the BATA land under the Proposal.
- It will open up the site to the public domain and pedestrian and cycle connections through the site.
- The proposed zones are compatible and complementary with surrounding land uses.
- The Planning Proposal is anticipated to lead to the development of additional retail and commercial uses on the site that will increase choice and competition.
- The amenity of the locality and public domain will be enhanced immeasurably by mixed use development under the Planning Proposal as demonstrated in the Indicative Masterplan.

Implications of not proceeding

If the Planning Proposal does not proceed, the BATA site is likely to remain vacant in large part as the potential future redevelopment of the BATA land for industrial purposes is severely constrained by its location and context with adjacent residential and retail uses, its isolation from other industrial zone land, and limited demand for industrial uses.

The location and urban context of the BATA land is characterised by being adjacent to the subregional shopping centre at Eastgardens to the south, low-medium density residential areas to the north and east, and large expanse of golf courses and parkland to the west, and being physically separated and isolated from the remainder of the Botany industrial zone to the south.

These conditions are not suitable for heavy industrial uses evident in the Botany and port related industrial zones due to the associated impacts being incompatible with adjacent residential, retail and commercial uses.

The location and attributes of the BATA land may be somewhat suitable for lighter industrial uses. However, there is not sufficient demand from lighter industrial uses now and in the foreseeable future to be able to lead to the redevelopment of 10.4ha. of the current BATA surplus land and a further 6.1ha. of remaining BATA factory land for light industrial purposes. There is already a sufficient supply of land for light industry in the locality and subregion to meet demand in the foreseeable future according to the appended Hill PDA economic assessment.

If the Planning Proposal does not proceed, the surplus BATA land is likely to remain a largely vacant underutilised and inaccessible industrial site for the foreseeable future.

5.2 Relationship to Strategic Planning Framework

5.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional strategy?

Metropolitan Plan 2036

The Metropolitan Plan 2036 is a strategic document that sets out the planning growth within the Botany Bay LGA, which includes Eastgardens. The Metropolitan Plan identifies specific actions and targets relating to the location and form of future housing, employment (including industrial development) and the development of land in and around identified centres. It includes the Strategic Directions (A to I) each with specific objectives and actions. This Planning Proposal is consistent with the Strategic Directions (A to I) in the Metropolitan Plan as described below.

A. Strengthening the City of Cities

The Planning Proposal supports the objectives for a multi-centred, networked city structure and for a balance between renewal of existing areas and new greenfield growth by providing a new urban renewal area that grows an existing stand alone shopping centre into a mixed use centre on an existing strategic bus corridor.

B. Growing and Renewing Centres

The Planning Proposal grows the existing stand alone shopping centre at Eastgardens and develops it into a renewed mixed use centre serviced by a strategic bus corridor.

C. Transport for a Connected City

The Planning Proposal is for a mixed use centre on an existing strategic bus corridor and with excellent access to and from the arterial road network.

D. Housing Sydney's Population

The Planning Proposal will facilitate the development of between 1,200 to 1,500 dwellings on the site depending on the amount of retail and commercial floor space developed.

E. Growing Sydney's Economy

The Planning Proposal provides the opportunity for the development of new retail and commercial floor space at a scale that is appropriate for the level of transport infrastructure and for the position of the site within the network of centres in the region. It provides the potential for more employment on the site than the current industrial zoning, and for more local and subregional business and retail services.

The Metropolitan Plan includes a specific Action E3.2 relating to the rezoning of industrial zoned land as follows:

Action E3.2 Identify and retain strategically important employment lands

The Metropolitan Plan notes that employment lands are coming under pressure to be rezoned for other uses including commercial or residential, and that existing and additional employment land is important to support key regional industries sustaining Sydney's economy such as freight, logistics, warehousing, manufacturing and high-technology industries. Many businesses and residents also rely on existing local employment lands for a range of functions such as car repairs, storage facilities, building trades and local utilities.

The Metropolitan Plan provides a 'strategic assessment checklist' for assessing the strategic importance of employment lands, and states that the NSW Government will continue to support the retention of existing strategically important employment lands across the Sydney region, and only areas that are not strategically important will be considered for rezoning.

The Hill PDA Economic Impact Assessment appended to this Planning Proposal includes an assessment of the strategic importance of the site as industrial employment land in accordance with the 'strategic assessment checklist' in the Metropolitan Plan. In summary, the Hill PDA assessment finds that the site is not strategically significant as industrial land in the following respects:

- the BATA land is not identified within the significant industrial land area in the Three Ports (Botany, Newcastle and Port Kembla) State Significant Site (SSS) listing under Schedule 3 of the Major Development SEPP, and is therefore not identified as critical or required for existing or future port related industrial functions;
- the BATA land is isolated from other industrial land at Botany and physically separated from the industrial zones to the south by Eastgardens Shopping Centre and Wentworth Drive;
- the BATA surplus land does not contain any infrastructure of strategic significance to the industrial zone at Botany and its rezoning will not impact on the continued viability of the industrial zone;
- the BATA land is adjacent to residential and retail uses which are not compatible with the heavier industry and port related transport industry around Botany;
- there is an adequate supply of industrial land in the subregion to meet demand into the foreseeable future without the BATA land, particularly for local services and trades;
- the location, context and attributes of the BATA land are more highly suitable for a mix of residential, retail and commercial uses, and there are no significant environmental constraints to such a mixed use development on the BATA land;
- the BATA site can support retail and commercial uses that are more employment intensive than industrial use; and

Council has advised that the rezoning of industrial zone land including the BATA surplus land and the translation of industrial zones from Botany LEP 1995 to the new standard industrial zones in Draft BBLEP 2012 results in a **net increase of 8.44 ha. of pure industrial zone land in the Botany Bay LGA.**

F. Balancing Land Uses on the City Fringe

The Planning Proposal is not relevant to the specific objectives and actions under this particular Strategic Direction F other than providing for the development of a substantial new urban renewal area with potential for 1,200 to 1,500 dwellings within the existing urban region which reduces the demand for land and new release areas on the City fringe.

G. Tackling Climate Change & Protecting Sydney's Natural Environment

The Planning Proposal includes an ESD Report and strategy prepared by Aurecon. The site does not contain any environmentally sensitive land.

H. Achieving Equity, Liveability and Social Inclusion

The Planning Proposal achieves equity, liveability and social inclusion as described in the appended Social Impact Assessment prepared by Hill PDA.

I. Delivering the Plan

The Planning Proposal helps deliver the strategic directions, objectives and actions in the Metropolitan Plan as described above.

Draft Sydney East Subregional Strategy (2007)

The Draft Sydney East Subregional Strategy (2007) sets the framework for planning and development in the Sydney East Subregion for the next 25 years. The Draft Strategy includes directions and actions for the following matters that are relevant considerations for the zoning of the BATA land at Eastgardens:

- Economy and Employment Lands;
- Centres and Corridors – Eastgardens Shopping Centre;
- Housing;
- Transport;
- Environment, Heritage and Resources; and
- Parks, Public Places and Culture.

Economy and Employment Lands

The BATA site is identified in the Draft Subregional Strategy as an existing industrial zone and as being Category 1 Employment Lands – Land to be Retained For Industrial Purposes.

The BATA site is identified as one of four concentrations of Employment Lands in the East Subregion. The other three being Port Botany/Banksmeadow, Mascot Industrial Area, and Botany. The BATA site represents 2.3% of the total Employment Lands within the East Subregion (684 hectares), an individual site that is located away from the industrial concentrations of Port Botany, the Airport and the major industrial infrastructure and transport corridors. The site has not been identified as being of State strategic importance supporting the nation's gateway infrastructure. Rather the Draft Strategy envisages that the BATA site will play a local role in providing local economic activity such as automobile repairs and local trades, and urban services such as utilities and transport depots.

The Draft Strategy states that *"In view of continued demand for Employment Lands, conversion of existing Employment Lands should be highly restricted within the subregion and existing Strategic Employment Lands precincts (Mascot, Botany, Port Botany/Banksmeadow and the BATA Site) must be retained."*

In contrast to the Subregional Strategy, there is a robust and compelling strategic planning argument for the BATA land to be rezoned primarily based on the following grounds:

- the surplus BATA land is not strategically significant industrial land in the following respects:
 - it is not identified as within the significant industrial land in the Three Ports (Botany, Newcastle and Port Kembla) State Significant Site (SSS) listing under Schedule 3 of the Major Development SEPP, and it is therefore not identified as critical or required for existing or future port related industrial functions;
 - it is isolated from other industrial land at Botany and physically separated from other industrial zone land by Eastgardens Shopping Centre and Wentworth Drive;
 - it is adjacent to residential and retail uses which are not entirely compatible with the heavy industry and port related transport industry around Botany;
- there is an adequate supply of industrial land in the subregion to meet demand without the need for the BATA site, particularly for local services and trades;
- the context and surrounds of the BATA land are more suitable for retail and residential uses than industrial uses;
- The BATA site can provide for more employment intensive retail uses on the land;
- The use of the residual BATA land for mixed retail and residential uses is better placed to contribute to achieving other important objectives and directions in the Government's planning strategies and policies including reinforcing the existing retail centre at Eastgardens and achieving housing targets within the Botany LGA.

Centres and Corridors - Eastgardens Shopping Centre

Eastgardens shopping centre adjacent to the BATA site is identified in the Draft Subregional Strategy as a stand alone shopping centre. The Draft Strategy states that *"The future role of this centre, and its relationship with surrounding centres, needs further exploration between councils and the Department of Planning."*

One of the seven key directions in the Draft Strategy is to *"support future role of retail centres"* and *"to reinforce existing retail centres"*.

These provisions in the Draft Strategy to reinforce existing centres are consistent with the proposed new zoning on the BATA land supporting the Eastgardens Shopping Centre.

Housing

The Draft Subregional Strategy sets a target of 20,000 new dwellings in the subregion and 6,500 new dwellings in the Botany Bay City Council area by 2031.

One of the seven key directions in the Draft Strategy is to *"improve housing choice"* in the subregion. Key actions are to focus residential development around centres, jobs, transport and services, and provide a mix of housing including housing for seniors and people with a disability, and more affordable housing.

Pagewood to the north of the site on the opposite side of Heffron Road is identified in the Draft Strategy as a low density residential area. To the east of the site on the opposite side of Bunnerong Road is identified as a low to medium density residential area.

The actions in the Draft Strategy are for each local council such as Botany Bay City to plan for sufficient zoned land to accommodate the housing target and actions for its area.

The planning and development of housing on the residual BATA land provides an opportunity to make a significant contribution to meeting the housing targets in the Draft Strategy for the subregion and the Botany Bay City Council area.

Transport – Bunnerong Road Bus Corridor

The Draft Sydney East Subregional Strategy identifies Bunnerong Road and Eastgardens Shopping Centre adjacent to the BATA site as a Strategic Bus Corridor.

One of the seven key directions in the Draft Strategy is to *“improve east-west public transport access”* and *“links to strategic centres within the subregion”*. The Draft Strategy has a number of actions for improving the public transport network and operations in the subregion including strengthening Strategic Bus Corridors.

The location of a Strategic Bus Corridor adjacent to the BATA site contributes to its suitability for a mix of residential, retail and commercial uses.

Environment, Heritage and Resources

The Draft Subregional Strategy includes a number of directions and actions relating to the health of waterways and groundwater, improving air quality, protection of plants and animals, minimising household exposure to noise, sustainable use of water, energy efficiency, minimising and recycling waste, and managing natural hazards including flooding, and protecting cultural heritage.

No such actions are directed specifically to the BATA land or its immediate surrounds.

These directions and actions in the Draft Subregional Strategy give an indication of the matters that need to be considered in the planning of any new significant development in the subregion and on the BATA land.

Parks, Public Places and Culture

The Draft Subregional Strategy includes directions and actions for parks (for active and passive recreation) and public places in the subregion. The actions include improving access and links between parks and centres, improving the quality of local open space particularly in centres, transport corridors and in new development, provision of new civic space in the growth of centres, and improving recreational facilities for a range of groups and interests, enhancing nightlife and entertainment clusters.

No such actions are directed specifically to the BATA land or its surrounds other than the recognition of the adjacent Eastgardens Shopping Centre as providing cinema entertainment and the adjacent Bonnie Doon Golf Course as significant recreational space in the subregion.

5.2.2 Is the Planning Proposal consistent with the local Council's strategic plan?

Botany Bay Planning Strategy 2031 (2007)

The Botany Bay Planning Strategy 2031 dated 2007 addresses the Sydney East Subregional Strategy dwelling and job targets and provides Council's planning framework for growth and development to 2031.

Strategy Principles and Directions

The Botany Bay Planning Strategy 2031 has nine (9) principles and seven (7) key strategic directions which are relevant considerations for the planning of future use and development on the BATA land. The nine (9) principles are:

- "1. Enhance existing and future urban character, improve amenity and protect areas of cultural and environmental significance.*
- 2. Promote the sustainable use of resources and enhancement of the natural ecosystems in Botany Bay LGA.*
- 3. Develop synergies between the global and local economy.*
- 4. Contain and intensify Airport and Port related activities around these nodes.*
- 5. Retain employment uses that are not directly related to the Airport and Port but provide critical services to the East Subregion.*
- 6. Consolidate residential activity in and around existing centres and support their revitalization.*
- 7. Separate regional and local traffic rail and road movements.*
- 8. Ensure that future urban development is guided by principles of good urban design and built form.*
- 9. Improve quality of, and access to, open space in the LGA."*

The seven (7) Strategic Directions are:

"1. Enhancing Housing Choice and Liveability

- *Improve the urban environment, particularly where additional development is proposed.*
- *Minimise residential development in locations heavily affected by aircraft and traffic noise or other environmental impacts.*
- *Protect the valued characteristics of Botany Bay LGAs centres and suburbs and minimise the impacts from industrial areas and activities.*
- *Enhance access to high quality open space assets.*
- *Provide a greater range of housing types.*
- *Provide high quality community facilities.*
- *Advocate for a high quality public transport system and improve local transport management.*

2. Revitalising Botany Road and Traditional Centres

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

3. Managing Growth in the Eastern Centres

- *Increase residential development potential in the eastern centres in the short term where there is good amenity and access to public transport.*
- *Create an urban environment and public domain capable of accommodating additional residential development in the eastern centres in the medium to long term.*
- *Revitalise existing higher density development where future development potential is limited.*

4. Reviving the Local Economy

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

5. Maintaining Sydney Airport as a Global Gateway

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

6. Maintaining Port Botany as a Global Gateway

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

7. Protecting the Natural Environment

- *Protect and expand high quality flora and fauna corridors.*
- *Support improved water management for all forms of development.*
- *Support reduced energy consumption for all forms of development.*
- *Enhance the knowledge of environmental issues and constraints."*

Strategy Directions and Actions for BATA Site

Chapter 3 of the Botany Bay Planning Strategy 2031 'Housing and Jobs Futures' includes the following direction for Eastgardens and the BATA land:

<i>Employment Area</i>	<i>Future directions</i>	<i>Strategy to address demand</i>	<i>Timing of implementation</i>
<i>Eastgardens</i>	- Retail employment. - Manufacturing (BATA). - Future mixed-use town centre.	- Plan for mixed-use centre in the long term (subject to BATA site coming online and structure planning).	Long term

Chapter 4 of the Strategy 'Strategic Directions' includes the following action under 'Strategic Direction 3: Managing Growth in Eastern Centres':

	<i>Action</i>	<i>Strategy to address demand</i>	<i>Timing of implementation</i>
3.2.4	<i>Undertake detailed structure planning to the north of, and elsewhere around Eastgardens to determine the appropriate mix of uses in the long term.</i>	<i>See Map Area 4 and Structure Planning Principles, Chapter 5 Implementation</i>	Long term

Chapter 5 of the Strategy 'Implementation' has the following specific quoted action for Eastgardens and the BATA site:

	<i>Area 4 Actions</i>	<i>LEP and Development control considerations</i>	<i>Timing of implementation</i>
3.2.4	<i>Undertake detailed structure planning to the north of, and elsewhere around Eastgardens to determine the appropriate mix of uses in the long term.</i>	- Subject to BATA departure and industrial land demand - Undertake comprehensive structure planning for area from Heffron Road to Smith Street including 'main street' for BATA site.	Long term

Other Relevant Findings in the Botany Bay Planning Strategy

The Botany Bay Planning Strategy 2031 includes two other key findings that are significant for the zoning and development of the surplus BATA land. These findings in the Strategy are:

- Adequate supply of employment lands in Botany LGA; and
- Inadequate capacity in Botany LGA to accommodate new dwelling targets.

Adequate supply of employment lands in Botany LGA

The Strategy states that there is sufficient potential under existing zones and planning controls to accommodate future growth in employment floor space in the Botany LGA as quoted below:

“The analysis of existing floor space and future demand found sufficient capacity under the current controls to accommodate future employment related floor space required in the LGA. Future employment by location is shown in Figure 2. Current capacity varies across the employment precincts. In some areas development potential will need to be increased to facilitate more intensive employment outcomes (for example, around Mascot Station and in an extended Lord Street business park precinct), while elsewhere subdivision or use controls, for example, may be necessary to protect sites for freight and logistics and general industrial activities (such as near the Port and Airport).”

This finding in the Strategy is supportive of the rezoning of the BATA surplus land from industrial to a mix of residential, retail and commercial uses.

Inadequate capacity in Botany LGA to accommodate new dwelling targets

The Botany Bay Planning Strategy 2031 finds that the Botany Bay LGA only has capacity to accommodate around 3,800 new dwellings without adjusting development controls, which is well below the 6,500 dwelling target in the NSW Government’s Subregional Strategy. The Council Strategy states:

“Only around 108 hectares of the LGA is comprised of unconstrained residential land. This unconstrained residentially zoned land comprises only one third of the total residentially zoned land in the LGA.

Ambitious but realistic target densities were applied to the areas of good amenity deemed capable of accommodating additional development. It is estimated that with adjustments to development controls Botany Bay LGA could provide capacity for around 3,800 new dwellings in and around centres with good amenity.

With a further adjustment to the development controls, capacity for an additional 3,500 dwellings could be provided but should only be contemplated where significant restructuring of existing development patterns and public investment in transport and the public domain is undertaken. This remaining potential should be re - assessed at the time of the next LEP review.”

This finding in the Strategy is supportive of the rezoning of the BATA surplus land to the proposed new zones which facilitate the development of residential units to contribute to meeting the housing targets.

5.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The State Environmental Planning Policies directly applicable to the Planning Proposal are addressed in the table below.

Planning Instrument	Provisions
State Environmental Planning Policy No. 55 – Remediation of Land	SEPP 55 requires a planning authority to consider whether land is contaminated, and if so whether it is, or can be made, suitable for the proposed use. A Phase 1 contamination report and supplementary SAQP prepared by Douglas Partners are appended which find that the site contains relatively low level contaminants that can be remediated, and the site can be made suitable for the proposed mixed use development. A review for Council by Environmental Risk Sciences indicates that the Douglas Partners documentation has "provided sufficient confidence that the further assessment and remediation of site contamination will occur at the site such that the site can be made suitable for the proposed rezoning. This satisfies Clause 6 of SEPP 55 for the rezoning of the BATA site."
State Environmental Planning Policy No. 65 – Residential	Whilst this SEPP does not strictly apply at this planning (rezoning) stage, nothing in this Planning Proposal and the Indicative Masterplan precludes the objectives, aims or principles of the SEPP being achieved. Detailed assessment against this SEPP will be carried out at future stages, particularly at the DA stage.
State Environmental Planning Policy No. 32 – Urban Consolidation	Clause 6 of SEPP 32 requires the Minister and Council to consider whether land no longer used for its zoned purpose is suitable for multi-unit housing and whether action should be taken to make the land available for such redevelopment.

5.2.4 Is the Planning Proposal consistent with applicable S.117 Ministerial Directions?

The following Section 117 Directions are relevant to the Planning Proposal and addressed further below:

- 1.1 – Business and Industrial Zones;
- 3.4 – Integrating Land Use and Transport;
- 5.1 – Implementation of Regional Strategies; and
- 6.3 – Site Specific Provisions.

Section 117 Direction - 1.1 Business and Industrial Zones

"Objectives

(1) The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified strategic centres.*

Where this direction applies

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

When this direction applies

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

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

- (a) give effect to the objectives of this direction,*
- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:*
 - (i) gives consideration to the objective of this direction, and*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) is approved by the Director-General of the Department of Planning, or*
- (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) of minor significance.*

Note: In this direction, “identified strategic centre” means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.”

The Planning Proposal is consistent with the objectives of the above S.117 Direction 1.1 Business and Industrial Zones in the following respects:

- it permits employment generating uses including commercial premises, retail premises, business premises and light industry;
- it increases the amount of floor space permissible on the site, and includes more intensive employment generating commercial uses than an industrial zoning; and
- it supports the viability of the Eastgardens retail centre and associated centre infrastructure.

The Planning Proposal is consistent with the specific directions in Clauses 4(a) and 4(c) of this S.117 Direction quoted above, but may be considered inconsistent with the directions specified in Clauses 4(b), (d) and (e).

In accordance with Clause 5(a) and (b) of the S.117 Direction, the Planning Proposal may be inconsistent with Clause 4 if it is justified by a strategy or study. This Planning Proposal is justified by the Botany Bay City Council's Botany Bay Planning Strategy 2031 which is outlined above in Section 5.2.2 of this report, the Economic Impact Assessment study prepared by Hill PDA appended to this report, and by the justifications provided throughout this Planning Proposal.

Section 117 Direction - 3.1 Residential Zones

Objectives

- (1) *The objectives of this direction are:*
- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
 - (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
 - (c) *to minimise the impact of residential development on the environment and resource lands.*

Where this direction applies

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

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:*
- (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.*

What a relevant planning authority must do if this direction applies

- (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 relevant planning authority, or other appropriate authority, have been made to service it), and*
 - (b) *not contain provisions which will reduce the permissible residential density of land.*

Consistency

- (6) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

The Planning Proposal is consistent with clauses 4 and 5 of the S.117 Direction 3.1 Residential Zones in the following respects:

- it will broaden the choice of building types and locations available in the housing market;
- make more efficient use of existing infrastructure and services;
- reduce the consumption of land for housing and associated urban development on the urban fringe;
- be of good design subject to the Draft DCP Masterplan and future DAs;
- include a utility services infrastructure report to ensure land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it), and
- increases the permissible residential density in the locality.

Section 117 Direction - 3.4 Integrating Land Use and Transport

“Objective

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Where this direction applies

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

When this direction applies

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

What a relevant planning authority must do if this direction applies

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

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

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:

 - (i) gives consideration to the objective of this direction, and*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) is approved by the Director-General of the Department of Planning, or**
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) of minor significance.”*

The Planning Proposal is consistent with the relevant aims, objectives and provisions of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) referred to in the above S.117 Direction as demonstrated below.

Improving Transport Choice – Guidelines for Planning and Development

Part 1 of the Guidelines provides ten principles to be used in land use planning decisions and processes to encourage and support development that is highly accessible by walking, cycling, and public transport, and moderate the demand for travel. The ten principles are:

- Concentrate in centres;
- Mix uses in centres;
- Align centres within corridors;
- Link public transport with land use strategies;
- Connect streets;
- Improve pedestrian access;

- Improve cycle access;
- Manage parking supply;
- Improve road management; and
- Implement good urban design.

The Planning Proposal is consistent with the above principles relating to the location of mixed use development as follows:

- it proposes a concentrated mix of new retail, commercial and residential development adjoining an existing retail centre; and
- it aligns with the existing bus transport corridors in the locality and the adjacent bus interchange at Eastgardens.

Principles 5 to 10 relate to the detailed planning and design of mixed use development that will be addressed in a Draft DCP Masterplan and future DAs.

Part 3 of the Guidelines provide the following best practice location principles for centres, retailing and housing:

“CENTRES

Location

Centres with a mix of land uses are well established in existing urban areas but their success relies on continued investment. Investment confidence must be cultivated through consistent decision-making that supports centres. This approach enjoys widespread appreciation by the community and business sectors. Retail, intensive entertainment and other commercial development should be located in town centres, preferably with high frequency rail or bus services. The scale and density of development should match centre public transport service levels. Similarly, the trade area of services, including retail, should match the reach of the public transport network.

Where a new centre is planned, the catchment of its likely functions should be considered, and there should be a focus on locations with high frequency rail or bus services. When an existing or planned railway line or transitway is not available, good locations include areas that satisfy a majority of the following criteria:

- *where two or more frequent existing or potential bus routes converge*
- *good access to the arterial and collector road network*
- *adjacent to existing or planned large employment or retail facilities*
- *adjacent to high density residential development*
- *the potential to be intensified with more higher density mixed use development over time.”*

“COMMERCIAL

Location

Commercial activity generates a lot of transport demand through the travel of clients, customers, service providers and employees. The collocation of these in accessible centres, or higher density corridors, provides transport advantages. Trips are focused to areas with public transport infrastructure, making public transportservices more viable and maximising the potential for multi-purpose trips.

- *Land uses with a high density of employment, such as offices, should be concentrated in centres that are accessible by high frequency rail or trunk bus services. Low density office parks are typically car dependent and difficult to service with viable and frequent public transport services. They should be discouraged unless measures are committed to significantly improve transport choice*

- *The scale and density of development should match accessibility levels. For example, high rise offices should be located in larger centres with good links to the regional public transport network*
- *Smaller businesses with more localised markets should be clustered in or adjoining lower order centres with relatively frequent bus services, retailing and higher density housing.*

"RETAIL

Location

Retailing forms the foundation of most centres and ensures their continued viability and vitality. It is also one of the main generators of travel. It is crucial to have well located retail areas.

- *Retail functions should be ideally located in a network of attractive and vibrant, mixed use centres of all sizes and functions, and closely aligned with the public transport system. A vibrant centre protects and maximises the use of community investment, encourages continued private and public investment in the centre, and fosters growth, competition, innovation and further investment confidence.*
- *Dispersed, isolated retail locations should be avoided because they are car dependent and incur significant community and environmental costs.*
- *Retail format alone (e.g. bulky goods, big box) should not be a justification for an isolated location.*
- *Integration of retail functions encourages single multi-purpose trips, particularly when pedestrians can move freely within a centre.*
- *Any retail location on main roads, which would afford high exposure, should not compromise the best use of the road and public transport infrastructure."*

"HOUSING

Location

The proximity of housing to transport services is an important determinant in improving transport choice and managing travel demand in urban areas. In general:

- *households should be within an 800–1000 metres walk of an existing or programmed metropolitan railway station or equivalent mass transit node, served at least every 15 minutes, or within a 400 metre walk of a bus route,*
- *accessing a metropolitan railway station, or equivalent mass transit node, served at least every 20–30 minutes — in denser urban areas with higher frequency services, the walking catchment may be 600–800 metres*
- *the highest appropriate housing densities should be located close to major public transport stops and corridors, such as railway stations and high frequency bus routes*
- *higher density housing should be encouraged to mix in centres with offices, services and retail developments.*
- *New residential areas should:*
 - *adjoin or be within the existing urban footprint or located on new public transport corridors — pockets of development should not be isolated, except in the short-term — this includes staged release areas*
 - *be substantially within five kilometres of an existing or programmed railway station or equivalent mass transit node, such as a transitway stop, served at least every 15 minutes in the peak hour, and conform to the accessibility criteria outlined above."*

The Planning Proposal is consistent with the above location principles in that it concentrates a mix of commercial and residential uses in a location that builds on the adjoining Eastgardens retail centre and associated infrastructure including the adjoining bus interchange and transport corridor, and has excellent access to the arterial road network.

The Right Place for Business and Services – Planning Policy

The objectives of the The Right Place for Business and Services Planning Policy are stated as follows:

“Objectives

The planning objectives of the policy are to:

- *Locate trip-generating development which provides important services in places that:*
 - *help reduce reliance on cars and moderate the demand for car travel*
 - *encourage multi-purpose trips*
 - *encourage people to travel on public transport, walk or cycle*
 - *provide people with equitable and efficient access*
- *minimise dispersed trip-generating development that can only be accessed by cars*
- *ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery*
- *protect and maximise community investment in centres, and ensure that they are well designed managed and maintained*
- *foster growth, competition, innovation and investment confidence in centres especially in the retail and entertainment sectors, through consistent and responsive decision making.”*

The Planning Proposal is consistent with the above objectives of the Policy in the following respects:

- it locates trip-generating development in a location that is an existing retail centre well serviced by public buses and adjacent to a bus interchange;
- it collocates residential, retail and commercial uses within walking distance, and thereby minimises dispersed trips and demand for car travel; and
- it builds on the existing Eastgardens retail centre and the investment and infrastructure associated with it.

Objectives of S.117 Direction 3.4 – Integrating Land Use and Transport

The Planning Proposal is consistent with the objectives of the Section 117 Direction - 3.4 Integrating Land Use and Transport as it will:

- improve access between housing, jobs and services by walking, cycling and public transport;
- increase the choice of available transport and reducing dependence on cars;
- reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- support the efficient and viable operation of the existing public buses transport services and road network.

Section 117 Direction 3.5 - Development Near Licensed Aerodromes

Objectives

- (1) *The objectives of this direction are:*
- (a) *to ensure the effective and safe operation of aerodromes, and*
 - (b) *to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and*
 - (c) *to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

Where this direction applies

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

When this direction applies

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

What a relevant planning authority must do if this direction applies

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

- (6) *A planning proposal that rezones land:*
- (a) **for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or**
 - (b) *for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or*
 - (c) *for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.*

Consistency

- (7) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objectives of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

The 2009 Sydney Airport Master Plan identifies:

- 2023/24 and 2029 ANEF (Airport Noise Exposure Forecast) contours which have implications for rezoning land for residential purposes; and
- OLS (Obstacle Limitation Surfaces) contours which limit building heights.

ANEF contours

The BATA site is outside the 2023/24 and 2029 ANEF contours, and airport noise is therefore not a constraint to the development of the BATA site for any land use including industrial, retail, residential or commercial uses.

Obstacle limitation surface

The BATA site is subject to an OLS building height limit of RL51m AHD. The Planning Proposal at this time is for a height of 44m above ground level which the airports authorities have agreed to elsewhere in the Botany LGA in previous consultations.

5.3 Environmental, Social & Economic Impact

5.3.1 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?

There is no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the BATA site that will be affected by the Planning Proposal.

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

The environmental considerations associated with the Planning Proposal are addressed in the following appended documents:

Document	Consultant
Planning Proposal	JBA Planning
Land Economics Assessment	Hill PDA
Urban Design and Masterplanning	Krikis Tayler Architects and JBA Planning
Survey	Denny Linker & Co.
Access, Transport and Traffic Report	Colston Budd Hunt & Kafes and Parsons Brinckerhoff
Stormwater Management and Flood Report	Aurecon
Utility Services Infrastructure Report	Aurecon
Contamination Report – Phase 1	Douglas Partners
Geotechnical Report – Phase 1	Douglas Partners
ESD Report	Aurecon
Social Impact Assessment	Hill PDA

The environmental issues associated with the detailed design and construction of development envisaged in this Planning Proposal would need to be addressed in detail in future Development Applications.

5.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is being supported by the following studies both prepared by Hill PDA:

- Land Economics Assessment; and
- Social Impact Assessment.

Land Economics Assessment

The economic assessment prepared by Hill PDA provides an assessment of both industrial land supply and impact on retail centres.

Supply of Industrial land

Hill PDA have carried out an economic impact assessment which is included in this Planning Proposal and concludes that the BATA land is not strategically significant industrial zone land, and the rezoning of the surplus land to a mix of residential and commercial/retail uses as proposed will not have a significant impact on the viability of the industrial land supply at Botany in the following respects:

- the BATA land is not identified within the significant industrial land area in the Three Ports (Botany, Newcastle and Port Kembla) State Significant Site (SSS) listing under Schedule 3 of the Major Development SEPP, and is therefore not identified as critical or required for existing or future port related industrial functions;
- the BATA land is isolated from other industrial land at Botany and physically separated from the industrial zones to the south by Eastgardens Shopping Centre and Wentworth Drive;
- the BATA surplus land does not contain any infrastructure of strategic significance to the industrial zone at Botany and its rezoning will not impact on the continued viability of the industrial zone;
- the BATA land is adjacent to residential and retail uses which are not compatible with the heavier industry and port related transport industry around Botany;
- there is an adequate supply of industrial land in the subregion to meet demand into the foreseeable future without the BATA land, particularly for local services and trades;
- the location, context and attributes of the BATA land are more highly suitable for a mix of residential, retail and commercial uses, and there are no significant environmental constraints to such a mixed use development on the BATA land;
- the BATA site can support retail and commercial uses that are more employment intensive than industrial use; and
- Council has advised that the rezoning of industrial zone land including the BATA surplus land and the translation of industrial zones from Botany LEP 1995 to the new standard industrial zones in Draft BBLEP 2012 results in a **net increase of 8.44 ha. of pure industrial zone land in the Botany Bay LGA.**

Retail impact

The economic assessment prepared by Hill PDA addresses the issue of the retail component to the site and its fit with existing retail within the Botany LGA and within adjoining LGAs. In summary, the Hill PDA report concludes as follows:

- There is a significant level of retail expenditure growth forecast in the Westfield Eastgardens trade area over the 2009 to 2021 period. This equates to a high demand for additional retail floorspace;
- The provision of around 30,000sqm of retail floorspace on the Subject Site together with 5,000sqm of commercial floorspace would not adversely impact upon any other existing centres in the trade area to a great extent. Over the period to 2021, all existing centres would experience growth in the proportion of expenditure captured even with additional retail floorspace on the Subject Site; and
- The proposed rezoning would not unbalance the existing retail hierarchy. It would offer the opportunity for Eastgardens to perform a town or major centre role through the provision of a wider diversity of land uses.

Social Impact Assessment

The social impact assessment by Hill PDA provides an assessment of the potential social impacts of the proposed rezoning and the subsequent development of the site.

It has considered key issues and key impacts such as:

- Housing Supply, Housing Mix, and Housing Affordability;
- Homes close to jobs and services;
- Amenity, Safety and Security;
- Accessibility;
- Promotion of social cohesion;
- Job generation; and
- Future resident and workers' needs.

Hill PDA has concluded that the rezoning and redevelopment of the BATA site for a mix of residential, industrial, retail, commercial and recreational uses would make efficient and effective use of an inner city site. The mix of proposed uses along with the implementation of the draft Masterplan / DCP and best practice urban principles would create a desirable and attractive community that supports many good principles of social planning in addition to an array of key state and local government policy objectives.

The assessment finds that the key social benefits associated with the proposed rezoning and redevelopment relate to:

- Support for the sustainable growth of the City of Botany Bay by providing close to one quarter of the LGA's housing target and 6.5% - 7.3% of the revised housing target for the East Subregion. The efficient use of land in Botany Bay LGA is particularly important in light of research findings that it has an inadequate supply of land available to meet the LGA's housing needs;
- Provision of a range of dwelling types, sizes and price points to meet the changing lifestyle and demographic needs of Sydney's resident community whilst creating a diverse and inclusive community;
- Provision of additional dwellings including 1 and 2 bedroom units increasing housing choice and the range of more affordable housing dwellings in the local and subregional market which has a tight supply of accommodation;
- Generation of a net increase in jobs in addition to a mix of employment types adding to the diversity of the local community;
- Provision of additional retail facilities to meet the growing needs of the locality;
- Close proximity to existing retail services, public transport and job opportunities which in turn minimises the need to travel longer distances and create a more sustainable local live / work environment;
- An integrated design concept for the new town centre which together with non-residential uses and open spaces ensures the development will promote social cohesion, activity and vibrancy;
- Ability to open up the site to the wider community and connect with a broader range of uses including the park and Eastgardens Shopping Centre thereby enhancing access as well as perceived safety and security; and
- Inclusion of retail and commercial spaces, with opportunities for community or medical tenants to support the needs of new and existing residents in the locality.

5.4 State and Commonwealth Interests

5.4.1 Is there adequate public infrastructure for the Planning Proposal?

Utility Services Infrastructure

The full range of utility services – electricity, telecommunications, gas, water, sewer and stormwater drainage – are available on and adjacent to the BATA land. The existing utility services support industrial use on the BATA land, and also support the Planning Proposal for a mix of residential, retail and commercial uses. A Utility Services Report prepared by Aurecon is appended to this Planning Proposal.

Transport Infrastructure

Colston Budd Hunt & Kafes (CBHK) and Parsons Brinckerhoff (PB) have prepared the appended reports in support of the transport characteristics of the site and proposal. The following is a summary of the findings of CBHK and PB.

Public transport, walking and cycling

Local bus services are provided by Sydney Buses. There are bus stops on Bunnerong Road, Heffron Road and Westfield Drive, adjacent to the site. Buses also use Wentworth Avenue, to the south. There is a bus interchange at the shopping centre, adjacent to the site. Routes include:

- 301: Eastgardens, Mascot, Surry Hills, city;
- 302: Eastgardens, Kensington, Surry Hills, city;
- 310: Eastgardens, Mascot, Redfern, city;
- 316, 317: Eastgardens, Mascot, Redfern, city;
- 353: Eastgardens, Maroubra, Bondi Junction;
- 391: Port Botany, Eastgardens, Anzac Parade, Central, city;
- 392: Little Bay, Eastgardens, Anzac Parade, city;
- 400: Burwood, airport, Eastgardens, UNSW, Bondi Junction;
- 410: Rockdale, Eastgardens, UNSW, Bondi Junction.

The BATA land is therefore well served by numerous services which connect to surrounding areas, the city and Bondi Junction.

Government objectives aim to ensure that urban structure, building forms, land use locations, development designs, subdivision locations and street layouts help achieve the following planning objectives:

- improving accessibility to housing, employment and services by walking, cycling, and public transport;
- improving the choice of transport and reducing dependence solely on cars for travel purposes;
- moderating growth in the demand for travel and the distances travelled, especially by car; and
- supporting the efficient and viable operation of public transport services.

The proposed new zoning on the BATA land and future development for a mix of residential and retail uses would satisfy these objectives as follows:

- it would increase employment densities close to existing public transport services;
- the site is located adjacent to the Eastgardens bus interchange, and is highly accessible to public transport services, which offer viable alternatives to travel by car;
- the proposed redevelopment of BATA land for mixed retail and residential uses presents good opportunities to extend the pedestrian and cycle network through the site, to connect to the existing shopping centre, bicycle routes and areas of open space and housing both within the site and surrounding locality;
- the location of the site adjacent to the shopping centre and bus interchange will improve the choice of transport mode and reduce the use of cars for travel purposes;
- co-locating complementary land uses reduces the need to travel;
- the opportunity to moderate demand for travel and distance travelled will be provided by the development being close to existing residential populations and hence providing employment opportunities within a short distance; and
- greater employment and residential densities in the area will provide more potential customers for the existing public transport services and hence support their efficient and viable operation.

Road network

The road network in the vicinity of the site includes Bunnerong Road, Wentworth Avenue, Heffron Road, Page Street, Banks Avenue and Westfield Drive. Bunnerong Road provides a north-south road connection between Randwick and Kensington in the north and Eastgardens, Matraville and La Perouse in the south. In the vicinity of the site, Bunnerong Road provides two to three traffic lanes in each direction, with a central concrete median and parking permitted clear of intersections. Major intersections are signalised with additional lanes for turning traffic. There are bus stops on both sides of the road and a 60 kilometre per hour speed limit. Adjacent to the site, opposite Kingsford Street, the road reserve is wider. The northbound carriageway in the wider section, adjacent to the site, provides a bus bay, shelter, and kerbside parking.

Wentworth Avenue is a major road which connects Bunnerong Road in the east with Botany Road in the west. It generally provides a six lane divided carriageway with three traffic lanes in each direction. Major intersections, including those with Bunnerong Road, Denison Street, Banks Avenue and Page Street, are signalised, with additional lanes for turning traffic. Wentworth Avenue provides access to industrial development, residential development and the shopping centre.

Heffron Road intersects Bunnerong Road at a signalised intersection north of the site. Maroubra Road forms a fourth (eastern) approach to the intersection. The intersection provides right turn bays in both directions on Bunnerong Road and left slip lanes on all approaches, except the northbound approach on Bunnerong Road. Heffron Road provides for one traffic lane, one parking lane and one bicycle lane in each direction, clear of intersections. There are bus stops for westbound services. West of Banks Avenue, Heffron Road has a three tonne load limit. Page Street connects to the western end of Heffron Road and bends south to connect to Wentworth Avenue.

Banks Avenue provides a north-south road connection on the western side of the site. It provides two traffic lanes in each direction along the site frontage. North of Heffron Road it provides one traffic lane, one parking lane and one bicycle lane in each direction.

The intersection of Banks Avenue with Heffron Road is controlled by a two lane roundabout. There is a roundabout on Banks Avenue south of Westfield Drive which provides access to the shopping centre.

Westfield Drive connects Bunnerong Road with Banks Avenue. Its intersections with both of these roads are signalised. We understand that Westfield Drive is a private road. It provides access to the shopping centre and BATA site. It provides for one traffic lane in each direction, clear of intersections. There is a bus stop on the southern side of the road.

The existing road network is capable of supporting some industrial use on the BATA land. According to CBHK and PB, it is also capable of supporting future development of the site for a mix of residential and retail uses subject to potential upgrades to key intersections in the vicinity of the BATA site dependent upon the future development scenario.

5.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The State authorities consulted include Department of Planning and Infrastructure, NSW Roads and Maritime Services (RMS), NSW Transport, and Sydney Water. Commonwealth public authorities have not been consulted. Sub-consultants engaged under this project have also separately undertaken general discussion with various utilities and services providers such as Ausgrid, Telstra, and Jemena to determine adequacy of existing and potential future connections.

The views of DoPI and NSW Transport are not known, however each has not rejected the objectives and intended outcomes in this Planning Proposal. Consultation with the RMS has resulted in several meetings between RMS, BATA, and Council about potential intersection upgrades. The RMS has agreed to allow public exhibition of the rezoning as soon as possible and to continue to work with BATA and its consultants to deliver appropriate traffic outcomes through to Council's delivery of a s68 report to the DoPI. It is at this stage RMS aims to have provided concurrence. Sydney Water is accepting of the Planning Proposal subject to planning provisions to protect its existing infrastructure.

It is anticipated that further consultation will be carried out with relevant public authorities in the normal statutory process of notification and exhibition of this Planning Proposal.

6.0 Community Consultation

It is anticipated that community consultation will be carried out in the normal statutory process of notification and exhibition of this Planning Proposal.

No community consultation has been carried out thus far with the exception of the Draft BLEP 2012, including the proposed new B4, R3 and IN1 Zones for the BATA land, being placed on Council's website in September 2011.

7.0 Conclusion

This draft Planning Proposal is to request approximately 10.4ha. of land described as part Lot 1 DP 776089 owned by British and American Tobacco Australia (BATA) at Eastgardens be rezoned to permit development for a mix of residential and commercial purposes under the current Botany LEP 1995 and the new Draft Botany Bay LEP 2012. It will facilitate the development of between 1,200 to 1,500 dwellings and 5,000 to 35,000 sq.m of retail and commercial floor space on the surplus BATA land. Whilst an upper limit of 35,000 sq.m of retail and commercial floor space (being 30,000sq.m of retail and 5,000sq.m of commercial floorspace) is demonstrated as being feasible in terms of level of development impacts (whether by traffic or economic impacts), BATA's desired outcome lies with a lower limit retail and commercial yield in the order of 5,000 sq.m.

The Draft Botany Bay LEP 2012 is presently before the NSW Department of Planning & Infrastructure awaiting certification under section 65 of the Environmental Planning and Assessment Act to allow for public exhibition. Given the landowner's need to confirm the rezoning of the site as soon as possible and the significant public benefits associated with the proposal (including major contributions to housing targets, employment generation opportunities), the Planning Proposal option was chosen. This will provide certainty and will facilitate the earliest release of the land as well as mitigate risk to BATA through any potential delay to the Draft Botany Bay LEP 2012 process and its finalisation.

This Planning Proposal is consistent with the relevant provisions of the new Draft Botany Bay LEP 2012 as they relate to the BATA site. Accordingly, the proposed zoning, FSRs, and heights accord with Council's draft LEP provisions. Similarly, the same documents proposed to be placed on public exhibition (as they relate to the BATA site) are also included in this Planning Proposal.

The Planning Proposal to rezone underutilised industrial zone land to a new vibrant urban renewal area at Eastgardens has strategic planning merit and is considered to provide a net community benefit and lead to a more sustainable planning outcome for the region. There is a strong and compelling strategic planning case for the BATA surplus land to be rezoned from industrial to a mix of residential, retail and commercial uses on the following grounds:

- The urban and subregional context of the BATA land is suitable for the development of a mix of residential, retail and commercial uses with a medium to high density and scale of development.
- The Planning Proposal is in accordance with the specific directions and actions in the Botany Bay Planning Strategy 2031 which envisage a mixed use centre at Eastgardens after BATA vacate the land.
- It will contribute to achieving important objectives and directions in NSW Government planning strategies and policies including building on the existing stand alone retail centre and bus interchange at Eastgardens, contributing to achieving housing targets in suitable locations, and achieving a mix of uses and a density of development that is appropriate for its urban context.
- The BATA land is not strategically significant industrial zone land and the proposed rezoning will not have a significant impact on the viability of the industrial land supply at Botany. Council has advised that the Draft BBLEP 2012 results in a net increase of pure industrial zoned land in the LGA.
- The proposed rezoning of the BATA land will not create a precedent or expectations for other landowners in the locality to rezone industrial land given the unique circumstances of the land being isolated and clearly separated from the remainder of the industrial zone at Botany, and located adjacent to an existing retail centre, strategic bus corridor and residential zone.

- The Planning Proposal has potential for the development of additional retail and commercial uses on the site that will increase competition and choice for consumers without adversely impacting other existing centres in the trade area to a great extent.
- The proposed new zonings allow a wider range of employment generating land uses with higher employment densities up to around 1,550 jobs compared to 900 jobs under an industrial zoning.
- The Proposal has potential to contribute 1,200 to 1,500 new dwellings to the supply of residential dwellings in the Botany LGA, Sydney East Subregion and Metropolitan Region, and provide a mix of dwelling choices.
- The BATA site adjoins a strategic bus corridor and is adjacent to a bus interchange with numerous bus service connections to and from surrounding parts of Sydney.
- The pedestrian and cycling network in the locality will be enhanced by connections through the site in future development.
- Road access is excellent with direct access to the local main roads and links with the nearby Sydney arterial ring road which have capacity to accommodate the Planning Proposal subject to a relatively minor intersection upgrades, dependent upon the development scenario.
- The Proposal would improve access and reduce travel demands by car through increasing employment densities close to existing public transport services, locating a mix of uses adjacent to the strategic bus corridor and bus interchange at Eastgardens, improving the pedestrian and cycle network through the locality, and co-locating complementary land uses in a mixed use centre.
- The full range of utility services – electricity, telecommunications, gas, water, sewer and stormwater drainage – are available on and adjacent to the BATA land and have capacity to accommodate the Proposal.
- There is no environmentally sensitive land or land with significant biodiversity value on or around the BATA site that will be affected by the Planning Proposal, and no environmental constraints or hazards of such significance as to preclude the Proposal.
- The environmental planning issues associated with the Planning Proposal are addressed in documentation prepared by BATA's specialist consultant team in consultation with Council.
- A range of planning and design measures are proposed to manage the interface and mitigate potential impacts between the factory remaining in the industrial zone on the north east part of the BATA land and the future mix of residential and commercial development proposed on the remaining BATA surplus land.
- The vision for the BATA surplus land is the creation of a vibrant urban renewal area at Eastgardens with the development of a high quality sustainable mix of residential, retail and commercial uses as embodied in the Indicative Masterplan.
- The site presents a unique once in a lifetime opportunity to create a vibrant urban renewal area and mixed use centre at Eastgardens, and the implications of not proceeding are for the surplus BATA land to remain a largely vacant underutilised and inaccessible industrial site for the foreseeable future.

Given the above strategic planning merit, we request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the EP&A Act.