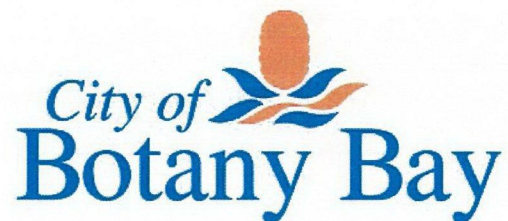


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PLANNING PROPOSAL

The Planning Proposal seeks to introduce additional permitted uses relating to Sydney (Kingsford Smith) Airport on land located north of the Airport in Mascot.

August 2015

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ATTACHMENTS

1. Council Report and Resolution – Ordinary Council Meeting dated 23 July 2014
2. Department of Planning & Environment letter dated 30 January 2015
3. Council Report and Resolution – Development Committee Meeting dated 4 March 2015
4. Council Report – Development Committee Meeting dated 5 August 2015
5. List of State Environmental Planning Policies

INTRODUCTION

The Planning Proposal relates to properties covering an area of approximately 70ha immediately north of Sydney (Kingsford Smith) Airport. As identified in the figures below, the subject precinct is bounded by Gardeners Road and Coward Street (via Kent Road) to the north, Alexandra Canal to the west, O'Riordan Street to the east and Joyce Drive/Qantas Drive to the south. These properties are currently zoned B5 – Business Development, B7 – Business Park and IN1 – General Industrial.

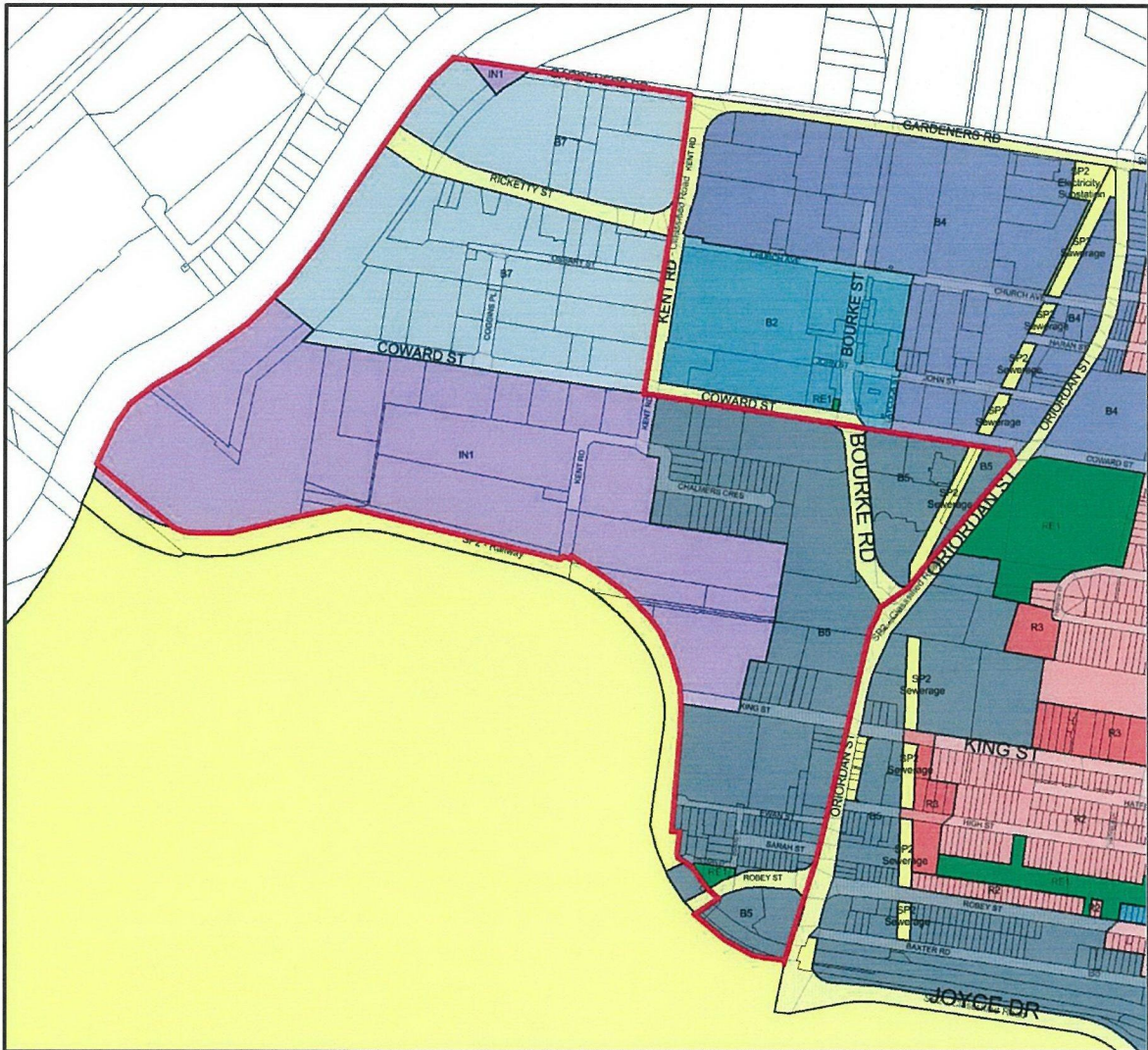


Figure 1 – Zoning map of the area affected by the Planning Proposal

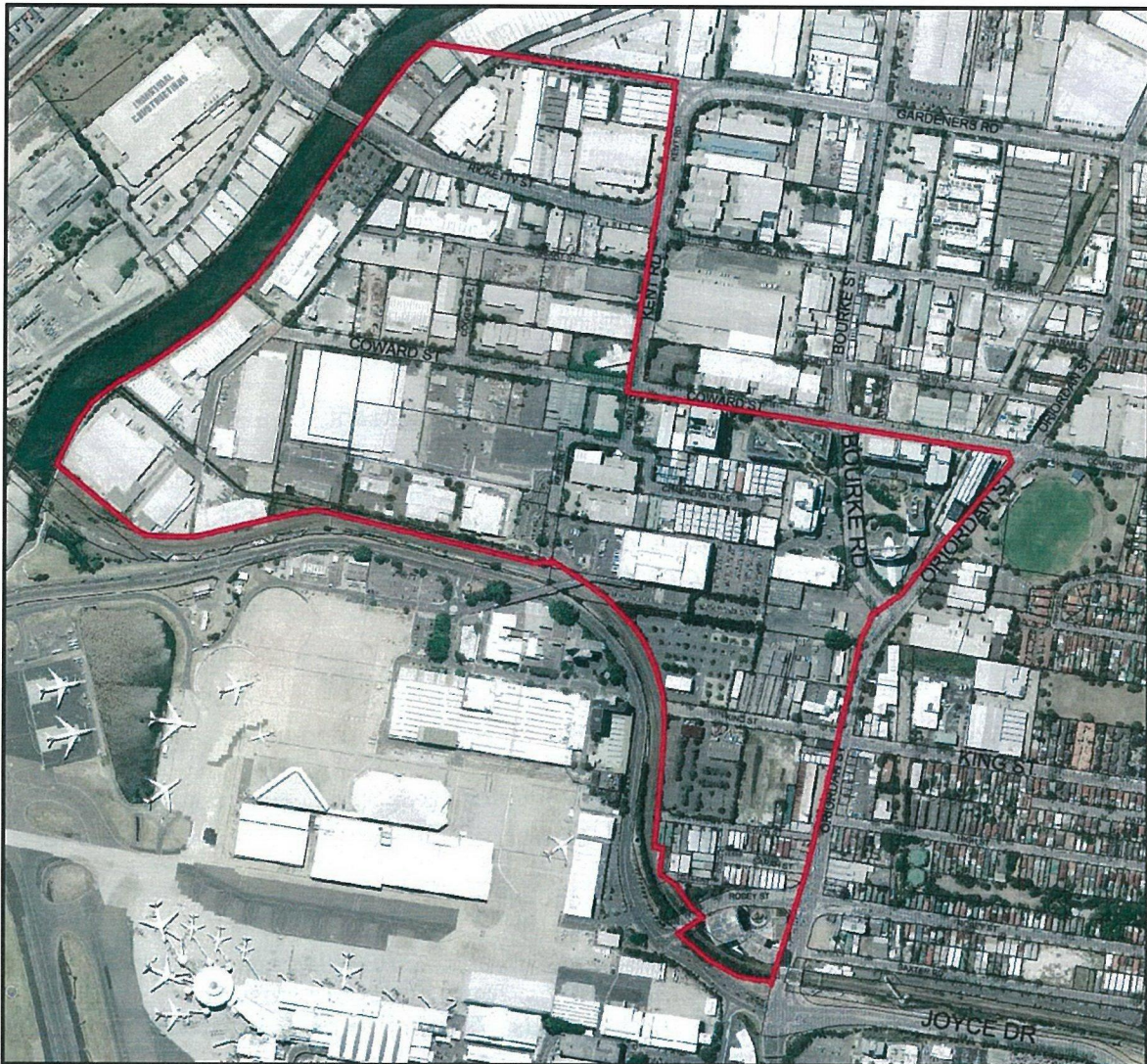


Figure 2 – Aerial view of the area affected by the Planning Proposal

Relevant Planning Controls

The subject properties are zoned B5 – Business Development, B7 – Business Park or IN1 – General Industrial under the *Botany Bay Local Environmental Plan (BBLEP) 2013*.

The objective of the B5 zone is as follows:

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

The B5 zone permits the following uses with development consent:

Bulky goods premises; Child care centres; Food and drink premises; Garden centres; Hardware and building supplies; High technology industries; Landscaping material supplies; Neighbourhood shops; 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.

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

The objectives of the IN1 zone are as follows:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

The IN1 zone permits the following uses with development consent:

Depots; Freight transport facilities; General industries; Industrial training facilities; Light industries; Neighbourhood shops; Restaurants or cafes; Roads; Take away food and drink premises; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4

History & Council Resolutions

Botany Local Environmental Plan (BLEP) 1995

In order to cater for airport-related activities and land uses within the Botany Bay Local Government Area (LGA), 4(c1) - Industrial Special - Airport Related and 4(c2) - Industrial Special - Airport Related - Restricted zones were incorporated into the *Botany Local Environmental Plan 1995*.

The subject properties were previously zoned either 4(c1) - Industrial Special - Airport Related or 4(c2) Industrial Special - Airport Related - Restricted in the *BLEP 1995*.

The objectives of the 4(c1) zone are as follows:

- The primary objective is to permit the development of a wide range of uses which have a relationship to Sydney (Kingsford Smith) Airport.
- The secondary objectives are:

- a) to encourage airport-related land uses as the dominant activity and to permit certain development with ancillary seaport-related activities,
- b) to permit industrial uses with an airport affinity,
- c) to enable development of support services (such as retail, social and recreational facilities) to a scale appropriate for the area,
- d) to ensure that the scale, design, material of construction and nature of the development, in the opinion of the Council, contributes positively to the visual amenity and the gateway function of the area,
- e) to permit general advertising structures only when they significantly enhance the environment and do not create a clutter of signage in the locality, and
- f) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

The 4(c1) zone permits the following uses with development consent:

Air freight forwarders; airport-related industries; airport-related land uses; building identification signs; bus depots; business identification signs; car parking facilities; child care centres; clubs; community facilities; convenience shops or facilities; customs agencies; general advertising; high technology industries; hotels; light goods dispatch; motels; places of worship; public buildings; recreation facilities; refreshment rooms; subdivision; taverns; tradespersons' supply and service stores; utility installations; vehicle rental centres; warehouse or distribution centres.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

The objectives of the 4(c2) zone are as follows:

- The primary objective is to provide for a wide range of development and land use activities that predominantly have a relationship with Sydney (Kingsford Smith) Airport, together with encouraging other non airport-related uses.
- The secondary objectives are:
 - a) to encourage airport-related land uses,
 - b) to permit the development of commercial premises and non airport-related uses,
 - c) to provide for industrial land uses which are related to airport-related development,
 - d) to improve the appearance of buildings and works in an endeavour to enhance the gateway function of this area to Sydney (Kingsford Smith) Airport,
 - e) to prohibit some types of traffic-generating development which would adversely affect the gateway function of those major roads,
 - f) to permit general advertising structures only when they significantly enhance the environment and do not create a clutter of signage in the locality, and
 - g) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

The 4(c2) zone permits the following uses with development consent:

Air freight forwarders; airport-related land uses; building identification signs; business identification signs; car parking facilities; child care centres; commercial premises; community facilities; convenience shops or facilities; general advertising; high technology industries; hotels; light goods dispatch; motels; motor showrooms; places of worship; public buildings; recreation facilities; refreshment rooms; serviced apartments; subdivision; taverns; tradespersons' supply and service stores; utility installations; vehicle rental centres; warehouse or distribution centres.

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

Botany Bay Local Environmental Plan (BBLEP) 2013

The Standard Instrument LEP Program was initiated in 2006 to create a common format and content for LEPs. The *BBLEP 2013* has been prepared in response to the State Government's initiative and in accordance with relevant Department of Planning & Environment's Practice Notes and Circulars.

Generally, zones under the *BBLEP 2013* have been converted to "best match" zones contained within the *BLEP 1995*. However, the Standard Instrument did not establish an equivalent zone for 4(c1) - Industrial Special - Airport Related and 4(c2) - Industrial Special - Airport Related - Restricted. More importantly, the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument) also prohibits a council from developing "*new zones, create subzones, or change the name of a standard zone*". Hence, the lands north of the airport have been zoned as B5 – Business Development, B7 – Business Park and IN1 – General Industrial, depending on the existing land uses.

The *BBLEP 2013* was gazetted on 21 June 2013 and commenced on 26 June 2013.

History of the Planning Proposal

At the Ordinary Council Meeting held on 23 July 2014, Council resolved to prepare a Planning Proposal to:

- rezone properties north of Sydney (Kingsford Smith) Airport from B5 – Business Development, B7 – Business Park or IN1 – General Industrial to SP1 – Airport Related under the *BBLEP 2013*; and
- introduce Clause 6.18 (Development in the Airport Precinct) in the *BBLEP 2013* to permit certain airport and non-airport related uses in the precinct that do not compromise the role of Sydney Airport.

A copy of the report and resolution is contained in **Attachment 1**.

In accordance with Council's resolution, the Planning Proposal was forwarded to the Department of Planning & Environment for Gateway Determination on 12 August 2014.

On 30 January 2015, the Department of Planning & Environment issued Council a letter stating that the Planning Proposal raises the following legal and policy issues under the Standard Instrument LEP:

- the SP1 – Special Activities zone should not be used to group a number of distinct land use zones and unrelated lots of land in the way Council has proposed; and
- 'Airport-related land uses' and 'Airport-related industry' are not land uses in the Standard LEP Dictionary.

Accordingly, the Regional Team of the Department of Planning & Environment recommended refusal of the proposal if it proceeded to Gateway in its current form. Council were advised to consider withdrawing the current Planning Proposal to enable preparation of a revised proposal that is consistent with A Plan for Growing Sydney and the Standard LEP. This may involve identifying additional Standard Instrument land uses for certain lots within the subject land and permitting them via Schedule 1 – Additional Permitted Uses.

A copy of the letter from the Department of Planning & Environment is contained in **Attachment 2**.

At its Development Committee Meeting held 4 March 2015, Council resolved that:

1. Council resolve to prepare a revised Planning Proposal in accordance with Section 56(7) of the *Environmental Planning & Assessment Act 1979* to address the concerns raised in the Department of Planning & Environment's letter dated 30 January 2015; and
2. Once prepared, the revised Planning Proposal be reported to Council.

A copy of the report and resolution is contained in **Attachment 3**.

On 20 March 2015, Council wrote to the Department of Planning & Environment advising that Council will not be proceeding with the Planning Proposal submitted on 12 August 2014 for Gateway Determination and a revised Planning Proposal would be prepared. Accordingly, this revised Planning Proposal has been prepared for Council's consideration.

Qantas Planning Proposal

On 10 July 2015, *BBLEP 2013 (Amendment No. 1)* was gazetted. The amendment relates to the Qantas Planning Proposal which introduced additional permitted uses relating to Sydney (Kingsford Smith) Airport on Qantas owned land at Mascot through the insertion of Clause 9A (Use of certain land at Coward Street, King Street and Kent Road, Mascot); and Clause 10A (Use of certain land at King Street, Mascot) in Schedule 1 (Additional permitted uses) of the *BBLEP 2013*. The FSR map was also amended to identify Qantas owned IN1 zoned land with reference to a new clause (Clause 4.4 (2D) – Floor Space Ratio) to increase the FSR to 1.5:1 for uses permissible under Clause 9A.

It should be noted that the Qantas owned land at Mascot affected by the gazetted amendment is also affected by this subject Planning Proposal. Considering the intended outcomes of the Planning Proposal are similar to the gazetted amendment, the amendments to Schedule 1 (i.e. Clause 9A and 10A) are proposed to be deleted and replaced by similar clauses encompassing a larger area north of Sydney (Kingsford Smith) Airport. Consequently, reference to Clause 9A in newly inserted Clause 4.4 (2D) will need to be amended to refer to the proposed clause.

Council Resolution

At its meeting on 5 August 2015, Council resolved to prepare the Airport-Related Land Uses Planning Proposal and refer it to the Department of Planning & Environment for Gateway

Determination in accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*.

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

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

Objective

The Planning Proposal seeks to introduce additional permitted uses relating to Sydney (Kingsford Smith) Airport on land located north of Sydney (Kingsford Smith) Airport in Mascot.

Intended Outcomes

The intended outcomes of the Planning Proposal are to:

- Enable a wide range of uses which have a relationship and are compatible with Sydney Airport;
- Support and encourage airport-related land uses in proximity to Sydney Airport; and
- Acknowledge the strategic importance of the subject properties in supporting the role of Sydney Airport and environs.

PART 2 - EXPLANATION OF PROVISIONS

Proposed amendment

The Planning Proposal seeks the following amendments to the *BBLEP 2013*:

1. Delete the following under Schedule 1 – Additional permitted uses:
 - a. Clause 9A – Use of certain land at Coward Street, King Street and Kent Road, Mascot; and
 - b. Clause 10A – Use of certain land at King Street, Mascot.
2. Insert the following under Schedule 1 – Additional permitted uses to apply to all the subject properties:
 - 1) Development is permitted with development consent:
 - a) for any of the following purposes, but only if the purpose relates to the use of Sydney (Kingsford Smith) Airport:
 - i. commercial premises,
 - ii. function centres,
 - iii. information and education facilities,
 - iv. passenger transport facilities,
 - v. tourist and visitor accommodation, or
 - b) for the purpose of any other building or place used only for purposes that relate to the use of Sydney (Kingsford Smith) Airport.
 - 2) Without limiting subclause (1), development is permitted with development consent 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,
 - 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.
 - 3) In determining whether to grant development consent under this clause, the consent authority must consider the following:
 - a) whether or not the development is likely to support the role of Sydney (Kingsford Smith) Airport and environs as a transport gateway,
 - b) whether or not the development is likely to compromise the viability of adjoining industrial uses.
3. Insert the following under Schedule 1 – Additional permitted uses to apply to B5 and B7 zoned land within the subject area:
 - 1) Development for any of the following purposes is permitted with development consent, but only if the purpose relates to the use of Sydney (Kingsford Smith) Airport:
 - a) freight transport facilities,
 - b) industrial training facilities,
 - c) general industries,
 - d) light industries,
 - e) storage premises,
 - f) transport depots.
 - 2) In determining whether to grant development consent under this clause, the consent authority must consider the following:
 - a) whether or not the development is likely to support the role of Sydney (Kingsford Smith) Airport and environs as a transport gateway,
 - b) whether or not the development is likely to compromise the viability of adjoining industrial uses.
4. Amend Clause 4.4 (2D) – Floor space ratio to delete reference to ‘Clause 9A’ and replace it with reference to the proposed clause discussed in point 2 above.

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 the result of any strategic study or report. It is a result of a translation issue from the *BLEP 1995* into the Standard Instrument *BBLEP 2013*.

As discussed above, prior to the introduction of the *BBLEP 2013*, 4(c1) - Industrial Special - Airport Related and 4(c2) - Industrial Special - Airport Related – Restricted zones were developed to enable a wide range of uses which have a relationship to Sydney (Kingsford Smith) Airport. However, the Standard Instrument did not establish an equivalent zone for 4(c1) and 4(c2) zones and prohibits a council from developing “new zones, create subzones, or change the name of a standard zone”. Due to these reasons, properties north of the airport were translated to “best match” the standard zones presented in the Standard Instrument. However, these zones (i.e. B5 – Business Development, B7 – Business Park and IN1 – General Industrial) fail to acknowledge or capture the importance of Sydney (Kingsford Smith) Airport and enable a wide range of developments and land use activities that may not be associated with Sydney Airport.

The introduction of additional permitted uses will provide certainty to aviation-related activities and uses presently undertaken on these properties and those that are planned in the future; protect aviation-related uses within the Botany Bay LGA; enable the clustering of airport-related uses and developments; avoid incompatible development or uses in the vicinity of the Airport; and underline the importance of these properties in supporting the role and function of Sydney Airport as the gateway to NSW and Australia.

Refer to **History & Council Resolution** 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 and intended outcomes as it involves a statutory amendment to the *BBLEP 2013*. Other possible options (i.e. community education and new administrative processes) are unable to achieve the outcomes sought by Council.

Section B – Relationship to strategic planning framework.

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

A Plan for Growing Sydney

A Plan for Growing Sydney establishes a long-term planning framework to manage Sydney's growth in a sustainable manner and strengthen its economic development whilst enhancing the unique lifestyle, heritage and environment of Sydney.

The following goals and directions apply to the Planning Proposal:

- **Goal 1** – A competitive economy with world-class services and transport.
 - **Direction 1.5** – Enhance capacity at Sydney’s gateways and freight networks.
 - **Action 1.5.1** – Develop and implement a Strategy for the Sydney Airport and Port Botany precincts to support their operation, taking into account land uses and the proposed road transport investments.
 - **Direction 1.6** – Expand the Global Economic Corridor.
 - **Action 1.6:1** – Grow high-skilled jobs in the Global Economic Corridor by expanding employment opportunities and mixed-use activities.

The precinct is located within the “Global Economic Corridor” and “Transport Gateway – Sydney Airport Precinct”. The key priorities for the Transport Gateway – Sydney Airport Precinct are to:

- Identify and protect strategically important industrial-zoned land in and near Sydney Airport Precinct.
- Protect Sydney 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.
- Facilitate road planning to connect Sydney Airport to WestConnex.

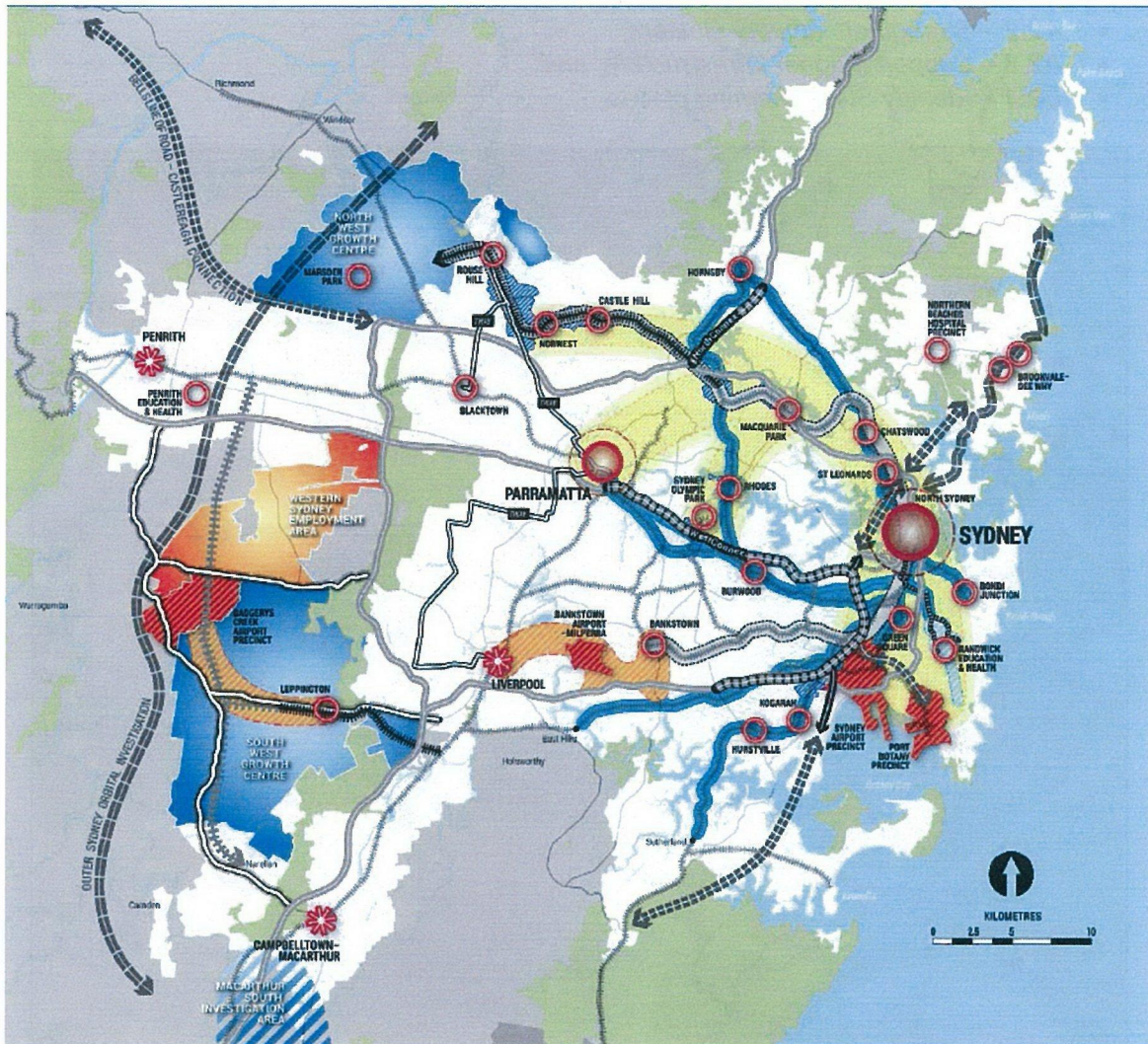


Figure 3 – A Plan for Growing Sydney

Draft East Subregional Strategy

The draft *East Subregional Strategy* is an intermediate step in translating the Metropolitan Plan 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:

- **A1.2** – Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands;
- **A1.2.1** – State Government to work with Sydney Airport Corporation Limited (SACL) on managing growth of aviation and non-aviation activities at Sydney Airport;
- **A1.2.2** – The Department of Planning and Botany Bay Council to facilitate development of a commercial and warehouse precinct, associated with Sydney Airport, adjoining Mascot Station.
- **A1.5** – Protect and enhance employment lands of state significance;
- **A1.5.2** – The Department of Planning and Botany Bay and Randwick Councils to protect lands for Port and Airport related activities;

- **A2.2** – Strengthen industry clusters;
- **A2.3** – Support Magnet Infrastructure; and
- **G2.1** – Identify State planning places.



Figure 4 – Draft East Subregional Strategy – Sydney Airport and Environs Specialised Centre

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

- Acknowledges the importance and function of Sydney Airport by permitting land uses that support the role of Sydney Airport and Environs as a transport gateway;
- Supports Sydney Airport (i.e. national and international infrastructure) by enabling a range of airport-related uses;
- Builds and preserves capacity and supports economic growth in and around Sydney Airport and Mascot Station Precinct;
- Ensures airport-related land uses and activities are operated economically without being restricted by incompatible and inappropriate uses;
- Strengthens the function of the Sydney Airport and Environs Specialised Centre by enabling a range of airport-related uses;

- Protects existing industrial lands and aviation uses in close proximity to Sydney Airport;
 - Enables industrial uses (i.e. airport-related industries, high-technology industries, light industries) that do not compromise the role of Sydney Airport or the function of the Airport Precinct and do not have adverse impacts on the surrounding land uses and development;
 - Retains a strong employment focus in the Sydney Airport Specialised Precinct;
 - Establishes complementary land uses to support the future growth of the Sydney Airport and Port Botany Precincts and expected growth in demand for air travel and freight movement;
 - Enables the clustering of airport-related land uses and agglomeration of airport industries with 1km of Sydney Airport; and
 - Increases employment capacity in the Global Economic Corridor, Transport Gateway, Sydney Airport Precinct and Botany Bay LGA.
4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The intent of the Planning Proposal is to safeguard and establish certainty for the existing and future airport-related activities on land near Sydney Airport. This is consistent with the objectives of the 4(c1) and 4(c2) zones contained in the *BLEP 1995*.

Botany Bay Local Environmental Plan (BBLEP) 2013

Additional permitted uses on the Qantas Land within Schedule 1 of the *BBLEP 2013*

Under the former *Botany Local Environmental Plan (BLEP) 1995*, all of the land uses which may have been contemplated for the subject precinct were permissible as either “*airport-related industry*” or “*airport-related land use*”.

BLEP 1995 defines “*airport-related land use*” as:

A building or place used as an office or for other business or commercial purposes or industry related to Sydney (Kingsford Smith) Airport, and includes a building or place used for the provision of:

- 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 of air passengers by air or land,*
 - iii. *the 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.*

BLEP 1995 defines “airport-related industry” as:

The manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for a commercial purpose related to the Sydney (Kingsford Smith) Airport, but does not include any of the following:

- a) *any industry elsewhere defined for the purposes of this plan,*
- b) *any hazardous or offensive development or potentially hazardous or offensive development under State Environmental Planning Policy No 33—Hazardous and Offensive Development,*
- c) *any development that is declared to be designated development by the Environmental Planning and Assessment Regulation 2000,*
- d) *any offensive storage establishment,*
- e) *any materials recycling yard,*
- f) *any hazardous storage establishment.*

The “airport-related industry” and “airport-related land use” definitions contained in the BLEP 1995 offered a wide range of uses and provided an appropriate degree of flexibility in the use of land in close proximity to the Airport whilst ensuring that those uses were purposes related to the Airport.

Under the Standard Instrument (i.e. BBLEP 2013), no such land uses are defined.

During the drafting of the Qantas Planning Proposal, Parliamentary Counsel advised that only Standard Instrument land uses can be inserted into a Standard Instrument LEP. Therefore, “airport-related industry” and “airport-related land use” cannot be referenced in the BBLEP 2013. Accordingly, the Planning Proposal seeks to incorporate the components of the “airport-related land uses” and “airport-related industries” definitions within Schedule 1 of the BBLEP 2013.

The intent of the Planning Proposal is comparable to *State Environmental Planning Policy (Three Ports) 2013* as it aims to protect employment lands and aviation uses in close proximity to Sydney Airport; safeguard the airport from incompatible land uses; and recognise Sydney Airport as a gateway to Sydney and key infrastructure to the NSW economy. The additional land uses will allow flexibility in the future use of the subject precinct; enable airport-related developments and uses; and achieve broader strategic planning objectives outlined in *A Plan for Growing Sydney* and the draft *East Subregional Strategy*.

The inclusion of airport-related land uses in Schedule 1 of the BBLEP 2013 will restrict additional permitted development in the precinct unless it can be demonstrated to be purposes related to Sydney (Kingsford Smith) Airport. A clause is also proposed to be inserted to ensure that “*the consent authority must consider whether or not the development is likely to support the role of Sydney (Kingsford Smith) Airport and environs as a transport gateway; and whether or not the development is likely to compromise the viability of adjoining industrial uses.*” This would ensure that any future development proposal utilising Schedule 1 of the BBLEP 2013 is for a purpose that would support the Airport and be consistent with the strategic role of the precinct.

It is envisaged that a similar clause to the BBLEP 2013 (*Amendment No. 1*) (i.e. Qantas Planning Proposal) would be drafted for this proposed amendment. The amendment was supported by Parliamentary Counsel and the Department of Planning & Environment and gazetted on 10 July 2015. Accordingly, there should be no impediment for a similar approach

to be undertaken in respect of the subject precinct considering its significance in supporting the Airport and Transport Gateway – Sydney Airport Precinct. Refer to **Section B – Relationship to strategic planning framework** for further discussion.

Botany Bay Planning Strategy 2031

The *Botany Bay Planning Strategy 2031* (the Strategy) establishes a framework for growth and development for the Botany Bay LGA and addresses the draft *East Subregional Strategy* dwelling and employment targets. The Strategy also provides the foundation for the development of the *BBLEP 2013*.

The following direction, objectives and actions apply to the subject precinct:

- **Strategic Direction 5 – Maintaining Sydney Airport as a Global Gateway;**
- **Objective 5.1 – Protect existing employment areas near the Airport for related activity;**
- **Action 5.1.1 – Facilitate the transition of specific land north of Sydney Airport for Airport related business activities;**
- **Objective 5.2 – Support the development of new offsite employment locations near the Airport to accommodate the growth in demand for Airport related activity;**
- **Action 5.2.1 – Work with Marrickville Council and the State Government to encourage SACL to find a funding and development mechanism to bring the freight designated land to the north of the Airport into use;**
- **Action 5.2.2 – Encourage State (and possibly Federal) Government involvement in the restructure of the identified land north of the Airport;**
- **Objective 5.5 – Ensure Airport activities do not further compromise residential amenity.**

The Planning Proposal is consistent with the Strategy as it will maintain Sydney Airport as a Global Gateway to Australia; protect employment land north of the Airport; and encourage airport-related uses in close proximity to the Airport whilst not compromising adjoining land uses.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Attachment 5 summarises 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 locations; 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 consistent with the direction for the following reasons:

- The proposal will retain the existing business and industrial zones for their associated purposes;
- The Planning Proposal does not seek to reduce the employment generating land available within the Botany Bay LGA;
- The Planning Proposal will safeguard existing and future employment lands (i.e. aviation uses and industries);
- The Planning Proposal will support the viability of the Mascot Station Precinct and Sydney Airport Precinct; and
- The Planning Proposal will not impact upon the supply of residential land or housing supply.

3.4 Integrating Land Use and Transport

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

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

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

- The Planning Proposal will generate additional employment opportunities within walking distance (i.e. 500m approx) of Mascot train station and high frequent bus routes; and
- The Mascot Station Precinct will provide the ancillary retail and service activities for the subject precinct.

3.5 Development Near Licensed Aerodromes

The intent of this direction is to ensure the effective and safe operation of aerodromes; their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and development for residential purposes or human occupation incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The majority of the properties are situated between 25 and 30 ANEF contours.

The Planning Proposal will not impact on the effective and safe operation of Sydney Airport as the maximum permissible height of buildings (i.e. 44m) will remain unchanged in the *BBLEP 2013*.

Furthermore, model local provisions (i.e. *Clause 6.8 – Airspace Operations and Clause 6.9 – Development in areas subject to aircraft noise*) have already been incorporated into the *BBLEP 2013*.

Future developments that penetrate the Limitation or Operations Surface will be referred to the “relevant Commonwealth body” (i.e. Sydney Airport Corporation Limited) for comment. Any impacts on the effective and safe operation of aerodromes can be addressed during the development application stage. Hence, the Planning Proposal is consistent with the direction.

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 Soils Map have been incorporated into the *BBLEP 2013*.

The subject properties are identified as Class 2 Acid Sulfate Soils.

Future developments (i.e. any works below the natural ground surface or are likely to lower the watertable) are subject to Council’s consent and lodgement of an acid sulfate soils management plan. No works are proposed as part of the Planning Proposal. Any significant adverse environmental impacts resulting from future developments 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.

Some of the properties are subject to 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 properties.

Future developments (excluding exempt developments) are subject to consent. Any significant adverse environmental impacts resulting from future developments can be addressed during the development application stage. Hence, the Planning Proposal is consistent with the direction.

6.1 Approval and Referral Requirements

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

The Planning Proposal does not introduce any LEP provisions that result in any additional requirements for concurrence, consultation or referral to a Minister or public authority.

6.3 Site Specific Provisions

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

The Planning Proposal seeks to permit additional land uses on the subject properties through Schedule 1 of the *BBLEP 2013*. It offers an appropriate degree of flexibility in land use within proximity to Sydney Airport whilst ensuring future uses are related to the Airport.

Note: *The land use table for the IN1, B5 and B7 zones will remain unchanged.*

The Planning Proposal is not inconsistent with the objective of the direction as it will not introduce restrictive site specific planning controls or impose any additional development standards/requirements to those already contained in the IN1, B5 and B7 zones.

7.1 Implementation of A Plan for Growing Sydney

The intent of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*.

As discussed above, the Planning Proposal is consistent with the Strategic Directions and Actions of *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.

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

Aircraft Noise: The properties are located within the ANEF 20-25, 25-30 and 30-35 contours as identified by the *Australian Noise Exposure Forecast 2033 (ANEF) Chart*. Any development on these properties will be subject to compliance with the *Australian Standard 2021 (AS 2021)*.

Flooding: Some of the properties are subject to 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 properties. Future developments will be subject to consent and any significant adverse environmental impacts will be addressed during the development application stage.

Landslip and Bushfire Hazard: The Botany Bay LGA is not subject to landslip and bushfire hazard.

Traffic: These properties will remain as employment lands. Hence, it is unlikely the Planning Proposal will generate additional traffic movements.

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

Social effects: The Planning Proposal is unlikely to impact on items or places of European or Aboriginal cultural heritage; existing social infrastructure; and existing retail centres.

The Planning Proposal will not alter the land use table contained in the *BBLEP 2013*. The proposed additional uses will not generate additional permanent population in the Botany Bay LGA. Hence, it is unlikely the Planning Proposal will place additional pressure on existing social infrastructure (including schools and hospitals).

Economic effects: According to the Sydney Airport Masterplan 2033, Sydney Airport contributes approximately \$27.6 billion (2012) (equivalent to 6% of the NSW economy and 2% of the Australian economy) and is forecasted to increase to over \$42 billion in 2033. Total employment (i.e. direct and indirect employment) is also expected to increase from 283,700 jobs in 2012 to over 400,000 by 2033.

Economy.Id also indicates that the 'Transport, Postal and Warehousing'¹ industry had the largest output by industry, generating over \$10 billion or 47.2% of output in the Botany Bay LGA in 2013/14 (**Table 1**). It is the largest employer, generating 25,920 local jobs (41% of employment in the Botany Bay LGA) in 2013/14 (**Table 2**). For the precinct north of the airport (bounded by Gardeners Road, O'Riordan Street and Qantas Drive), 'Transport, Postal and Warehousing' industry generates 10,189 jobs or 57.1% of the precinct jobs. Furthermore, as a component of the 'Transport, Postal and Warehousing' industry, the 'Air and Space Transport'² industry generates 16,055 jobs or 25.4% of employment in the Botany Bay LGA (2013/14).

¹ The Transport, Postal and Warehousing Division includes units mainly engaged in providing transportation of passengers and freight by road, rail, water or air. Other transportation activities such as postal services, pipeline transport and scenic and sightseeing transport are included in this division.

Units mainly engaged in providing goods warehousing and storage activities are also included.

² Aircraft charter, lease or rental (with crew; for use in scheduled international air transport); Air transport service (scheduled international); Air transport terminal operation (for scheduled international air transport; except airports); Freight transport service (scheduled international air transport); Passenger transport service (scheduled international air transport)

Output by industry sector - Botany Bay LGA		
City of Botany Bay - Constant prices	2013/14	
Industry	\$m	%
Agriculture, Forestry and Fishing	9.4	0.04
Mining	0.0	0.0
Manufacturing	2,969.7	14.0
Electricity, Gas, Water and Waste Services	217.9	1.0
Construction	877.6	4.1
Wholesale Trade	1,277.8	6.0
Retail Trade	463.6	2.2
Accommodation and Food Services	399.9	1.9
Transport, Postal and Warehousing	10,008.1	47.2
Information Media and Telecommunications	358.2	1.7
Financial and Insurance Services	382.4	1.8
Rental, Hiring and Real Estate Services	1,467.1	6.9
Professional, Scientific and Technical Services	645.9	3.0
Administrative and Support Services	915.8	4.3
Public Administration and Safety	638.0	3.0
Education and Training	67.6	0.3
Health Care and Social Assistance	218.6	1.0
Arts and Recreation Services	47.6	0.2
Other Services	218.5	1.0
Total Industries	21,183.2	100.0

Source: National Institute of Economic and Industry Research (NIEIR)

Table 1 – Output by Industry

Employment (total) by industry (2013/14) - Botany Bay LGA		
Industry	Number	%
Agriculture, Forestry and Fishing	55	0.1
Mining	0	0.0
Manufacturing	6,352	10.0
Electricity, Gas, Water and Waste Services	568	0.9
Construction	4,410	7.0
Wholesale Trade	4,301	6.8
Retail Trade	3,847	6.1
Accommodation and Food Services	2,859	4.5
Transport, Postal and Warehousing	25,920	41.0
Information Media and Telecommunications	708	1.1
Financial and Insurance Services	734	1.2
Rental, Hiring and Real Estate Services	1,501	2.4
Professional, Scientific and Technical Services	2,652	4.2
Administrative and Support Services	2,471	3.9
Public Administration and Safety	2,456	3.9

Education and Training	717	1.1
Health Care and Social Assistance	1,905	3.0
Arts and Recreation Services	274	0.4
Other Services	1,528	2.4
Total Industries	63,257	100.0

Source: National Institute of Economic and Industry Research (NIEIR)

Table 2 – Employment by Industry

In 2008, Council engaged SGS Economic & Planning to conduct an Urban Capacity Analysis ("Botany Strategic Planning Study: Future Demand and Supply of Employment Land") for the Botany Bay LGA. The study projected a 14 hectare land demand for off-site airport land uses.

These statistics highlight the importance of the airport-related industry to the NSW economy and Botany Bay LGA. The Planning Proposal will safeguard the existing airport-related industries located within the precinct, enable the ability to meet future demand for airport-related activities and allow the clustering of airport-related industries within 1km of Sydney Airport.

The Planning Proposal will not result in a reduction of employment lands located within the subject precinct or the Botany Bay LGA as the land use table contained in the *BBLEP 2013* will not be altered and the permissibility of residential development will remain unchanged.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The subject properties are serviced by existing public transport infrastructure, utility services, roads and essential services.

The Planning Proposal is unlikely to place additional demands or pressures on existing public infrastructure.

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

The following State and Commonwealth government authorities will be consulted:

- Sydney Airport Corporation Limited;
- NSW Ports;
- Commonwealth Department of Infrastructure and Regional Development;
- Transport for NSW;
- Road and Maritime Services;
- WestConnex Delivery Authority; and
- Adjoining LGAs.

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

The Planning Proposal does not require amendments to any of the maps contained in the BBLEP 2013.

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*.

PART 6 - PROJECT TIMELINE

The project timeline for the Planning Proposal is as follow:

	<i>Timeframe*</i>
<i>Anticipated commencement date</i>	September 2015
<i>Anticipated timeframe for the completion of required technical information</i>	N/A
<i>Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)</i>	October-November 2015
<i>Commencement date for public exhibition period</i>	December-January 2015
<i>Dates for public hearing (if required)</i>	N/A
<i>Timeframe for consideration of submissions</i>	January 2015
<i>Timeframe for the consideration of a proposal post exhibition</i>	February-March 2015
<i>Date of submission to the Department to finalise the LEP</i>	April 2015
<i>Anticipated date RPA will make the plan (if delegated)</i>	June 2015
<i>Anticipated date RPA will forward to the Department for notification</i>	July 2015

Table 3 – Proposed Timeframe

* Subject to NSW Department of Planning & Environment approval and timeframe

PART 7 - CONCLUSION

In summary, the Planning Proposal seeks to introduce additional permitted uses relating to Sydney (Kingsford Smith) Airport on land located north of the Airport in Mascot.

The Planning Proposal is generally consistent with relevant State and local legislation, directions, policies and strategic documents and will have a minimal environmental, social and economic impact.

The Proposal will enable a range of uses that will support Sydney Airport; strengthen the economic activity of the Global Economic Corridor and Transport Gateway – Sydney Airport Precinct; generate additional employment opportunities for the Botany Bay LGA; and have a positive social and economic impact.

ATTACHMENTS

1. Council Report and Resolution – Ordinary Council Meeting dated 23 July 2014
2. Department of Planning & Environment letter dated 30 January 2015
3. Council Report and Resolution – Development Committee Meeting dated 4 March 2015
4. Council Report – Development Committee Meeting dated 5 August 2015
5. List of State Environmental Planning Policies