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PLANNING PROPOSAL No.1/2016

Rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and amend the Height of Building and Floor Space Ratio Maps

June 2016

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INTRODUCTION

Site Description

Lakes Business Park is located approximately 12km south of the Sydney CBD, 3km west of Sydney Airport and 6km north west of Port Botany. The Lakes Business Park consists of two precincts: North Precinct and South Precinct.

The Planning Proposal only seeks changes to the *Botany Bay Local Environmental Plan (BBLEP) 2013* for the South Precinct. The zoning and planning controls for the North Precinct will remain unchanged.

The South Precinct (i.e. Lot 2 DP 717692) is a rectangular shaped lot and bounded by Lord Street to the north; Booralee Park to the east; Road and Maritime Services complex (i.e. 19 Lord Street) to the west; and a mix of commercial, light industrial and residential to the south. The South Precinct consists of two (2) office buildings; two (2) warehouses; and ground level car parking. Vehicular access is provided via Lord Street.

The South Precinct has a site area of approximately 29,772sqm. The site is located within a 20-25 and 25-30 ANEF contour under the Australian Noise Forecast 2033(ANEF) Chart, and identified on an Acid Sulfate Soils Map as being Class 4. The site is located within the zone of influence of the High Pressure Gas Pipeline that follows the ARTC Rail Corridor to the Qenos Site at the Botany Industrial Park, Denison Street, Banksmeadow.

Under the BBLEP 2013, the site is zoned as B7 – Business Park and has a maximum building height of 22m and a floor space ratio (FSR) of 1:1.

The south precincts of The Lakes Business Park are indicated below:



Figure 1 – Location of the South Precinct

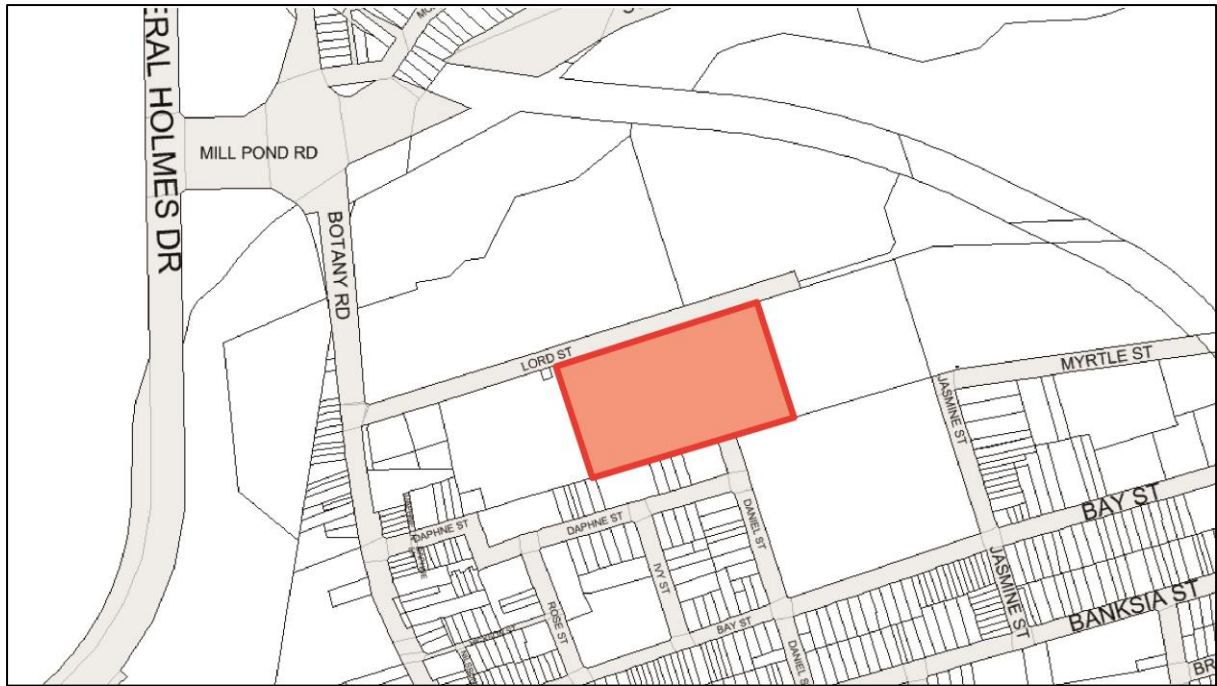


Figure 2 – Area of land affected by the Planning Proposal



Figure 3 – Lord Street



Figure 4 – Botany Road



Figure 5 – Lakes Business Park (South Precinct)



Figure 6 – Adjoins residential developments at Daphne Street

Address of Land

The properties subject to this Planning Proposal are listed below:

Property Address	Lot and DP	Site Area (sqm)
11-13 Lord Street	Lot 2 DP 717692	29,773

Table 1 – Properties subject to the Planning Proposal

Relevant Planning Controls

The subject site is zoned as B7 – Business Park in the *Botany Bay Local Environmental Plan (BBLEP) 2013*. A copy of the zoning map can be found in **Attachment 1**. The objectives of the B7 zone are as follows:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of workers in the area.*
- *To encourage uses in the arts, technology, production and design sectors.*

The B7 zone permits the following uses with development consent:

Child care centres; Dwelling houses; Food and drink premises; Home industries; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

Currently, residential flat building is prohibited on the subject site.

Clause 4.3 - Height of Building and Clause 4.4 – Floor Space Ratio are applicable to the property. The maximum height of building is 22m with a maximum floor space ratio of 1:1.

The Planning Proposal seeks to rezone the subject site and amend Clause 4.3 – Height of Building and Clause 4.4 – Floor Space Ratio for 11-13 Lord Street (i.e. South Precinct). Refer to **Part 2 – Explanation of Provisions** for additional information.

Background

The existing buildings at the south precinct were constructed prior to the 1990s and have been used for a range of commercial and industrial purposes.

Since construction, Lakes Business Park has been used by a range of premises for commercial office, warehouse and light industrial uses and is comprised of buildings classified as “Class 7 Warehouse” and “Class 5 Office”.

History

Development Application - DA153/08

On 28 January 2009, City of Botany Bay Council granted consent to the Masterplan Development Application for the Lakes Business Park - South Precinct – to redevelop the site to accommodate 4 buildings (4 to 6 storeys) to be used for commercial, high technology and airport-related land uses and to be developed over three stages.

The staged development application proposal included the following elements:

- The use of the land for commercial, high technology and airport related land uses;
- A maximum of 29,770sqm gross floor area to accommodate within the 4 buildings which represents a floor space ratio of 1:1;
- Maximum building envelopes for each of the buildings including footprint, bulk, sale and height;
- 745 car parking spaces;
- Associated landscaping; and
- Vehicular access and circulation arrangement.

The following table provides a summary of key development information relating to the proposal:

	Building A	Building B	Building C	Building D
<i>Envelope footprint (sqm)</i>	2,912	2,912	2,612	1,250
<i>Basement footprint (sqm)</i>	2,912	2,912	2,612	1,250
<i>Nominated GFA (sqm)</i>	13,500	8,500	4,000	3,770
<i>No. of storeys above basement</i>	6	5	4	4
<i>No. of basement levels</i>	1	1	1	1
<i>Maximum height (RL) (exclude plant and lift overrun)</i>	33	29	25	25

Table 2 – Key development information (South Precinct)

It should be noted that the Max RL shown on the submitted plans (LBP-DA1- LFA 03 and LBP-DA1- LFA 03 (Rev A) dated Sept 2007) is measured to the highest point of the building elevations excluding the lift over-runs (i.e. 2.1m). Furthermore, the Max RL is based on AHD, not measured from the natural ground level.

Community consultation was undertaken by Council as part of the Masterplan process for the South Precinct with the adjoining landowners to ensure that solar access for residents south of the site (i.e. 42-54 Daphne Street and 2 Daniel Street) was not adversely impacted. The height and setback of the proposed carpark (i.e. 6.5m in height and 9.1m from the common boundary as conditioned by Council), identified in the South Precinct Masterplan, were defined through agreements reached as part of that consultation process.

The subject site is located within an area defined in schedules of the *Civil Aviation (Building Control) Regulations* which limit the height of structure to 25 feet (7.62 metres) above ground height (AEGH) without prior approval of the Civil Aviation Safety Authority (CASA).

As the proposed height breaches the height restriction, Sydney Airport Corporation Limited (SACL) was consulted and had no objection to the erection of the structures shown on drawing LBP-DA1-LFA01 (Rev A) to the following height above Australian Height Datum (AHD):

- Building A - 33m AHD
- Building B – 29m AHD
- Building C – 25m AHD
- Building D – 25m AHD
- Carpark – 12.5 AHD

SACL approval was conditioned as part of the development approval. However, the approval did not take into account the proposed lift over-runs (i.e. 2.1m) as indicated on the submitted plans.

As the approval for the south precinct was a concept proposal (i.e. Stage 83B of the EP&A Act), future detail design is to be submitted to Council for each of the proposed buildings and elements within the overall development.

A copy of the Council's Report and Notice of Determination can be found in **Attachment 3**.

Other Information

Botany Bay Local Environmental Plan 2013

In accordance with the *Environmental Planning and Assessment Act 1979*, the draft BBLEP 2012 (i.e. Standard Instrument) was placed on public exhibition from Thursday 22 May 2012 to Friday 22 June 2012. Consequently, the proponent made a representation to Council seeking additional building height to 28m and an increase in the floor space ratio to 1.2:1.

Council considered all the matters raised in the submissions and recommended that a Planning Proposal be prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning & Environment Guidelines.

A copy of Council's letter can be found in **Attachment 4**.

Previous Planning Proposal (S14/104)

A planning proposal was submitted by LFA (Pacific) Pty Ltd (on the behalf of Lakes Business Park Pty Ltd) seeking amendment to the FSR and Building Height controls contained in the BBLEP2013. The previous Planning Proposal seeks to following:

- Amend the Height of Building Map contained in the BBLEP 2013 from 25m to 33m for the North Precinct and 22m to 32 for the South Precinct; and
- Amend the Floor Space Ratio Map contained in the BBLEP 2013 from 1:1 to 2.1:1 for the North and South Precincts.

On 14 May 2014, the Planning Proposal was refused by Council for the following reasons:

1. The Planning Proposal does not adequately justify the need for the increase in FSR and height.
2. The Planning Proposal does not adequately define the amount of FSR and height that are required to comply with the Masterplan approvals granted by Council for the Northern and Southern Precincts.
3. The Planning Proposal does not adequately address what the impacts of the additional height will be to the residential land zoned R3 Medium Density Residential to the south of the Southern Precinct and Council's Booralee Park.
4. The Planning Proposal is contrary to the public interest.

A copy of the determination can be found in **Attachment 5**.

Planning Proposal (S15/108)

In May 2015, Dexus Property Group (as the new owner of the Lakes Business Park), submitted a Planning Proposal to Council seeking the following amendments:

- Rezone the subject site from B7 – Business Park to B4 – Mixed Use;
- Amend the Height of Building Map contained in the BBLEP 2013 from 22m to 28m; and
- Amend the Floor Space Ratio Map contained in the BBLEP 2013 from 1:1 to 2.1:1.

In accordance with Council's community engagement policy, a community information session was conducted on 8 September (Tuesday) 2015. The community information session was facilitated by an independent facilitator, Mr Ian Colley of KJA and attended by 10 residents.

Based on the KJA summary report dated September 2015, the residents in attendance were not opposed to the rezoning of the site from B7 to B4, however, as detailed below, raised concerns about particular elements of the proposal and identified these items as aspects of the proposal that need to be addressed:

- **Height:** The height of the proposed built form at the Southern Boundary was considered to be too high.
- **Noise:** The proposed new internal road, in particular, the road at the Southern end of the site boundary could cause noise impacts to residents adjoining the site in Daphne Street.
- **Shadow:** The potential overshadowing of the existing town houses in Daphne Street especially during the winter solistice.

After the community information session, Dexis submitted a revised Masterplan to address the concerns raised by the residents. The following amendments were made to the Masterplan:

- Deletion of the road located along the southern rear boundary;
- Relocation of the garbage loading and basement carpark entries to the north, away from the southern boundary;
- Reduction in height of building for A3 & B3 (located along the southern rear boundary and orientated toward 42-54 Daphne Street and 62 Daphne Street) from 17m (approx) or 4.5 storey to 13.5m (approx) or 3.5 storey; Increase the height of building for C3 (located along the southern rear boundary and adjoining Booralee Park) from 17m (approx) or 4.5 Storey to 19.5m (approx) to 5.5 storey; and
- The proposed height of building (i.e. 28m) and FSR will remain unchanged (i.e. 2.1:1).

The revised Masterplan was presented to the residents on 5 November 2015. The following issues were raised by the residents:

- **Height:** The proposed 8 storey buildings are excessive and do not reflect the character of Botany Bay LGA.
- **Public Benefits:** There is a lack of public benefits generated from the Planning Proposal.
- **Open Space:** More open spaces should be provided for existing residents.
- **Architectural and Environmental Quality:** Better architectural and environmental quality should be provided.
- **Landscape:** Appropriate landscaping should be provided and must not be like Wilson-Pemberton Street.

A copy of the summary report can be found in **Attachment 7**.

Councillors were also briefed on the revised Masterplan.

The feedbacks provided by councillors and residents were relayed to the proponent which resulted in further amendments to the Masterplan. The revised Masterplan was submitted to Council on 12 January 2016 which seeks the following:

- Rezone the subject site from B7 – Business Park to B4 – Mixed Use;
- Amend the Height of Building Map contained in the BBLEP 2013 from 22m to 23.5m; and
- Amend the Floor Space Ratio Map contained in the BBLEP 2013 from 1:1 to 2:1.

Council Resolution

Council considered a report on a Planning Proposal for the subject site at the Development Committee meeting on 2 March 2016. It was resolved that Council defer the item to the April Development Committee meeting awaiting further information, including a letter of offer in relation to the Planning Agreement.

At the Development Committee Meeting held on 6 April 2016, it (the Council) resolved to prepare and refer the Planning Proposal to Department of Planning & Environment for Gateway Determination.

A copy of the Council's Report and Resolution can be found in **Attachment 3**.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

Objectives

The Planning Proposal seeks to rezone land at 11-13 Lord Street, Botany (Lot 2 DP 717692) from B7 – Business Park to B4 – Mixed Use and additional floor space ratio and building height (**Table 3**). The proposal will enable the construction of residential flat building on the subject site.

PART 2 - EXPLANATION OF PROVISIONS

The site is subject to the *Botany Bay Local Environmental Plan (BBLEP) 2013*. Table 3 outlines the key controls under the BBLEP 2013 and the proposed amendments to the BBLEP 2013.

	BBLEP 2013	Proposal
<i>Land Use Zoning</i>	B7	B4
<i>FSR</i>	1:1	2:1
<i>Building Height</i>	22m	Ranging from 23.5m (Lord Street) to 11m (along the southern rear boundary)

Table 3 – Summary of key controls (South Precinct)

Proposed Amendment

The Planning Proposal seeks the following:

- Rezone the subject site from B7 – Business Park to B4 – Mixed Use;
- Amend the Height of Building Map contained in the BBLEP 2013 from 22m to 23.5m; and
- Amend the Floor Space Ratio Map contained in the BBLEP 2013 from 1:1 to 2:1.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal.

1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not a direct result of any strategic study or report. An application was made by Dexus Property Group seeking rezoning and amendment to the FSR and Building Height controls contained in the BBLEP2013.

Refer to Background and Development Applications for additional information.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means of achieving the objectives or intended outcomes for the following reasons:

- The *Botany Bay Local Environmental Plan 2013* was gazetted on 21 June 2013;

- The Planning Proposal is the only mean to amend the development standards as it involves a statutory amendment to the *Botany Bay Local Environmental Plan 2013*; and
- Other possible options (i.e. community education and new administrative processes) are unable to achieve the outcomes sought by the Lakes Business Park.

Section B – Relationship to Strategic Planning Framework.

- 3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy)?

A Plan for Growing Sydney

A Plan for Growing Sydney is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space.

The following objectives and actions apply to the subject precinct:

- **Goal 1 – A competitive economy with world class services and transport**
 - *Direction 1.7 – Grow strategic centre – providing more jobs closer to home*
 - *Actions 1.7.1 – Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity*
- **Goal 2 – Sydney's housing choices**
 - *Direction 2.1 – Accelerate housing supply across Sydney*
 - *Actions 2.1.1 – Accelerate housing supply and local housing choices*
 - *Direction 2.2 – Accelerate urban renewal across Sydney – providing homes closer to jobs*

The subject precinct is located within the Global Economic Corridor.

A Plan for Growing Sydney also identified the Botany Bay LGA in the Central subregion for district planning. The following priorities apply to the subject site:

- **Accelerate housing supply, choice and affordability and build great place to live**
 - *Work with Councils to identify suitable location for housing intensification and urban renewal, including employment agglomerations, particularly around Priority Precincts, established and new centres, along key public transport corridors including the Airport; Inner West and South Line; the Eastern Suburbs and Illawarra Line; the Bankstown Line; Inner West Light Rail; CBD and South East Light Rail; and Sydney Rapid Transit.*

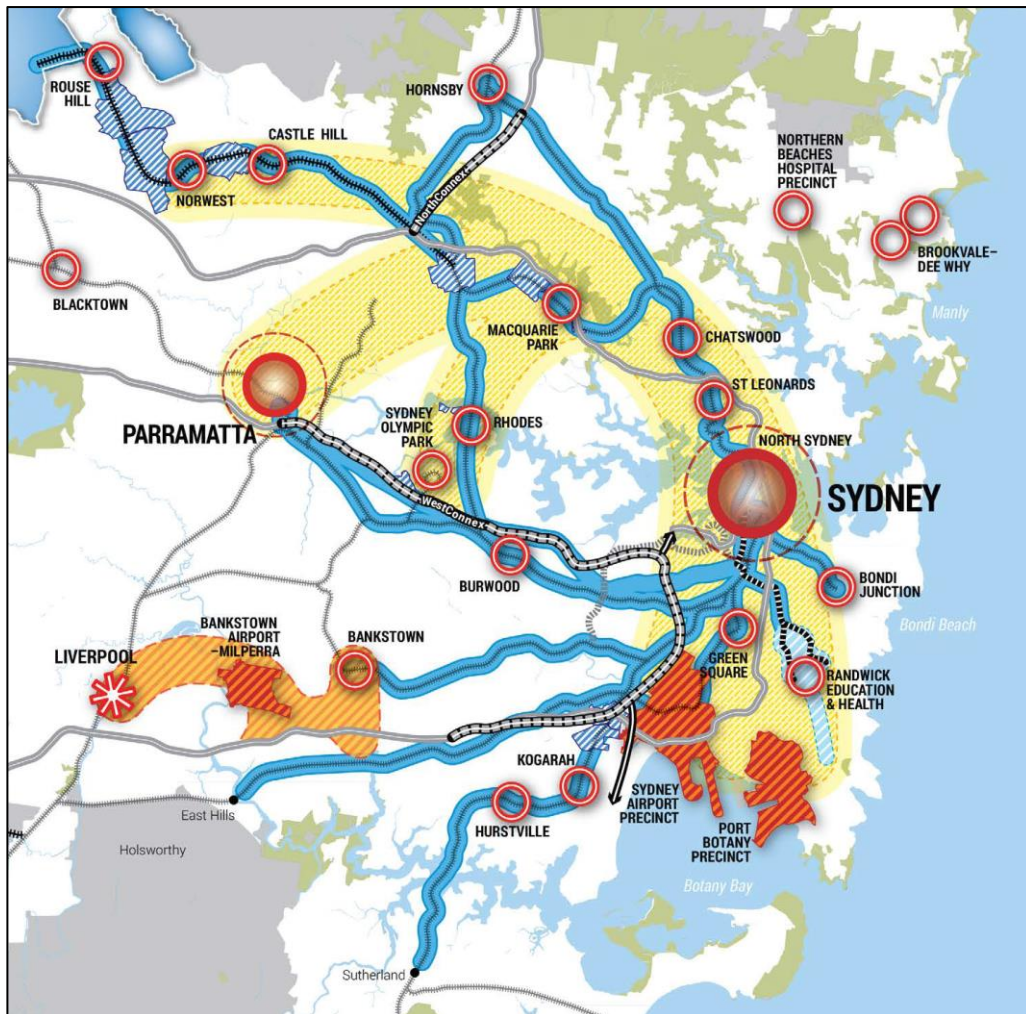


Figure 6 – A Plan for Growing Sydney

Draft East Subregional Strategy

The draft *East Subregional Strategy* is an intermediate step in translating the Metropolitan Strategy at a local level and acts as a broad framework for the long-term development of the area, guiding government investment and linking local and state planning issues.

The following directions and actions apply to the subject precinct:

- **A1.4** – Contain the rezoning of employment lands to residential zoning across Sydney
- **A1.5.2** – The Department of Planning and Botany Bay and Randwick Councils to protect lands for Port and Airport related activities
- **A1.9.2** – The Department of Planning to work with councils in identifying and implementing measures to manage interface issues between employment and residential land uses
- **C1.3** – Plan for increased housing capacity target in existing areas
- **C2.1** - Focus residential development around centre, town centres, villages and neighbourhood centre
- **C2.1.1** – East councils to ensure the location of new dwellings maintains the subregion's performance against the target for the State Plan Priority E5

- **C2.1.2** – Councils to provide in their LEPs, zoned capacity for a significant majority of new dwellings to be located in strategic and local centres

The subject precinct is located within the Sydney Airport & Environs Specialised Centre.

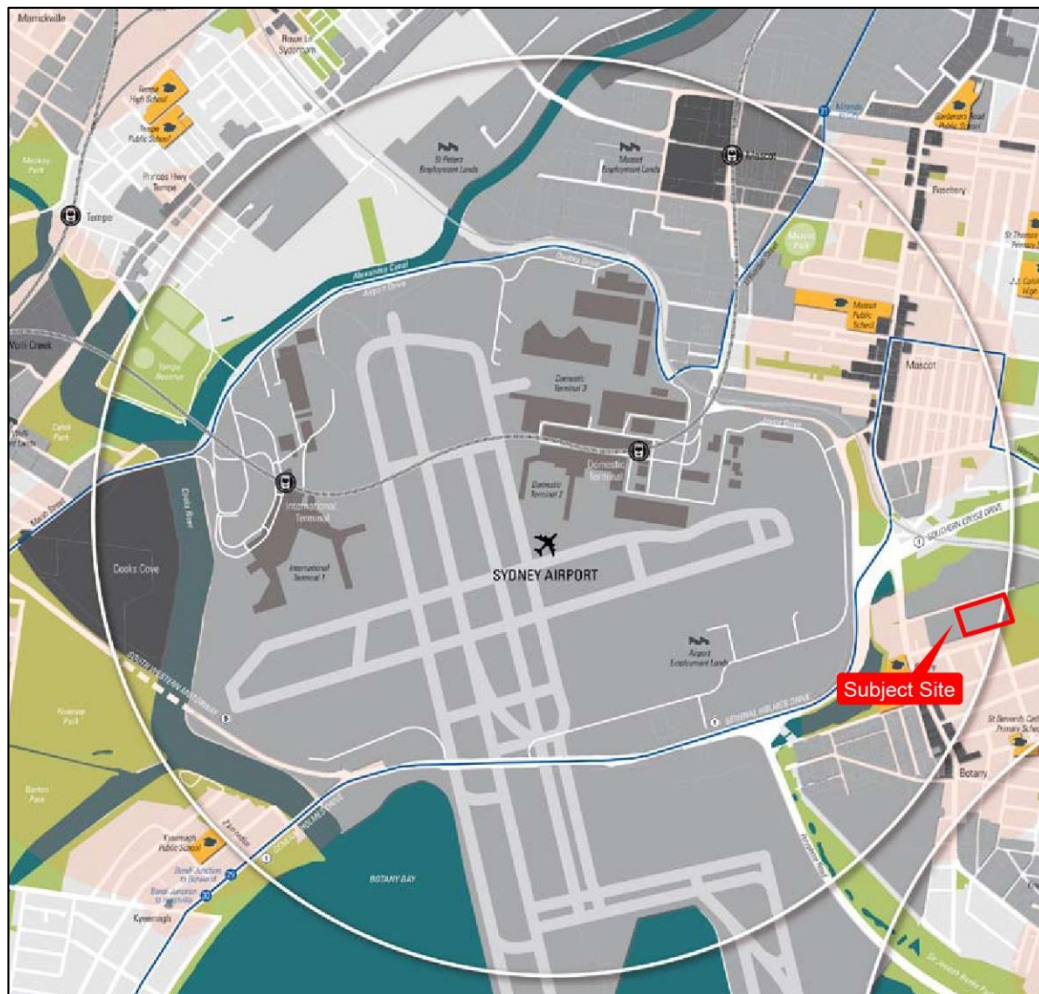


Figure 7 – Sydney Airport & Environs Specialised Centre

The Planning Proposal is consistent with *A Plan for Growing Sydney* and the draft *East Subregional Strategy* for the following reasons:

- The proposal will provide housing within close proximity to the Sydney Airport and Port Botany Transport Gateway which achieves the goal of providing “home closer jobs”;
- The planning proposal will enable an additional 572 apartments to be provided within the Botany Bay LGA;
- The increase in housing supply may improve the housing affordability in Sydney;
- The site is located within a walkable catchment (i.e. approx 550m) of the “Botany Village Centre” and a transit node (i.e. Route M20, 309, 310 and 410) which provides connection to the Sydney CBD, Mascot Station and Eastgardens Shopping Centre.
- Council does not anticipate the site to be developed into a centre as the masterplan largely consists of residential development with commercial premises located on the ground floor. Furthermore, the precinct is located within close proximity (i.e. 550 metres) to the “Botany Village Centre”;

- Even though the proposal will reduce the amount of employment land in Botany Bay LGA. However, approximately 1,222sqm of retail floorspace will be provided along the ground floor of the Lord Street frontage. This equates to approximately 74 jobs; and
- The Planning Proposal may not be consistent with the employment directions and actions contained in the draft *East Subregional Strategy*. However, it is noted that the Department of Planning & Environment is currently preparing a new subregional strategy. Therefore, the actions and directions contained in the draft *East Subregional Strategy* may no longer be relevant.

4 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Botany Bay Planning Strategy 2031

The *Botany Bay Planning Strategy 2031* (the Strategy) establishes a framework for growth and development for the Botany Bay Local Government Area and addresses the draft East Subregional Strategy dwelling and job targets.

The Strategy identifies the potential 6,500 new dwellings and 16,700 new jobs for the LGA.

The following actions apply to the subject site:

- **Action 1.2.1** – Ensure densities in residential areas already affected by aircraft noise or adjacent to freight and major road corridors are not increased, and seek opportunities for conversion to non-residential uses less affected by these constraints.
- **Action 2.2.5** - Facilitate expansion of commercial activity potential north of Botany centre

The Strategy establishes the foundation for the development of the *Botany Bay Local Environmental Plan 2013*. However, not all actions recommended in the Strategy have been adopted by the BBLEP 2013.

All future residential developments will be subjected to a development application and must be accompanied by an acoustic report to demonstrate that the proposed residential development can be acoustic treated and not adversely impacted by aircraft noise. A condition will be incorporated into future development consent to ensure the development comply with the requirements contained in AS2021-2000.

According to the Economic Impact Assessment prepared by Urbis (on the behalf of Dexu Property Group), 11-13 Lord Street is no longer favourable for airport or port-related land uses for the following reasons:

- Industrial uses are gradually being relocated to Western Sydney (i.e. Western Sydney Employment Area) where it has strong connectivity with major motorways and contains large contiguous industrial land reducing potential land use conflicts;
- The demand for warehousing at Lakes Business Park South is low as evidenced by the current high 25% vacancy rate. Current use consists mainly of small ancillary warehousing attached to office uses such as show rooms, spare parts and minor assembly rather than manufacturing or distribution;
- The proposed rezoning will not have a significant impact on the supply of warehouses in the Botany Bay LGA as the site accounts for a very low 0.6%

(2.97ha) proportion of industrial land supply and 0.1% of warehousing job in the LGA;

- The Lakes Business Park is isolated as it does not have direct B Double access to a main road or other transport infrastructure;
- The Lakes Business Park is constrained by land use conflicts as it adjoins a residential area to the south, restricting the site from operating after hours and creating traffic conflicts;
- Figure 8 illustrates that airport and port-related jobs are located elsewhere within the LGA with a particularly dense clustering further north and west of the Lakes Business Park; and
- According to the 2015 report, the Employment Land Development Program (ELDP) identified 25 ha of available undeveloped industrial land within Botany Bay LGA, which equates to 32 years of industrial land supply based on the 0.7ha per annum industrial land demand even with the rezoning of 11-13 Lord Street.

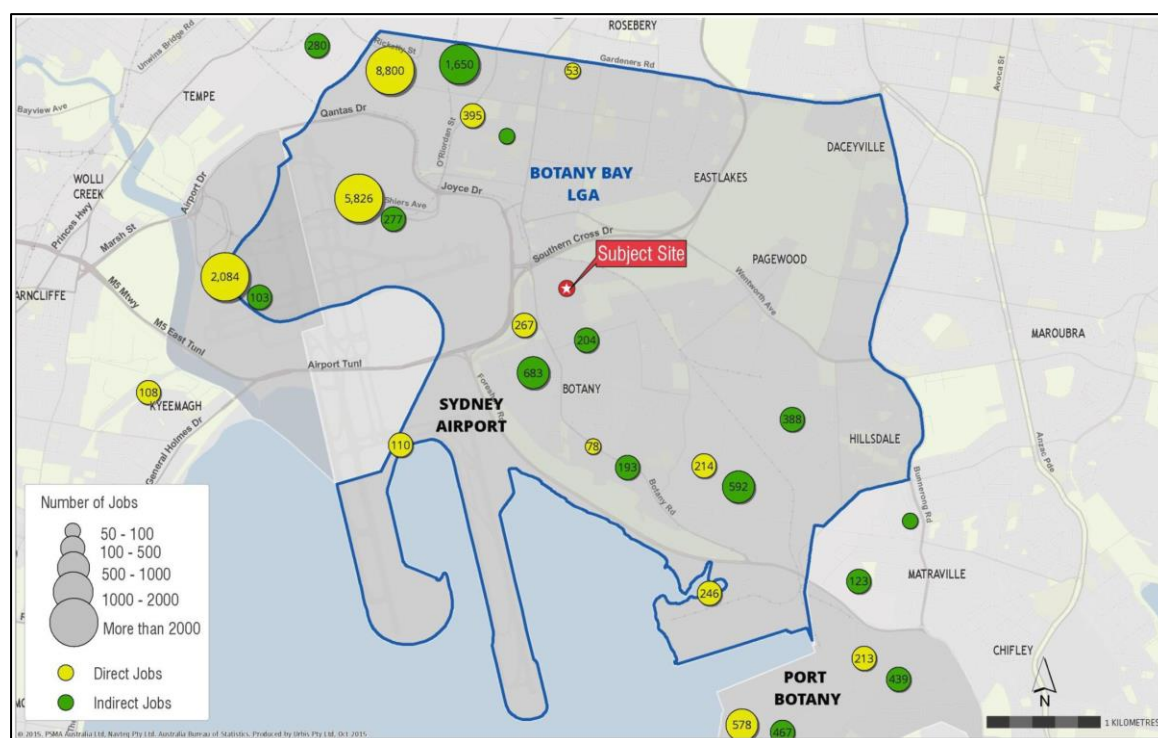


Figure 8 – Airport and Port-Related Jobs in Botany Bay LGA

- 5 Is the planning proposal consistent with applicable state environmental planning policies?

Attachment 6 summarise the Planning Proposal's consistency with State Environmental Planning Policies (SEPPs) and relevant deemed SEPPs.

- 6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial Directions (s.117 directions) directly applicable to the Planning Proposal are addressed below.

1.1 Business and Industrial Zones

The intent of this direction is to encourage employment growth in suitable location; protect employment land in business and industrial zones; and support the viability of identified strategic centres.

In preparing a Planning Proposal, the relevant planning authority must consider the following factors:

- 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.*

The Planning Proposal is inconsistent with the objectives of Business and Industrial zones as it will reduce the amount employment land contained in the Botany Bay LGA. An Economic Impact Analysis prepared by Urbis (on the behalf of Dexu Property Group) was submitted as part of the Planning Proposal. The analysis provides the following finding:

- The demand for warehousing at Lakes Business Park South is low as evidenced by the current high 25% vacancy rate. Current uses consist mainly of small ancillary warehousing attached to office uses such as show rooms, spare parts and minor assembly rather than manufacturing or distribution;
- The rezoning of the subject site will not have a significant impact on the supply of warehouses in the Botany Bay LGA as the site accounts for a very low 0.6% proportion of industrial land supply and 0.1% of warehousing jobs in the Botany Bay LGA;
- According to 2015 report, the Employment Land Development Program (ELDP) identified 25 ha of available undeveloped industrial land within Botany Bay LGA, which equates to 32 years of industrial land supply based on the 0.7ha per annum industrial land demand even with the rezoning of 11-13 Lord Street;
- Industrial uses are gradually being relocated to Western Sydney (i.e. Western Sydney Employment Area) where it has strong connectivity with major motorways and contains large contiguous industrial land reducing potential land use conflicts;
- The Lakes Business Park is isolated as it does not have direct B Double access to a main road or other transport infrastructure;
- The Lakes Business Park is constrained by land use conflicts as it adjoins a residential area to the south, restricting the site from operating after hours and creating traffic conflicts;
- Figure 8 illustrates that airport and port related jobs are located elsewhere within the LGA with a particularly dense clustering further north and west of the Lakes Business Park;
- There are a number of industrial precincts within the LGA such as Banksmeadow, Hale Street and Mascot in particular, that have a stronger competitive position than the Lord Street Precinct;
- Approximately 1,222sqm of retail floor space will be provided along Lord Street frontage which equates to approximately 74 jobs.

- The *BBLEP 2013* has ensured sufficient lands are provided for residential, commercial and industrial purposes and comply with the employment and housing capacity targets identified in the draft *East Subregional Strategy*.

Based on the above reasons and evidences, Council is satisfied that the proposal will have minimum impacts on the supply of employment land and/or will not significantly discourage employment growth within the Botany Bay LGA.

3.1 Residential Zones

The intent of this direction is to ensure any proposal that affect existing or proposed residential land or any other zone in which significant residential development is permitted or proposed to be permitted complies with the following planning objectives:

- 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.*

The Planning Proposal is consistent with the direction for the following reasons:

- The Planning Proposal can generate an additional 572 apartments within the Botany Bay LGA;
- The Planning Proposal will have minimal adverse impacts on the environment and adjoining residential development;
- Broaden the variety and choice of housing types for existing and future housing needs; and
- The existing services have the capacity to, or can be amplified, to satisfy the demands of the proposal.

3.4 Integrating Land Use and Transport

The intent of this direction is to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) Improving access to housing, jobs and service by walking, cycling and public transport, and*
- b) Increasing the choice of available transport by reducing the 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) Support the efficient and viable operation of public transport services, and*
- e) Providing for the efficient movement of freight.*

The Planning Proposal is consistent with the direction for the following reasons:

- The Planning Proposal is likely to generate additional employment opportunities within walking distance (200m approx) of high frequent bus routes (i.e. Route M20, 309, 310 and 410); and
- The Botany Village Centre will provide the ancillary retail and service activities for the future residents.

3.5 Development Near Licensed Aerodromes

The intent of this direction is to ensure the effective and safe operation of aerodromes; does not compromise by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; 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.

The Planning Proposal is consistent with the objective of Development Near Licensed Aerodromes direction for the following reasons:

- The objectives of Clause 6.8 (Airspace operations) of the BBLEP 2013 is to ensure *“effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that such that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport and to protect the community from undue risk from that operation”*;
- The maximum building heights (i.e. ranging from 23.5m to 11m) do not exceed the *“Inner Horizontal Surface”* of 51m AHD as indicated on the Obstacle Limitation Surfaces (OLS) map;
- Department of the Commonwealth; the lessee of the Sydney Airport; Sydney Airport Corporation Limited and Airservices Australia will be consulted; and
- Any development application exceeds 15.42m (building height) will be referred to Sydney Airport Corporation Limited for comments prior to approval.

Part 3J.3 of the BBDCP 2013 also states that *“any development over 7.62 metres from existing ground level in the area bounded by Hollingshed Street, Sutherland Street, Sparks Street, Wentworth Avenue, Myrtle Street, Lord Street and Botany Road is required to be referred to Sydney Airport Corporation (SACL) for consideration on height grounds”*. This will ensure future developments within the Lord Street Business Park do not interfere with the prescribed air space or aircraft movements.

4.1 Acid Sulfate Soils

The intent of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The direction requires an acid sulfate soils study to be prepared if the Planning Proposal requires an intensification of land uses.

A model local provision (i.e. Clause 6.1 – Acid Sulfate Soils) and an Acid Sulfate Soil Map has been incorporated into the *Botany Bay Local Environmental Planning 2013*.

The site is identified as Class 4 Acid Sulfate Soils (ASS).

Future developments (i.e. any works below the natural ground surface or by which watertable is likely to be lowered) within the site are subject to Council's consent and an acid sulfate soil management plan will be required. Any significant adverse environmental impacts can be addressed during the development application stage. Hence, the Planning Proposal is consistent with the Direction.

4.3 Flood Prone Land

The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the

Floodplain Development Manual 2005 and the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

A Flood Assessment Report prepared WMA Water was submitted as part of the Planning Proposal. The report indicated the flood planning level for the site (based on the 1% AEP peak flood level in Lord Street plus 0.5m freeboard) is 5.9AHD. The report recommends that this level applies to residential and commercial floors and basement entry points (including ramps, air vents, lift wells, fire stairs).

The report also stated that the proposed building and driveway footprint encroaches on existing areas of temporary floodplain storage (such as an existing detention basin and low lying parts of the site frontage). The proposed building footprint will require partial filling of these storage areas. This has the potential to increase flood levels in the Lord St low point (adversely affecting neighbouring development), unless compensatory flood storage is provided to mitigate the filing.

It should be noted that no works are proposed as part of the Planning Proposal. Hence, the Planning Proposal will not alter the potential flood impacts both on and off the subject site. All future developments will require development consent and flooding issues will be considered by Council as part of the development assessment process.

6.1 Approval and Referral Requirements

The intent of the direction is to ensure that LEP provision to encourage the efficient and appropriate assessment of development.

No concurrence, consultation or referral of a Minister or public authority is required for any of the sites.

6.3 Site Specific Provisions

The objective of the direction is to discourage unnecessarily restrictive site specific planning controls.

Under the BBLEP 2013, the maximum building height is 22m (South Precinct) with a maximum floor space ratio of 2:1. The Planning Proposal seeks to increase the building height as indicated by the diagram below:

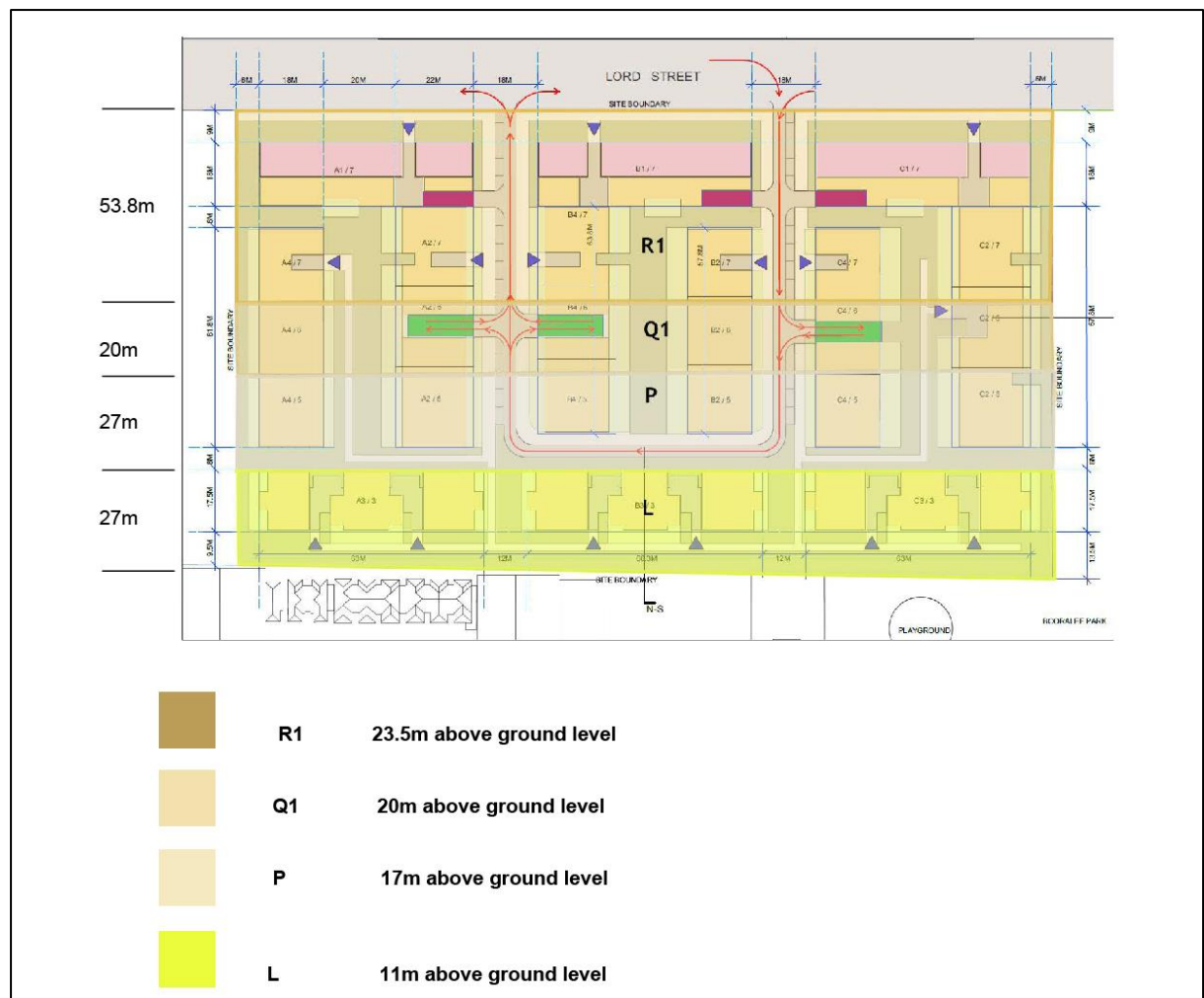


Figure 9 – Proposed Building Heights

The application also seeks to increase the floor space ratio control from 1:1 to 2:1 and rezone the site from B7 – Business Development to B4 – Mixed Use.

The Planning Proposal is not inconsistent with the objective of the direction as it will not introduce restrictive site specific planning controls or imposing any development standards/ requirements in addition to those already existed.

7.1 Implementation of the A Plan for Growing Sydney

The intent of direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the *A Plan for Growing Sydney*.

As illustrated above, the Planning Proposal is not inconsistent with the Directions and Actions contained in *A Plan for Growing Sydney*.

Section C – Environmental, Social and Economic Impact.

- 7 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?

The proposal will not impact upon any critical habitat, threatened species, populations or ecological communities or their habitats as the site does not contain any of the above

communities. If critical habitat, threatened species, populations or ecological communities are identified, Clause 6.4 and 6.6 of the BBLEP 2013 will ensure that any “Wetland Ponds” and “Endangered Ecological Communities” are preserved and protected from the impacts of future developments.

- 8 Are there any other likely environmental effect as a result of the planning proposal and how are they proposed to be managed?

Shadow Impact: According to the submitted shadow diagram (dated 8 January 2016) prepared by Tony Caro Architecture, 3 hours of solar access will be provided to the neighbouring residential developments on 21 June. However, the proposal will significantly overshadow the adjoining residential properties during the winter solstice. Hence, it is recommended that overshadowing diagrams in elevation (at hourly intervals) be submitted to ensuring the amenities of the neighbouring properties are not severely impacted.

Future detail design for the individual buildings will be subject to development application. Any adverse environmental impacts generated by the individual buildings, such as overshadowing and interface issues, will be addressed during the development application stage.

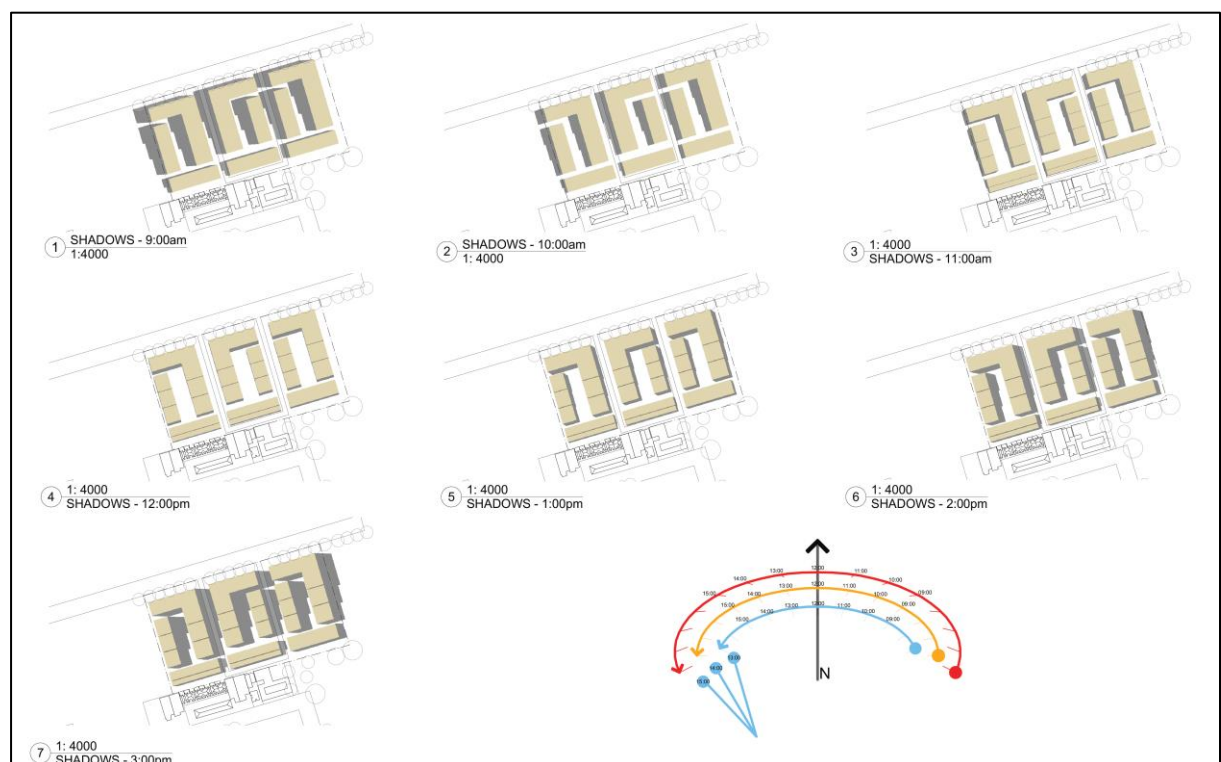


Figure 9 – Shadow Diagram for 21 June

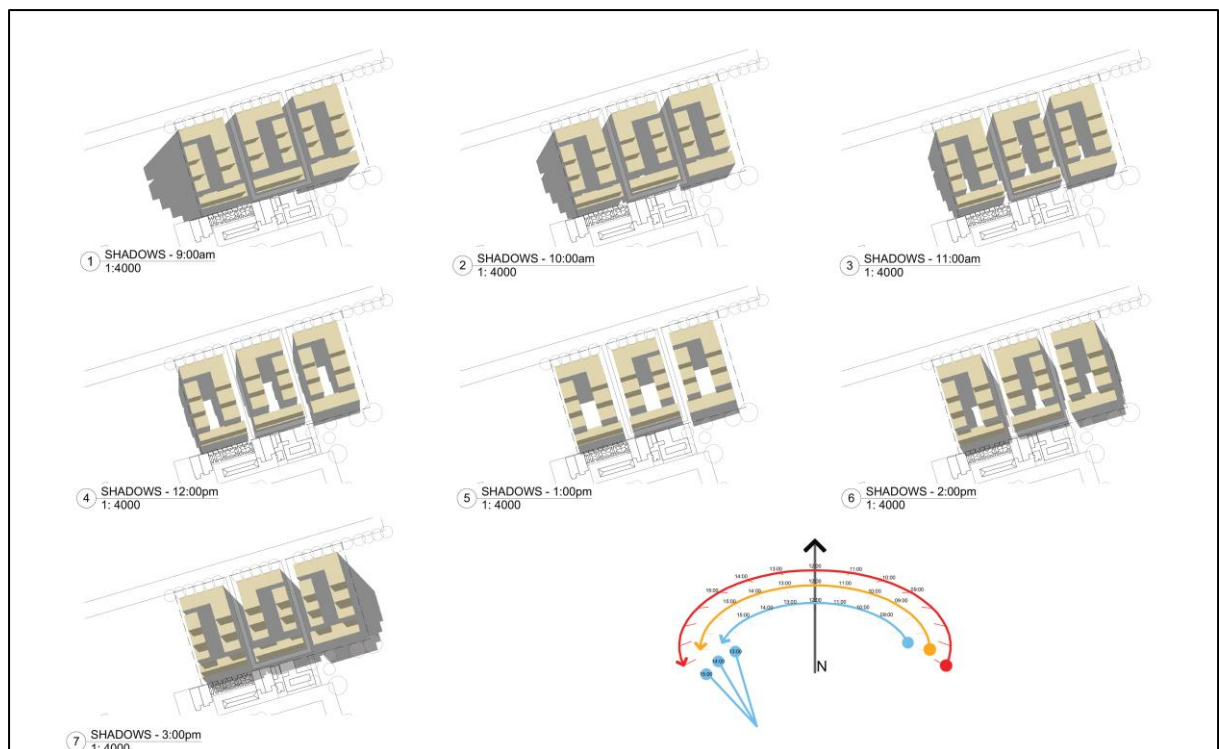


Figure 10 – Shadow Diagram for 21 December

Aircraft Noise: The precinct is located within a 20-25 and 25-30 ANEF contour as identified on the *Australian Noise Exposure Forecast 2033 (ANEF) Chart*. Any development within the precinct will be subjected to compliance with the *Australian Standard 2021 (AS 2021)*.

Flooding: No works are proposed as part of the Planning Proposal. Hence, the Planning Proposal will not alter the potential flood impacts both on and off the subject site. All future developments will require development consent and flood issue will be assessed by Council as part of the development assessment process.

Please refer to Section 6 - Ministerial Directions (s.117 directions) for further discussion.

Landslip and Bushfire Hazard: Botany Bay Local Government Area is not subject to landslip and bushfire hazard.

9 How has the planning proposal adequately addressed any social and economic effects?

Social effects: The proposal may result in an additional 572 apartments which equates to a population of 1,493 people, based on the average household size of 2.61. The additional population may impacts on existing social infrastructures such as school and hospital. Hence, Council officer recommended that a social infrastructure assessment be conducted by the proponent to evaluate whether additional social infrastructure should be provided. The study should also take into account the likely impact to the Botany Village Centre.

As part of the Planning Proposal, Dexu submitted a revised Letter of Offer to Council (**Attachment 10**) to enter into a Planning Agreement in accordance with Section 93F of the Environmental Planning and Assessment Act 1979. Dexu proposes a cash contribution of \$9 million as a form of material public benefit payment in respect of the

Planning Proposal. The Material Public Benefit Payment is to be used principally for a boardwalk and foreshore and jetty upgrade at Mill Pond and for any of the other following works and services:

- A walkway along Mill Pond;
- Upgrade to car parking at Botany Town Centre;
- Upgrade to the public domain at Botany Town Centre including paving;
- The purchase and operation of a community bus to transport persons to Mascot Railway Station on a route that includes a stop on Botany Road new the Site; and
- Purchase of unit/s within a development for affordable housing.

It should be noted that the costing for above works have not yet been undertaken, but a further report on the project costs and the recommended priority of the projects above will be referred to Council.

The draft Planning Agreement is on public exhibition from Wednesday 8 June 2016 to Friday 8 July 2016.

Economic effects: The Planning Proposal will result in a positive economic effect as the additional building height and floor space is likely to generate additional job opportunity within Botany Bay LGA; support the economic activity of Sydney Airport and Port Botany; and generate demand and support the Botany Village Centre.

Section D – State and Commonwealth Interests

10 Is there adequate public infrastructure for the planning proposal?

Infrastructure Services: A Civil Engineering and Infrastructure Services Assessment Report has been undertaken by Costin Roe Consulting. The study suggests that the existing services have the capacity to, or can be amplified, to satisfy the demands of the proposal. Please refer to **Attachment 8** for further information.

Traffic: A traffic report prepared by Traffix has been submitted as part of the Planning Proposal to assess the likely traffic impacts generated by the proposal. Three (3) development options of Lakes Business Park were considered:

- Option 1 – Approved Master Plan:
Northern Precinct: Demolish existing development and construct approved commercial development having a total Gross Floor Area (GFA) of 48,480m².
Southern Precinct: Demolish existing development and construct approved commercial development having a total GFA of 29,770m².
- Option 2 – Approved Master Plan (Northern Precinct) & Planning Proposal (Southern Precinct):
Northern Precinct: Same as Option 1.
Southern Precinct: Demolish existing development and construct Planning Proposal development (658 residential units & 1,222m² of commercial GFA).
- Option 3 – Expand Existing Development (Northern Precinct) & Planning Proposal (Southern Precinct):
Northern Precinct: Expand existing development to include an additional 14,100m² of commercial GFA.
Southern Precinct: Same as Option 2.

The Lord Street/Botany Street intersection performances for existing and future scenarios are illustrated below:

Intersection Description	Scenario	Control Type	Period	Degree of Saturation	Average Delay	Level of Service
Botany Road / Lord Street	existing	signals	AM	0.503	10.1	A
			PM	0.463	19.4	B
	Option 1	signals	AM	0.629	13.7	A
			PM	0.706	29.9	C
	Option 2	signals	AM	0.602	17.0	B
			PM	0.590	21.6	B
	Option 3	signals	AM	0.610	17.5	B
			PM	0.565	21.3	B

Table 4 – Lord Street/Botany Road Intersection Performance – Existing & Future Scenario

According to the report, the development options will have only moderate impacts on the operation of Botany Road/Lord Street intersection during both the AM and PM peak periods which operate with acceptable delays and degree of saturation. Even at the worst-case development scenario, the modelling demonstrates that the intersection would still have the capacity to accommodate additional traffic volumes with no upgrades required.

As Botany Road is identified as a 'classified road', the planning proposal will be referred to the Road & Maritime Services (RMS) for public authority consultation.

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

The following State and Commonwealth government authority will be consulted:

- Airservices Australia;
- APA Group – High pressure gas line;
- Department of the Commonwealth and the lessee of the Sydney Airport.
- Environment Protection Authority
- Office of Water;
- Road and Maritime Services;
- Sydney Airport Corporation Limited; and
- Transport for NSW;

Should the gateway determination deem it necessary for Council to consult with other State and Commonwealth government authorities, Council will forward a copy of the Planning Proposal to the relevant authorities.

PART 4 - MAPPING

Mapping for the Planning Proposal can be found in **Attachment 2**.

PART 5 - COMMUNITY CONSULTATION

Council proposes that the Planning Proposal be exhibited as follows:

- In accordance with section 57 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Planning Proposal will be placed on public exhibition for 28 days; and
- Any other requirements as determined by the Gateway under section 56 of the EP&A Act.

It should be noted that Council will not exhibit the draft Planning Proposal until the Planning Agreement has been executed by all parties and the Agreement is registered on the title of the site.

The draft Planning Agreement is on public exhibition from Wednesday 8 June 2016 to Friday 8 July 2016.

PART 6 – PROJECT TIMELINE

The project timeline for the Planning Proposal is as follow:

Timeframe	
<i>Anticipated commencement date</i>	June 2016
<i>Anticipated timeframe for the completion of required technical information</i>	July 2016
<i>Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)</i>	September 2016
<i>Commencement and completion dates for public exhibition period</i>	November 2016
<i>Dates for public hearing (if required)</i>	N/A
<i>Timeframe for consideration of submissions</i>	December 2016
<i>Timeframe for the consideration of a proposal post exhibition</i>	January 2016
<i>Date of submission to the Department to finalise the LEP</i>	February 2016
<i>Anticipate date RPA will make the plan (if delegated)</i>	March 2016
<i>Anticipated date RPA will forwarded to the Department for notification</i>	April 2016

Table 12 – Proposed Timeframe

PART 7 – CONCLUSION

In summary, the Planning Proposal seeks the following amendments:

- Rezone the subject site from B7 – Business Park to B4 – Mixed Use;
- Amend the Height of Building Map contained in the BBLEP 2013 from 22m to 23.5m; and
- Amend the Floor Space Ratio Map contained in the BBLEP 2013 from 1:1 to 2:1.

The following information should be submitted prior to agencies consultation:

- Revised Planning Proposal and accompanied documentations be submitted prior to agencies consultation. The documentations should reflect the revised Master Plan as indicated in Drawing No. C_ADD_007 and C_ADD_008 dated 28 December 2015 and C_ADD_011 dated 8 January 2016.

ATTACHMENT

1. Botany Bay Local Environmental Plan 2013 – Zoning and Planning Controls (Existing)
2. Botany Bay Local Environmental Plan 2013 – Zoning and Planning Controls (Proposed)
3. Council's Report and Resolution for 11-13 Lord Street, Botany
4. Council's Letter dated 4 July 2012 and 25 January 2013
5. Council's Determination for Previous Planning Proposal
6. List of State Environmental Planning Policies
7. Summary Report for Community Information Sessions
8. Planning Proposal prepared by Dexu received May 2015
9. Revised Planning Proposal prepared by Dexu received January 2016
10. Letter of Offer dated 31 March 2016