

Planning Team Report

Proposal Title :	Amendment of Schedule 1	Additional Permitted Uses to e	enable airport-related land uses.
Proposal Summary :	on land currently zoned B5	Business Development, B7 Be rth of the airport at Mascot, to	nitted uses relating to Sydney Airport usiness Park and IN1 General e enable a wider range of uses related
PP Number :	PP_2015_BOTAN_003_00	Dop File No :	15/12507
oposal Details			
Date Planning Proposal Received :	23-Oct-2015	LGA covered :	Botany Bay
Region :	Metro(CBD)	RPA :	The Council of the City of Botan
State Electorate :	HEFFRON MAROUBRA	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		
ocation Details			
Street :			
Suburb :	City	:	Postcode :
	-		Ira Canal, O'Riordan Street and
	yce Drive/Qantas Drive, Masco icer Contact Details	L	
Contact Name :	Andrew Watkins		
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DoP Project Mana	ager Contact Details		
Contact Name :	Diane Sarkies		
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Land Release Dat	a		
Growth Centre		Release Area Name :	
Regional / Sub		Consistent with Strateg	jy :

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department is not aware of an concerning this planning proposa		ns with registered lobbyists
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			
Supporting notes			
Internal Supporting Notes :	On 12 August 2014 Council subminelated development' zone. On 20 raised the following issues: - the SP1 Special Activities zone subset and unrelated lots of land in - 'Airport-related' is not a Standard - 'Airport-related land uses' and 'A the purposes of permitting or prodistandard Instrument LEP. Council was advised that should the a revised planning proposal const Instrument LEP, permitting additional per- uses related to and compatible with On 23 October 2015, following con- intent of the current zonings, the proposing the deletion of 'comme- and 'office premises'. Consequent elements:	March 2015 the planning prop should not be used to group a the way that was proposed; d Instrument LEP Dictionary t inport-related industry' are no hibiting development accordin they wish to proceed with the istent with A Plan for Growing onal land uses under Schedul subsequently submitted a re- ermitted uses into Schedule 1 th the operation of Sydney Ai neerns expressed by the Depa mercial uses into the IN1 zone Department received a revisio rcial premises' and replacem	posal was withdrawn as it number of distinct land term; and of types of development for ng to Direction 5 of the matter, they should prepare g Sydney and the Standard le 1 Additional Permitted vised planning proposal , to enable a wider range of irport. artment over the potential e, and the erosion of the on to the planning proposal, ent by 'business premises'
	Item 1: Replacement of existing c additional permitted uses for land and IN1 zoned land. This propose - 'business premises', 'office pre- facilities', 'passenger transport fa other purposes relating to the use - services related to the following land transport of air freight; the a passengers or air crew; the storag components; the administrative fi government departments and aut - services provided for hotel or m and the like, that are located with	mapped as the 'subject area d clause would permit: mises', function centres', 'info cilities' and 'tourist and visito e of the airport; uses carried out at the Airpo ccommodation, or transporta- ge, operation, maintenance of unctions associated with the horities related to air passeng otel guests, including banking	', which includes B5, B7 ormation and education or accommodation' or any rt: the assembly, storage or tion by air or land of air r repair of aircraft airport, and the functions of gers and air freight; and g, dry cleaning, hairdressing

	Item 2: Replacement of existing clause 10A with a new clause to allow additional permitted uses only for land zoned B5 Business Development and B7 Business Park within the subject area. This proposed clause would permit: - 'freight transport facilities', 'industrial training facilities', 'general industries', 'light industries', 'storage premises' and 'transport depots'.
	Included in both proposed clauses is a requirement that the proposed uses would be related to the use of the Airport, and when determining applicable development applications, the consent authority must consider any impacts upon the role of the airport and its 'environs', and viability of adjoining industrial uses.
	Item 3: Amendment to clause 4.4(2D) Floor Space Ratio (FSR) accordingly to correctly cross-reference the relevant proposed clauses in Schedule 1.
	Amendment No 1 to Botany Bay BLEP 2013 (relating to Qantas-owned IN1-zoned land) introduced the current Clauses 9A and 10A into Schedule 1. The current proposal's 'subject area' encompasses the Qantas-owned land and proposes replacing clauses 9A and 10A of Schedule 1. The wording, permissible uses and other provisions of the current planning proposal are the same as the existing clauses 9A and 10A, except that: - the proposed clauses apply to much wider areas than existing clauses 9A and 10A; and - 'commercial premises' has been replaced by 'business premises' and 'office premises'.
	Whilst the term 'Airport-related' is not a Standard Instrument term, for the purposes of assessment of the planning proposal, 'airport-related uses' are considered to be those that perform a directly related role, or provide a directly related service, in support of the day-to-day operation of the Airport, and which are able to generate employment and/or protect long term employment viability.
External Supporting Notes :	The planning proposal results from the translation of the Botany Local Environmental Plan 1995 (BLEP 1995) into BBLEP 2013. The Standard Instrument did not provide an equivalent zone for BLEP 1995's 'airport related' zones, therefore under BBLEP 2013, 'best match' Standard Instrument zones were used. Council considers the Standard Instrument B5, B7 and IN1 zones fail to acknowledge the importance of the Airport.
	The planning proposal reflects Botany Bay City Council's resolution of 5 August 2015 to endorse a request to introduce additional permitted uses relating to Sydney Airport on land located north of the Airport. Council has since confirmed the proposed replacement of 'Commercial premises' with 'Business premises' and 'Office premises' in the proposed clause differs to Council's resolution. This revision to the proposal is intended to remove the potential for inappropriate retail uses to locate within the subject area.

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

Is a statement of the objectives provided? Yes

Comment :

The objectives of the planning proposal are to introduce additional permitted uses relating to the Airport to enable a wide range of compatible uses; to support and encourage Airport-related uses in proximity of the Airport; and to acknowledge the importance of the subject properties in supporting the role of the Airport and its environs.

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

Is an explanation of provisions provided? Yes

Comment : The following amendments to Botany Bay LEP 2013 are proposed: a) replacement of the current Schedule 1 clause 9A relating to specified land at Mascot (Qantas land), with the same wording, but replace 'commercial premises' with 'business premises' and office premises'; and expand its application across a wider area (the subject area); b) replacement of the current Schedule 1 clause 10A relating to a specific lot at King

mendment of Schedu	le 1 Additional Perm	itted Uses to enable airport-related land uses.
	Park-zoned land with	xpand its application to B5 Business Development and B7 Business in the subject area; and 2D) Floor Space Ratio to correctly 'cross-reference' the relevant I.
		at prior to exhibition, Council prepares and then exhibits a plain rersion of the intention of the proposed provisions.
Justification - s55 (2))(c)	
a) Has Council's strategy	y been agreed to by the D	Director General? No
b) S.117 directions ident	ified by RPA :	1.1 Business and Industrial Zones
* May need the Director	General's agreement	 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 Gener	al's agreement required?	7.1 Implementation of A Flain of Growing Sydney
	ard Instrument (LEPs) Or	der 2006 : Yes
d) Which SEPPs have th	ne RPA identified?	SEPP No 55—Remediation of Land SEPP No 64—Advertising and Signage SEPP (Building Sustainability Index: BASIX) 2004 SEPP (Exempt and Complying Development Codes) 2008 SEPP (Infrastructure) 2007
matters that need to be considered :	of industrial and wa • the B5 (Business I goods retail uses re viability of centres; • the B7 (Business F accommodates offic	dustrial) zone is generally intended to accommodate a wide range rehouse uses and to protect industrial land for industrial uses; Development) zone is to provide for business, warehouse and bulky equiring a large floor area that are close to, and that support the and Park) zone is generally intended for land that primarily ce and light industrial uses, and a range of ancillary facilities and the day to day needs of workers.
	inconsistent with th current zone objecti of permissibility of e potentially result in	me of the proposed uses within the IN1, B5 and B7 zones are e intent of the zones, as identified by the Practice Note, and with the ives in the BBLEP 2013. The Department is concerned the extension certain uses into zones where they are currently prohibited may non-industrial and non-business zone uses predominating, thus f land used for Land Use Table industrial and business uses.
	Schedule 1, but the inclusion of some o justification for prop Department's positi should exclude the - 'Business premise are already permiss the IN1 zone; and	ed justification for the inclusion of each specific proposed use in Department considers the justification is insufficient to warrant the f the proposed uses. Tab A - 'Summary table of Council's posed Schedule 1 uses' sets out Councils' justification for, and the on in relation to, the proposed Schedule 1 uses. In summary, Council following uses from the planning proposal: s', 'Function centres' and 'Information and education facilities' which ible in the B5 and B7 zones, but are not considered appropriate in r accommodation' which is already permissible in the B5 zone, but is
		ropriate in the B7 or IN1 zones. • delete the following proposed subclauses from the planning
	• •	to any of the following uses carried out at Sydney (Kingsford Smith)

	Airport: i. the assembly, storage or land transport of air freight, ii. the accommodation, or transportation by air or land, of air passengers or air crew, iii. the storage, operation, maintenance or repair of aircraft or aircraft components, iv. the administrative functions associated with the airport, such as airport management and security, v. the functions of government departments and authorities related to air passengers and air freight' and 'b) services provided for hotel or motel guests, including banking, dry cleaning, hairdressing and the like, that are located within the confines of the hotel or motel building.' Where the Department supports uses that are considered to be potentially Airport-related, sufficiently robust principles against which to ensure development proposals are genuinely Airport-related are required. Prior to public exhibition, Council should update the planning proposal to delete those elements specified in the Table at Tab A, and to provide appropriate overarching principles for approval of development applications, to ensure that only genuinely Airport-related uses would be granted development consent.
Have inconsistencies with ite	ems a), b) and d) being adequately justified? No
lf No, explain :	Direction 1.1 Business and Industrial Zones and Direction 7.1 Implementation of A Plan for Growing Sydney: Direction 1.1 seeks to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres. Direction 7.1 seeks to give legal effect to the planning principles, directions and priorities contained in A Plan for Growing Sydney.
	The proposal is potentially inconsistent with Direction 1.1 as the extension of permissibility of certain uses into zones where they are currently prohibited may undermine the intent of the zones and consequently employment of that type in the subject area. However, the proposal's consistency with Direction 7.1, as further discussed in 'Consistency with strategic planning framework' is considered sufficient to justify the inconsistency with Direction 1.1, in relation to those proposed uses which are supported by the Department (as discussed in Tab A).
	Direction 3.5 Development Near Licensed Aerodromes: The Direction applies when a planning proposal will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome, and requires consultation with the Department of Commonwealth responsible for aerodromes, and consideration of the Obstacle Limitation Surface (OLS) as part of the preparation of a planning proposal. Whilst there are no proposed changes to existing height controls, most of the sites within the subject area are between the 25 and 30 ANEF contours. This triggers a requirement under the Direction, for the inclusion of a provision to ensure that development meets AS 2021 regarding interior noise levels for development for 'residential purposes or human occupation.' As the Department does not support the additional permitted use of 'tourist and visitor accommodation' in the B7 or IN1 zones, this Direction is not triggered.
	4.1 Acid Sulfate Soils: The Direction requires that a relevant planning authority must consider an acid sulfate soils study assessing the appropriateness of the change of land use, if an intensification of land uses on land identified as having a probability of containing acid sulfate soils is proposed. Botany Bay's Acid Sulfate Soils Map identifies the subject area as having Class 2 and 4 acid sulfate soils. Clause 6.1 of the BBLEP 2013 requires an acid sulfate soils management plan at development application stage, before carrying out any development on such land. The inconsistency with this Direction is therefore considered to be minor and justifiable.
	4.3 Flood Prone Land This Direction seeks 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. The BBLEP 2013 does not identify any floc	bd
prone land, but the planning proposal states that "some of the properties are subjec	t to
flooding". It is considered this results in an inconsistency with the Direction, but the	e
application of BBLEP 2013 clause 6.3 Stormwater Management is considered suffici	ent
to address potential flooding issues. The inconsistency is therefore considered min	
and justifiable.	
•	

The planning proposal is considered consistent with all other applicable SEPPS and section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment :

No maps require amending as a result of the planning proposal. An extract of the current zoning map and an aerial photo identifying the site have been provided. The aerial photo also outlines the Qantas land, and an area of land zoned RE1 Public Recreation (Coleman Reserve) which is not subject to this planning proposal. Prior to exhibition, Council should update the aerial map to clearly identify the subject area relating to this planning proposal to clarify where the proposal applies.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :The planning proposal recommends community consultation for a minimum period of 28days. This is supported by the Department.

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 :

Proposal Assessment

Principal LEP:

Due Date :

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

Assessment Criteria

Need for planning
proposal :Council considers the introduction of additional permitted uses will provide certainty to
aviation-related activities and uses presently undertaken at these properties and those that
are planned in the future. A planning proposal is the only means of achieving the
objectives and intended outcomes.

Consistency with	A Plan for Growing Sydney: The Plan identifies the Airport as one of Australia's most significant transport gateways
strategic planning framework :	and seeks to:
	 enhance the capacity of Sydney's gateways and freight networks, and support the
	operation of the Airport precinct;
	 identify and protect strategically important industrial-zoned land in and near the Airport
	Precinct;
	 protect the Airport's function as an international gateway for passengers and freight, and support airport-related land uses and infrastructure in the area around the Airport; and
	• prepare and deliver a Structure Plan for the Airport precinct to support its growth.
	- prepare and deriver a birdefure r fair for the Airport presiner to support its growth.
	The amended planning proposal is largely consistent with the intent of A Plan for Growing
	Sydney in that it intends to:
	 retain existing industrial and business zoned land;
	 support the airport by enabling a range of Airport-related uses and development;
	 enable increased economic and employment capacity in the Airport precinct;
	 protect and strengthen the function and operations of the Airport; and develop and implement a stategy for the Airport and Part Potany precipate to support
	 develop and implement a strategy for the Airport and Port Botany precincts to support their operation, taking into account land uses and the proposed road transport
	investments.
	Note that given there are no direct proposed changes to the affected zones, zone
	objectives or the Land Use Table, the proposal does not remove opportunities for business
	and industrial-type uses from locating within the subject area.
	Notwithstanding, the proposal also demonstrates inconsistency with A Plan for Growing
	Sydney in that the extension of permissibility of certain uses into zones where they are currently prohibited may potentially undermine the intent of the business and industrial
	zones, and consequently employment of that type in the subject area. Whilst not
	supported at this time, further work in relation to District planning and the preparation of a
	Structure Plan for the Airport (and Botany Bay) precinct, as identified in A Plan for
	Growing Sydney, may provide opportunity or justification for the expansion of these uses
	in the future. With regard to the remaining proposed uses, the planning proposal is
	considered consistent with the Airport-related elements of A Plan for Growing Sydney's
	'Priorities for Central Subregion' and 'Priorities for Transport Gateways'.
	Council has verbally advised that, given the range and variety of specified Schedule 1
	uses, an exhaustive set of criteria against which the assessment of a development
	proposal's support of the operation of the airport would be made is not possible. Council's
	intention is to make this assessment on the basis of information to be provided by
	proponents, such as letters of confirmation from the Airport operator itself, and details of
	contract arrangements between the proponents and the Airport operator. Whilst the
	Department is concerned the proposal does not currently facilitate sufficiently robust
	assessment to ensure inappropriate uses would not be approved, the planning proposal is
	largely consistent with the Plan's Priorities for Transport Gateways.
	For those uses that the Department supports, it is recommended that Council provide
	overarching principles to ensure that proposed development for those purposes is
	Airport-related. Without such principles, it is possible that uses lacking a definite or direct
	'supporting' link to, or relationship with the Airport may be sought, and may erode the
	intent of the current zonings.
	It is according to the December (or second of and subject to the Department's
	It is considered the Proposal (as amended, and subject to the Department's recommendations) will serve A Plan for Growing Sydney's higher policy priority for the
	Airport.
	Botany Bay Planning Strategy 2031 (2009):
	The stated intent and objectives of the planning proposal are consistent with Direction 5 of
	the Strategy, which seeks to protect existing employment areas near the Airport for related
	activity; and support the development of new off-site employment locations near the
	Airport to accommodate the growth in demand for Airport-related activity. Action 5.1.1 of

			evant as it seeks to facilitate ti -related business activities.	ne transition of specific land	
	Council's Botany E demand for 14ha o not be met by the o • there is sufficient	cs and Plan Bay Plannin f off-Airport urrent sup B5, B7 and	nning background paper (as p g Strategy 2009) concluded th t site land to be used for 'Airp ply of such land; and		
Environmental social economic impacts :	Environmental: The planning proposal states there are no known critical habitats or threatened species populations or ecological communities, or their habitats affecting the subject area. Given the highly urbanised nature of the subject land, the Department considers the proposal is unlikely to significantly impact the environment in this regard. The planning proposal states the subject area will remain zoned as employment lands and as such, will be unlikely to generate additional traffic movements. However, the Department is concerned an extension of the permissibility of uses such as 'freight transport facilities', 'general industries' and 'transport depots' could potentially result in an increase in traffic volume and movements, and associated adverse environmental impacts. It is recommended that further consideration is given to this matter in the planning proposal. Consultation with NSW Roads and Maritime Services is also recommended.				
	population, and it i	s considere	are unlikely to generate any a ed unlikely that there will be a n social/community infrastruc	ny significant social impacts,	
	Economic: The Airport and its surroundings make a significant contribution to the NSW economy. Council has provided information to suggest that its financial contribution to the economy and level of employment generated is expected to grow considerably to 2033 and there will be a future demand for 14ha of land required for off-site Airport-related land uses. As discussed earlier in this report, the proposal has the potential to safeguard existing Airport-related uses and enable future growth to be accommodated.				
Assessment Proces	S				
Proposal type:	Precinct		Community Consultation Period :	28 Days	
Timeframe to make LEP :	12 months		Delegation :	RPA	
Public Authority Consultation - 56(2)(d)	Transport for NSW Sydney Ports Corp Sydney Water Adjoining LGAs Other		nd Maritime Services		
Is Public Hearing by the	PAC required?	No			

Resubmission - s56(2)(b) : No If Yes, reasons :

Identify any additional studies, if required.

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

Employment Lands (ELDP) Metropolitan and Regional Strategy

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.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Letter to DP&E 2015 Oct 23 - Airport-Related Land Uses	Proposal Covering Letter	Yes
Planning Proposal - Request for amendment to clause.pdf		
Revised Planning Proposal 2015 Oct 23 - Airport Related Land Uses v3 (Oct 2015) (amended for Gateway Determination) (including attachments).pdf	Proposal	Yes
Revised Airport-Related Land Uses Planning Proposal 2015 Oct 23 - Summary of land uses.pdf	Proposal	Yes
Tab A to PTR - Summary Table Botany Airport related.docx	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:	 1.1 Business and Industrial 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 :	It is recommended that the planning proposal proceed subject to the following: 1. Prior to exhibition, the planning proposal should be updated to: a) prepare and exhibit with the planning proposal, a plain English explanation of the intended effect of the proposed provisions; and b) provide a corrected aerial photo and site location map to clearly identify the subject area relating to this planning proposal.
	 2. Prior to exhibition, the planning proposal should be updated regarding A Plan for Growing Sydney and section 117 Direction 1.1 Business and Industrial Zones as follows: provide over-arching principles of how the planning proposal will: ensure the protection of existing Airport-related uses; prevent potentially incompatible uses from encroaching into the subject area and undermining the intent of the subject area's current zones; and ensure that only genuinely Airport-related land uses will be granted development consent. provide further consideration of any likely traffic and transport-related impacts resulting

endment of Schedu	le 1 Additional Permitted Uses to enable airport-related land uses.
	from the planning proposal, particularly from the introduction of 'freight transport
	facilities', general industries' and 'transport depots'.
	3. Prior to public exhibition, Council is to remove the following uses from the planning
	proposal:
	- 'Business premises', 'Function centres', 'Tourist and visitor accommodation' and
	'Information and education facilities'.
	4. Prior to public exhibition, Council is to remove the following subclauses from the
	planning proposal:
	 Development is to be permitted for the purpose of a building or place used for the
	provision of any of the following services:
	a) services related to any of the following uses carried out at Sydney (Kingsford Smith) Airport:
	i. the assembly, storage or land transport of air freight,
	ii. the accommodation, or transportation by air or land, of air passengers or air crew,
	iii. the storage, operation, maintenance or repair of aircraft or aircraft components,
	iv. the administrative functions associated with the airport, such as airport management and security,
	v. the functions of government departments and authorities related to air passengers and air freight' and
	b) services provided for hotel or motel guests, including banking, dry cleaning,
	hairdressing and the like, that are located within the confines of the hotel or motel
	building.'
	5. Council is to retain the current clauses 9A and 10A applying to Qantas-owned land, and propose additional clauses to address the intent of the planning proposal to apply to the expanded area.
	6. The planning proposal is to be exhibited for 28 days.
	7. The planning proposal is to be completed within 12 months of the Gateway
	7. The planning proposal is to be completed within 12 months of the Gateway Determination.
	8. Consultation is required with the following public authorities:
	a. Transport for NSW – Roads and Maritime Services;
	b. Marrickville Council
	c. Rockdale Council;
	d. City of Sydney Council; and
	e. Sydney Ports Corporation / NSW Ports.
	9. A public hearing is not required to be held into the matter.
Supporting Reasons :	The planning proposal is supported (subject to the above conditions) given the importance of the Airport, as recognised by A Plan for Growing Sydney.
Signature:	Diane Sarkies Date: 14/12/15
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Printed Name:	Diane Sarkies Date: 14/12/15