

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

Proposal Title : Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

Proposal Summary : The planning proposal seeks to amend Botany Bay Local Environmental Plan 2013 by:

- rezoning the subject site from B7 Business Park to B4 Mixed Use;
- amending the maximum building height from 22m to heights ranging from 11m to 23.5m; and
- amending the floor space ratio from 1:1 to 2:1.

PP Number : PP_2016_BOTAN_001_00 Dop File No : 16/08469

Proposal Details

Date Planning Proposal Received : 16-Jun-2016 LGA covered : Botany Bay

Region : Metro(CBD) RPA : The Council of the City of Botany

State Electorate : MAROUBRA Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 11-13 Lord Street

Suburb : Botany City : Sydney Postcode : 2019

Land Parcel : Lot 2 DP717692

DoP Planning Officer Contact Details

Contact Name : Douglas Cunningham

Contact Number : 0292746357

Contact Email : douglas.cunningham@planning.nsw.gov.au

RPA Contact Details

Contact Name : Catherine McMahon

Contact Number : 0293663520

Contact Email : council@botanybay.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Martin Cooper

Contact Number : 0292746582

Contact Email : martin.cooper@planning.nsw.gov.au

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 572
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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

If Yes, comment : The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

The Planning Proposal was submitted to the Department of Planning and Environment on 16 June 2016.

The proposal has merit as it will deliver housing in a location that is close to services. The proposal will also deliver affordable housing opportunities. The site is located next to major open space, residential areas and 500m from Botany Town Centre with access to public transport. The proposal argues that the proximity of the site to Sydney Airport and any noise and height issues can adequately be addressed.

The benefits of the proposal have been considered against the strategic planning context for the area.

The Botany Area is identified as a major international gateway for freight and support related lands, and employment land is identified as strategically located employment land in A Plan for Growing Sydney. The site represents 0.6% of the industrial land in the former Botany Bay local government area and 0.1% of the warehousing jobs.

The draft Central District Plan suggests a precautionary approach to rezoning employment lands. Assessing the proposal against the precautionary approach shows that the proposal is partially inconsistent with the directions in A Plan for Growing Sydney as it will result in the loss of strategically located employment land in close proximity to key economic infrastructure, including Sydney Airport and Port Botany.

The proposal is also considered to be inconsistent with Section 117 Direction 1.1 Business and Industrial Zones as the proposal has not demonstrated that the site cannot be used for alternative employment uses to the current warehouse use and would result in a net loss

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

of employment land and jobs.

The proposal may result in adverse amenity impacts associated with the extension of residential dwellings into an industrial precinct and the impact this would have on the surrounding industrial land uses, the operations of Sydney Airport, NSW Ports and the adjacent freight rail corridor and the Roads and Maritime Services (RMS) heavy vehicle testing facility located on the western boundary of the site.

The proposal seeks to increase residential uses which may increase the potential for land use conflicts. In particular, the Roads and Maritime Services (RMS) heavy vehicle testing facility located on the western boundary of the site and warehouse

Following concerns regarding employment loss, the proponent revised the proposal to retain approximately the same level of jobs on site. They further argue that there is no demand for warehousing.

It is noted that the proposal has some merit due to the location, provision of housing and affordable housing. However, on balance the proposal does not demonstrate a significant uplift in employment to justify additional housing and loss of current jobs. On this basis, it is recommended that the proposal not proceed.

External Supporting
Notes :

The planning proposal for 11-13 Lord Street, Botany (the site) was submitted to Council on 12 January 2016. The planning proposal seeks to amend the Botany Bay Local Environmental Plan 2013 by:

- rezoning the site from B7 Business Park to B4 Mixed Use;
- amending the maximum building height from 22m to a range of building heights (Tab Map 1); and
- amending the floor space ratio from 1:1 to 2:1.

The site forms part of the Lakes Business Park, which consists of two precincts: North Precinct and South Precinct. The Lakes Business Park sits within the wider Lord Street Business Park cluster. The planning proposal only seeks to amend the controls for the South Precinct.

In May 2014, Council did not support a proposal to:

- amend the maximum building height from 25m to 33m for the North Precinct and from 22m to 32m for the South Precinct; and
- amend the floor space ratio from 1:1 to 2.1:1 for both the North and South Precinct.

In May 2015, Council did not support a proposal for the South Precinct to:

- rezone the site from B7 Business Park to B4 Mixed Use;
- amend the maximum building height from 22m to 28m; and
- amend the floor space ration from 1:1 to 2.1:1.

The current Planning Proposal was submitted to the Department on 16 June 2016. the former Botany Bay Council supported the Planning Proposal being submitted to the Department because it was considered that the proposal was not inconsistent with relevant State and local legislation, directions, policies and strategic documents and would have a positive environmental, social and economic impact.

In February 2017, the proponent submitted a revised masterplan which included the North Precinct of Lord Street. However, as the masterplan has not been endorsed by Council, it cannot be used as justification to support the proposal as lodged.

Adequacy Assessment

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

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

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

Comment : **The planning proposal seeks to amend Botany Bay Local Environmental Plan 2013 to allow a mixed use development with a range of building heights across the site.**

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

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

Comment : **The following provisions are suggested for the site:**

- rezoning the subject site from B7 Business Park to B4 Mixed Use;
- amending the maximum building height from 22m to a range of building heights (Tab Map 1); and
- amending the floor space ratio from 1:1 to 2:1.

The explanation of the proposal's provisions is adequate.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.1 Business and Industrial Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

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

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

SECTION 117 DIRECTIONS

1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres. It applies to all proposals affecting land within existing and proposed business or industrial zones, which must retain such zonings and related floorspace controls. Any inconsistency must be justified by a strategy, study or be of minor

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

significance. The proposal is inconsistent with this Direction because it reduces the amount of employment land within the former Botany LGA.

The submitted planning proposal states this inconsistency is of minor significance because:

- the demand for warehousing at Lakes Business Park South (the site) is low, as evidenced by the current 25% vacancy rate;
- the proposal will not have a significant impact on the supply of warehouses in the former LGA, given the site represents only 0.6% of its industrial lands, and 0.1% of warehousing jobs;
- the site is isolated as it does not have direct heavy vehicle (B-Double) access to a main road or other transport infrastructure;
- the site is constrained by residential land to the south, restricting it from operating after hours and potentially creating traffic and other conflicts; and
- the proposal would provide approximately 572 apartments and 1,222sqm of retail floor space (about 74 jobs).

Both NSW Ports and Sydney Airport have expressed concerns about any incremental loss of such land, particularly when based on short term employment land trends, rather than recognising the anticipated high need for these lands to service the expansion requirements of these State significant facilities.

Both A Plan for Growing Sydney and the draft Central District Plan note the strategic significance of all employment land in proximity to the Port and Airport. The draft Central District Plan suggests a precautionary approach to rezoning employment lands should be taken, with any proposed rezoning based on a net community benefit assessment considering a district-wide perspective.

Assessing the proposal against the precautionary approach shows that the proposal is inconsistent with Section 117 Direction 1.1 Business and Industrial Zones as the proposal has not demonstrated that the site cannot be used for alternative employment uses to the current warehouse use, has the potential for cumulative loss of the remaining Lord Street Business Precinct and would result in a net loss of employment land and jobs.

The loss of these employment lands based on a site specific basis is not considered warranted and the inconsistency of the proposal with this Direction is not considered to be adequately justified.

INDUSTRIAL LANDS STRATEGIC ASSESSMENT CHECKLIST

The proposal does not include an assessment against the Industrial Lands Strategic Assessment Checklist, as required in A Plan for Growing Sydney.

The Department of Planning and Environment's assessment against the checklist is below.

1. Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?

The proposal is inconsistent with both State and Council strategies relating to employment lands. The proposed rezoning will result in the reduction of employment land within close proximity to the Sydney Airport and Port Botany Transport Gateways. The proposal is inconsistent with Council strategies as it will result in an increase in residential density in an area affected by aircraft noise, as well as resulting in a loss of commercial land and potentially impacting upon the future viability of the remaining industrial lands.

2. Is the site:

- near or within direct access to key economic infrastructure?
- contributing to a significant industry cluster?

The site is located in close proximity to both Sydney Airport and Port Botany. The site has no direct access to General Holmes Drive, Foreshore Road or Hale Street, however it is accessible via Botany Road to these major transport routes.

The site currently forms part of a B7 Business Park precinct. The site, and the business park, are not significant in terms of its overall size, however are strategically significant because of its proximity to the Port and Airport

3. How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?

The site represents 0.6% of the industrial land supply and 0.1% of the warehousing jobs within the local government area. The rezoning would not significantly impact upon the industrial land stocks within the region and the ability to meet future demand for industrial land activity. However, the rezoning would contribute to the incremental loss of employment lands that support the operations of Sydney Airport and Port Botany.

4. How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objective?

As stated above, the site represents a small proportion of employment land available within the local government area. The proposed rezoning would not significantly impact upon the achievement of regional or local government area employment capacity targets and employment objectives.

5. Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future?

The proposal has not discussed that the site cannot be used for other industrial or business related purposes.

6. Is the site critical to meeting the need for land for an alternative purpose?

The site is not critical to meet any future residential targets or retail/commercial space goals.

GREATER SYDNEY COMMISSION

The Greater Sydney Commission (GSC) was briefed about this proposal. The GSC raised concerns about the loss of strategically located industrial land and the lack of mass transit to support the type of residential development proposed. It was noted that the area appears to be transitioning to different types of industrial/business uses, such as the proposed relocation of University of Technology Sydney facilities to the northern part of the Business Park. This highlights the changing nature and potential for this land to be used for other industrial/business uses, such as high tech/emerging industries.

INDUSTRIAL PRECINCT REVIEW - Hill PDA 2015

As part of the preparation of the draft District Plans for Metropolitan Sydney, an industrial precinct review was commissioned to inform and support the evidence base for the preparation of three of Sydney's District Plans (Northern, Central and Southern). The study assessed the 'health' of 135 industrial precincts across Sydney. In this study the 'health' of each precinct is based on its economic function and output together with its attraction as a place to invest and operate an industrial use. The Botany industrial area was found to be in 'good health' with a score of 14 (being given a score of 4.5 for

**Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street,
Botany from B7 Business Park to B4 Mixed Use and increase in development standards
(572 dwellings)**

'Investment and Business' and 'Location, Function and Connections' and a score of 5 for 'Economic Outputs and Jobs').

The review states that industrial land is undergoing a structural shift to a new generation of light industrial lands. Traditionally industrial areas were previously recognised as being 80% industrial and 20% ancillary commercial in nature, however these areas have slowly transitioned to be more commercially orientated uses (possibly as great as 80%) with 20% being more traditional industries and distribution and/or high tech research and development.

Whilst Sydney's traditional manufacturing operations have moved either offshore or to lower value locations in Western Sydney, there is a growing and evolving demand for industrial areas within inner city and middle ring suburbs of Sydney to serve the needs of the growing local population (i.e. panel beaters, council depots, vehicle repairs and household trades) and strategic centres (i.e. data centres, archives, utilities, concrete batching plants and distribution centres).

Whilst the Lakes Business Park is not specifically mentioned, Botany Local Government Area is discussed. The Lakes Business Park falls within the Central Subregion, which contains some of the most highly valued industrial lands within the Greater Sydney Metropolitan Region. These industrial areas are able to service Sydney CBD but also benefit from close proximity to transport links, Sydney Airport and Port Botany. As such these precincts are a significant employment and economic component of the Sydney and NSW economy. The findings of the study support the retention and protection of industrial lands in and around Sydney Airport and Port Botany as they are strategically valuable.

HOUSING PROVISION

The proposal would result in approximately 572 apartments and could potentially accommodate an additional 1,493 people, based on the average household size of 2.61.

The proposed controls have merit as it will deliver housing in a location that is close to services and would not result in a significant loss of employment land. The proposal will also deliver affordable housing opportunities. The site is located next to major open space, residential areas and 500m from Botany Town Centre with access to public transport. The proposal argues that the proximity of the site to Sydney Airport and any noise and height issues can adequately be addressed. They further argue that there is no demand for warehousing.

The merit in this aspect of the proposal is noted and is consistent with A Plan for Growing Sydney's directions of providing housing and affordable housing with good access to open space, existing services and public transport.

AMENITY

The proposal acknowledges that the adjacent residential area restricts the site from operating after hours and it creates traffic conflicts. The rezoning would increase the residential population of the area. It is considered that this would potentially increase these existing land use conflicts. The proposal does not consider the likely impact the rezoning would have on nearby industrial operations, operations of Sydney Airport and New South Wales Ports and the adjacent freight corridor.

REVISED MASTERPLAN

In February 2017, the proponent submitted a revised masterplan, which included both the north and south precinct of Lord Street. The revised masterplan proposed to:

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

- retain the residential component in the Lord Street south precinct as currently proposed;
- supply 'incubator' and 'generator' office spaces for future industries in the north precinct; and
- activate Lord Street with complimentary retail uses and increased employment floor space.

The revised masterplan suggests the north precinct may be redeveloped to increase the current employment floor space from 63,788 to 140,750 square metres.

The revised masterplan seeks a FSR of 1.87:1. This equates to 55,760 square metres of floor space and allocates 1,222 square metres (2.5%) of the total floor space for employment uses. The applicant also offered to add an additional floor of retail space to the original concept design, resulting in 5% of the total floor area being dedicated to employment uses. This percentage of floor space would retain a similar number of jobs on site.

If the proponent revised its masterplan to deliver the original 59,540 square metres (2:1) of floor space and double the employment floor space, the Lord St south precinct would provide for 180 future jobs, which is a gain of 10 jobs.

This appears, subject to further investigation to be a good outcome, which would align with the draft Central District Plan. However, this component is not part of the proposal endorsed by Council and cannot be used as justification to support the proposal as lodged.

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

If No, explain : **Inconsistencies with the above matters have not been adequately justified. The planning proposal has not demonstrated strategic merit in relation to the directions and objectives of A Plan for Growing Sydney and section 117 Directions in relation to employment lands, as outlined in the internal notes.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided clearly illustrates existing planning controls as well as requested development controls.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has recommended to exhibition of the proposal for 28 days.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The proposal has provided enough information to support an assessment.**

**Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street,
Botany from B7 Business Park to B4 Mixed Use and increase in development standards
(572 dwellings)**

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP : **Botany Bay LEP 2013 was notified on 21 June 2013 and commenced on 26 June 2013.**

Assessment Criteria

Need for planning proposal :	A planning proposal is needed as a change to the Comprehensive LEP cannot be advanced without a planning proposal. The planning proposal is not the result of a specific strategic study or report.
---------------------------------	--

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

Consistency with strategic planning framework :

There are some inconsistencies between the proposed amendments and the directions of A Plan for Growing Sydney.

A PLAN FOR GROWING SYDNEY

The proposal is considered to be partially consistent with A Plan for Growing Sydney.

GOAL 1 - A COMPETITIVE ECONOMY WITH WORLD-CLASS SERVICES AND TRANSPORT

The general direction of this goal is to support commerce, business and investment within Sydney. This will be achieved through the delivery of infrastructure, services and growth within strategic centres.

The proposal states consistency with this goal as it will provide growth, through urban renewal, within close proximity to the Sydney Airport and Port Botany Transport Gateways. The proposal states consistency with Direction 1.7 – Grow strategic centres – providing more jobs closer to home. The proposal states that although the proposal will reduce the amount of employment land in Botany Bay, it will provide approximately 1,222sqm of retail floor space, which equates to approximately 74 jobs. As stated in the submitted Economic Assessment, the proposed development may result in a reduction of employment on the southern precinct by around 100 jobs compared to current levels.

Additional directions that are considered to be relevant to this proposal are Direction 1.6 Expand the Global Economic Corridor and Direction 1.9 Support priority economic sectors. Both directions aim to protect commercial cores from residential encroachment whilst supporting key industrial precincts with appropriate planning controls

The site represents 0.6% of the industrial land in the former Botany Bay local government area (LGA) and 0.1% of the warehousing jobs within the LGA. The site does not have direct heavy vehicle access to a main road or other transport infrastructure.

Whilst the site and the larger Lord Street precinct are not significant in terms of there overall size, the site's strategic significance is in its proximity to the Port and Airport and ability to support these operations.

The proposal is inconsistent with this goal as it will result in the loss of strategically located employment land in close proximity to key economic infrastructure, including Sydney Airport and Port Botany.

GOAL 2 - A CITY OF HOUSING CHOICE, WITH HOMES THAT MEET OUR NEEDS AND LIFESTYLES

The purpose of this goal is to focus on providing more housing within strategic centres and well serviced locations.

The proposal states consistency with this goal as it will increase housing supply and growth within close proximity to Sydney Airport and Port Botany Transport Gateways. The proposal will facilitate an additional 572 apartments to be provided within the Botany Bay LGA in an already established area. The proposal states consistency with Direction 2.1 – Accelerate housing supply across Sydney and Direction 2.2 – Accelerate urban renewal across Sydney – providing homes closer to jobs, as it seeks to accelerate housing supply and local housing choice, through urban renewal.

The site is located next to major open space, residential areas and 500m from Botany Town Centre with access to public transport. The proposal argues that the proximity of the site to Sydney Airport and any noise and height issues can adequately be addressed.

The proposal is considered consistent with these goal as it will provide an additional 572

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

apartments within an existing built up area, with a 5% affordable housing contribution (approx. 28 dwellings), in a location with access to transport and services.

DRAFT CENTRAL DISTRICT PLAN

The draft District plans, which were released on 21 November 2016, note that employment and urban services zoned land supports activities that are central to Sydney's productivity, sustainability and liveability. Employment and urban services are transitioning away from "traditional" industries towards high technology and emerging industries. Despite this change, existing industrial, manufacturing, warehousing and distribution industries are vital role to support the employment network in the Central district.

The draft Central District Plan suggests a precautionary approach to rezoning employment lands should be taken, with any proposed rezoning be based on a net community benefit assessment considering a district-wide perspective. By using a precautionary approach the current proposal is not supported because it will result in the loss of strategically located employment land in close proximity to key economic infrastructure, including Sydney Airport and Port Botany.

The SGS Employment Centres Analysis (2016) commissioned by the Greater Sydney Commission identifies Lord Street as being part of the Port Botany employment precinct. This precinct has approximately 12,700 jobs in Transport, warehousing, wholesale and manufacturing. The SGS report lists protection of Port Botany's function as an international gateway for freight and support port-related lands uses and infrastructure as its major challenge.

Whilst the proposal is considered inconsistent with the economic actions and priorities the draft plan, it aligns with the draft Plans actions of delivering housing in a location with access to transport and services.

BOTANY BAY PLANNING STRATEGY 2031

The strategy establishes the foundation for the development of the Botany Bay Local Environmental Plan 2013. The proposal outlines two actions that are applicable to the rezoning of the 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 the these constraints
- Action 2.2.5 – Facilitate expansion of commercial activity potential north of Botany centre.

The proposal states its consistency with these actions of the strategy as:

- the proposed rezoning will not have a significant impact on the supply of industrial zoned land in the Botany Bay LGA;
- the proposed rezoning will not have a significant impact on the supply of warehouses in the Botany Bay LGA;
- the Lakes Business Park is isolated as it does not have direct heavy vehicle 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; and
- the demand for warehousing at Lakes Business Park South is low as evidenced by the current high 25% vacancy rate.

The proposal argues that the proximity of the site to Sydney Airport and any noise and height issues can adequately be addressed.

Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street, Botany from B7 Business Park to B4 Mixed Use and increase in development standards (572 dwellings)

The revised masterplan seeks a FSR of 1.87:1. This equates to 55,760 square metres of floor space and allocates 1,222 square metres (2.5%) of the total floor space for employment uses. The applicant also offered to add an additional floor of retail space to the original concept design, resulting in 5% of the total floor area being dedicated to employment uses. This percentage of floor space would retain a similar number of jobs on site (approximately 169 jobs).

The proposal is considered to be consistent with this strategy.

Environmental social
economic impacts :

ENVIRONMENTAL IMPACTS

There are no known critical habitats or threatened species, populations or ecological communities or their habitats which will be affected by the proposal. The proposal will not impact or enhance environmental risks.

SOCIAL AND ECONOMIC IMPACTS

The proposal will facilitate the development of an additional 572 apartments. The additional population will benefit from its location near existing social infrastructures, however this is also the case for the employment population. The proposal may increase probability of land use conflicts, as raised by the proponent.

The planning proposal will potentially have a negative economic effect, as it will result in a loss of employment lands as well as jobs. The rezoning also has potential to impact on the future of the surrounding industrial business operations.

Assessment Process

Proposal type : **Inconsistent** Community Consultation
Period :

Timeframe to make LEP : **0 months** Delegation :

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

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

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **The planning proposal is recommended not to proceed as it has not demonstrated strategic merit in relation to the directions and objectives of A Plan for Growing Sydney and section 117 Directions, as outlined in the internal notes.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

**Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street,
Botany from B7 Business Park to B4 Mixed Use and increase in development standards
(572 dwellings)**

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - Lakes Business Park dated June 2016.pdf	Proposal	Yes
Attachment 1 - Zoning and Planning Controls (Existing).pdf	Proposal	Yes
Attachment 2 - FSR_01 (Proposed).pdf	Proposal	Yes
Attachment 2 - FSR_04 (Proposed).pdf	Proposal	Yes
Attachment 2 - HOB_01 (Proposed).pdf	Proposal	Yes
Attachment 2 - HOB_04 (Proposed).pdf	Proposal	Yes
Attachment 2 - LZN_01 (Proposed).pdf	Proposal	Yes
Attachment 2 - LZN_04 (Proposed).pdf	Proposal	Yes
Attachment 3 - Council's Report.pdf	Proposal	Yes
Attachment 3 - Council's Resolution.pdf	Proposal	Yes
Attachment 4 - Council's Letter dated 25 January 2013.pdf	Proposal	Yes
Attachment 4 - Submission dated 4 July 2012.pdf	Proposal	Yes
Attachment 5 - Council's Determination for Previous Planning Proposal (S13-109).pdf	Proposal	Yes
Attachment 6 - List of Statement Environmental Planning Policies.pdf	Proposal	Yes
Attachment 7 - Summary Report dated November 2015.pdf	Proposal	Yes
Attachment 7 - Summary Report dated September 2015.pdf	Proposal	Yes
Attachment 8 - Architectural and Urban Design received May 2015.pdf	Proposal	Yes
Attachment 8 - Civil Engineering and Infrastructure Services received May 2015.pdf	Proposal	Yes
Attachment 8 - Economic Assessment received May 2015.pdf	Proposal	Yes
Attachment 8 - Environmental Report received May 2015.pdf	Proposal	Yes
Attachment 8 - Flood Assessment received May 2015.pdf	Proposal	Yes
Attachment 8 - Noise Impact Assessment received May 2015.pdf	Proposal	Yes
Attachment 8 - Planning Proposal prepared by Dexus received May 2015.pdf	Proposal	Yes
Attachment 8 - Traffic Assessment received May 2015.pdf	Proposal	Yes
Attachment 9 - Revised Planning Proposal dated January 2016.pdf	Proposal	Yes
Attachment 10 - Letter of Officer dated 12 February 2016.pdf	Proposal	Yes
Response to Request for Additional Information.pdf	Proposal	Yes
Additional Information Attachment A.pdf	Proposal	Yes
Additional Information Attachment B.pdf	Proposal	Yes
Additional Information Attachment C.pdf	Proposal	Yes
Additional Information Attachment D .pdf	Proposal	Yes

**Planning Proposal to amend Botany Bay LEP 2013 to rezone land at 11-13 Lord Street,
Botany from B7 Business Park to B4 Mixed Use and increase in development standards
(572 dwellings)**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 3.5 Development Near Licensed Aerodromes
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **1. The planning proposal is considered to be inconsistent with:**

(a) the directions of A Plan for Growing Sydney relating to employment lands as it:

i. will result in the loss of strategically located industrial and business zoned land in close proximity to key economic infrastructure, including Sydney Airport and Port Botany; and

ii. the loss of these employment lands based on a site specific basis is not considered warranted without the support of a district wide analysis;

(b) Section 117 Direction 1.1 Business and Industrial Zones as it:

i. has not demonstrated the site cannot be used for alternative employment uses to the current warehouse use;

ii. has not considered the impact the loss strategically located employment land would have on the operations of Sydney Airport and Port Botany, and

iii. will result in a net loss of employment land and jobs.

2. The proposal may result in adverse amenity impacts associated with the extension of residential dwellings into an industrial precinct and the impact this would have on the surrounding industrial land uses, the operations of Sydney Airport, NSW Ports and the adjacent freight rail corridor and the Roads and Maritime Services (RMS) heavy vehicle testing facility located on the western boundary of the site.

Supporting Reasons : **The planning proposal is recommended not to proceed as it has not demonstrated strategic merit in relation to the directions and objectives of A Plan for Growing Sydney and section 117 Directions, as outlined in the internal notes.**

Signature:



Printed Name:

MARTIN COOPER

Date:

7/06/2017