

Our ref: S13/156

8 April 2014

Mr Sam Haddad  
Director-General  
Planning & Infrastructure  
GPO Box 39  
Sydney NSW 2001

Attention: Mr Tim Archer

Dear Mr Haddad

**Planning Proposal No.1/2014 – Land Owned By Qantas Airways Limited at Mascot**

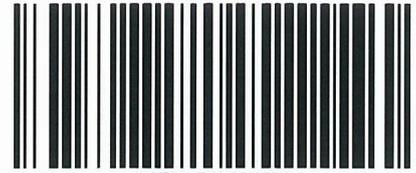
The Council of the City of Botany Bay at its meeting on the 26<sup>th</sup> March 2014 resolved to submit to Planning & Infrastructure, a Planning Proposal to introduce a new objective into the IN1 – General Industrial and B5 – Business Development zone; additional permitted uses on the Qantas Land within Schedule 1 of the BBLEP 2013; and seek additional FSR on the Qantas Land on that part of the Qantas Land zoned IN 1 – General Industrial.

The Planning Proposal referred to in the previous paragraph is attached and I would ask that it (the Planning Proposal) be referred to the Minister for a Gateway Determination.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and relevant guidelines prepared by Planning & Infrastructure (i.e. A guide to preparing planning proposal).

Future Direction

Planning & Infrastructure is further advised that it is Council's intent to resolve to prepare a Planning Proposal to rezone the Qantas Land and other adjoining land north of the airport to an airport-related zoning and to adopt the landuses equivalent to that under the airport-related zoning in the *Botany Local Environmental Plan 1995*.



PCU52577

Should you have any queries concerning this matter, please contact the writer on telephone No. 9366 3552 or Gilead Chen – Senior Strategic Planner on 9366 3566.

Yours faithfully

A handwritten signature in blue ink, consisting of stylized initials 'RJD' followed by a long horizontal line.

**R J DOWSETT**  
**DIRECTOR – PLANNING & DEVELOPMENT**

Mr R J Dowsett  
Director Planning & Development  
City of Botany Bay  
141 Coward  
Mascot 2020  
Ph: (02) 9366 3666  
[council@botanybay.nsw.gov.au](mailto:council@botanybay.nsw.gov.au)



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# **PLANNING PROPOSAL No.1/2014**

Land Owned by Qantas Airways Limited at Mascot

8 April 2014

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## INTRODUCTION

The Planning Proposal relates 17 parcels of land owned by Qantas Airways Limited (i.e. the Qantas Land) situated at Coward Street and King Street, Mascot. The Qantas Land is located immediately to the north of Sydney Airport and is bounded by Qantas Drives and Sydenham-Botany Railway Line to the south and Coward Street to the north. It is generally bounded by existing industrial/business developments. Refer to **Figure 1 - Aerial Photograph** for the location of the subject site. The Qantas Land is contiguous with the exception of one parcel situated on the southern side of King Street. The Qantas Land covers an area of 16.44 ha.

Qantas acquired the land for the specific purpose of developing it for airport-related land uses given the proximity and association with the Sydney Airport. Furthermore, the Qantas Land is physically linked to the airport by a bridge over Qantas Drive and the railway.

The Qantas Land contains a number of large and small buildings with at-grade parking, landscaping and circulation area. Major land uses accommodated include:

- Sydney Distribution Centre;
- Qantas Flight Catering;
- Engineering Activities and Training Facilities;
- Offices;
- Bus Depot;
- Fuel Depot;
- Storage;
- Parking; and
- Other Airport or aviation related uses.



**Figure 1 – Aerial view of the Qantas Land**

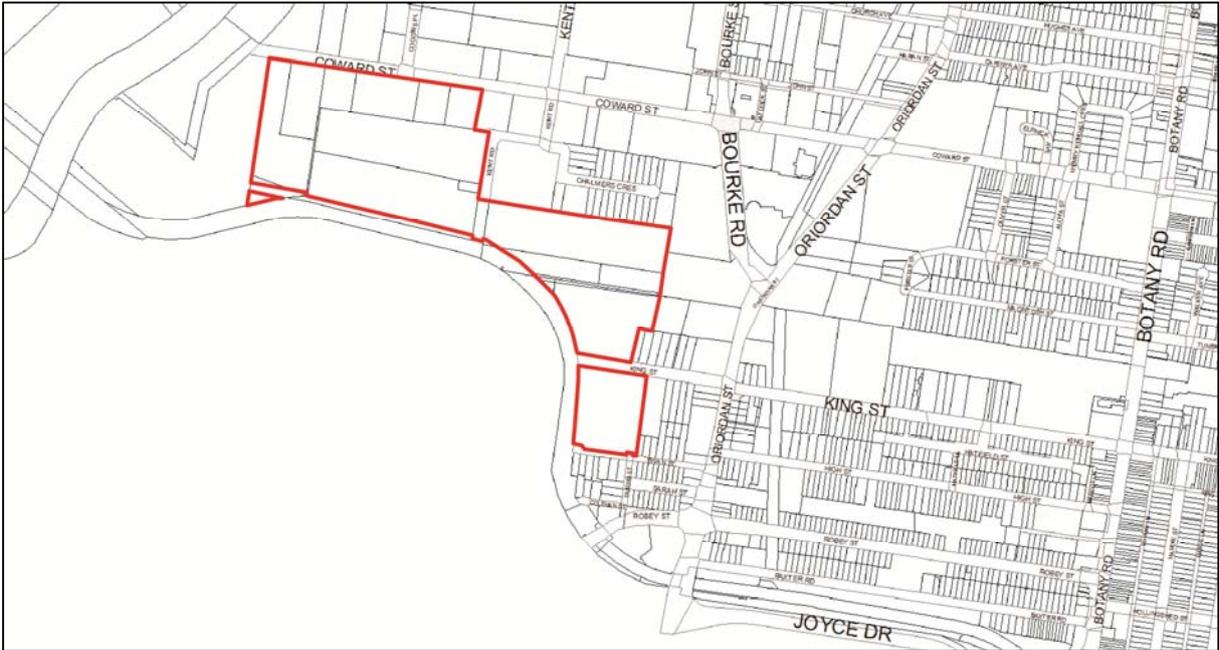


Figure 2 – Area of land affected by the Planning Proposal



Figure 3 – Area of land affected by the Planning Proposal

## Address of Land

The properties subject to this planning proposal are listed below:

Lot and DP	Zoning - Botany Local Environmental Plan 1995	Zoning - Botany Bay Local Environmental Plan 2013
Lot 2 DP 510447	4(c1) - Industrial Special - Airport Related	B5 - Business Development
Lot 2 DP 234489	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 4 DP 234489	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot B DP 164829	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 1 DP 81210	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 1 DP 202093	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 1 DP 721562	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 1 DP 202747	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 133 DP 659434	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 4 DP 38594	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 5 DP 38594	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 1 DP 738342	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 2 DP 738342	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 23 DP 883548	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 3 DP 230355	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 4 DP 537339	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial
Lot 1 DP 445957	4(c1) - Industrial Special - Airport Related	IN1 – General Industrial

**Table 1 – Properties subject to the Planning Proposal**

## Relevant Planning Controls

The Qantas Land is either zoned as B5 – Business Development or IN1 – General Industrial within the *Botany Bay Local Environmental Plan (BBLEP) 2013*. The objectives of the B5 zone are 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 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*

The Planning Proposal seeks the following:

- 1) Incorporate the following objective into the IN1 – General Industrial and B5 – Business Development zones:

*To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport*

- 2) Introduce airport-related land use and airport-related industry to land owned by Qantas within Schedule 1 of the BBLEP 2013.
- 3) Amend the *Botany Bay Local Environmental Plan 2013* to provide for a maximum floor space ratio of 1.5:1 on that part of the Qantas Land zoned IN1 for “airport related landuses” or “airport related industries”.

## **History & Council Resolution**

### *Botany Bay Local Environmental Plan 2013*

In accordance with the *Environmental Planning and Assessment Act 1979*, the draft BBLEP 2012 (i.e. Standard Instrument) was placed on public exhibition from Thursday 22 May 2012 to Friday 22 June 2012. Consequently, the proponent made a representation to Council to incorporate an additional objective to the IN1 and B5 zones; seeking additional FSR and includes additional uses (i.e. airport-related industry or airport-related land uses) on the Qantas Land.

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

A copy of Council’s letter can be found in **Attachment 2**.

## Planning Proposal

On 9 December 2013, an application was made by Qantas (prepared by Design Collaborative Pty Limited dated December 2013) seeking the following:

- 1) Introduce a new objective into the IN1 – General Industrial and B5 – Business Development zone;
- 2) Additional permitted uses on the Qantas land within Schedule 1 of the BBLEP 2013; and
- 3) Seek additional FSR on the Qantas Land on that part of the Qantas Land zoned IN1.

Council's Planner has reviewed the application submitted by Qantas and proposes the following amendments (as indicated in italic):

- Introduce a new objective into the IN1 – General Industrial and B5 – Business Development zone

To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries *on land located in close proximity to the Sydney Airport.*

The intent of the amendment is to ensure other IN1 and B5 zoned lands (such as land near Eastgardens) are not impacted by the proposed objective.

- Seek additional FSR on the Qantas Land on that part of the Qantas Land zoned IN1

Incorporate the following into Clause 4.4 of the BBLEP 2013:

**Clause 4.4(2D)** - *Despite subclause (2), the maximum floor space for development that is used for the purposes of "airport related land uses" or "airport related industries" as defined in Schedule 1 on land identified as "Area 4" on the Floor Space Ratio Map must not exceed 1.5:1.*

The intent of the clause is to ensure the floor space is used for "airport-related" purpose and prevent future land uses and industries (i.e. non airport-related land uses/industries) in taking advantage of the additional floor space. This is consistent with Clause 12(3) of the *Botany Local Environmental Plan 1995*.

Qantas has been consulted on 11 and 14 February 2014 and has no objections to the above amendments. A copy of the Qantas response can be found in **Attachment 8**.

## Council Resolution

At the Ordinary Council Meeting held on 26 March 2014, it (the Council) resolved to prepare a Planning Proposal in accordance with the *Environmental Planning & Assessment Act 1979* and its Regulation to amend the *Botany Bay Local Environmental Plan 2013* as follows:

- a) Incorporate the following objectives into the IN1 – General Industrial and B5 – Business Development zones:

*To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport.*

- b) Introduce “airport-related land uses” and “airport-related industry to land owned by Qantas within Schedule 1 of the BBLEP 2013.
- c) Amend the Botany Bay Local Environmental Plan 2013 to provide for a maximum floor space ratio of 1.5:1 on that part of the Qantas Land zoned IN1 for “airport-related land uses” or “airport-related industries”.

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

## PART 1 - OBJECTIVES OR INTENDED OUTCOMES

### **Objectives**

This Planning Proposal intends to incorporate a new objective into the IN1 – General Industrial and B5 – Business Development zones; seek additional floor space ratio (i.e. 1.5:1) on that part of the Qantas Land zoned IN1 and include additional uses (i.e. airport-related industry or airport-related land uses) within Schedule 1 of the BBLEP 2013.

### **Intended Outcomes**

The intended outcomes of the Planning Proposal are to:

- Explicitly acknowledge the strategic importance of the Qantas Land in supporting the role of Sydney Airport and environs;
- Allow greater flexibility in the use of the Qantas Land reflecting its strategic importance adjacent to Sydney Airport;
- Enable a range of airport-related uses on the Qantas Land that will support Sydney Airport; and
- Increase the amount of floor space permitted on the Qantas Land zoned IN 1 – General Industrial for “airport related land uses” or “airport related industries”.

## PART 2 - EXPLANATION OF PROVISIONS

### **Proposed amendment**

The Planning Proposal seeks the following amendments:

- Incorporate the following new objective in the IN1 – General Industrial and B5 – Business Development zones:

*To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport.*

- Insert the following items to Schedule 1 of the *Botany Bay Local Environmental Plan 2013*:

#### **Use of certain land at Coward Street, King Street and Kent Road, Mascot**

(1) *This Clause applies to land at Coward Street, King Street and Kent Road Mascot being Lots 2 & 4 DP 234489, Lot B DP 164829, Lot 1 DP 81210, Lot 1 DP 202093, Lot 1 DP 721562, Lot 1 DP 202747, Lot 133 DP 659434, Lots 4 & 5 DP 38594, Lots 1 & 2 DP 738342, Lot 23 DP 883548, Lot 3 DP 230355, Lot 4 DP 537339, Lot 1 DP 445957 and Lot 2 in DP 510447.*

(2) *Development for the purposes of airport-related land use is permitted with consent.*

(3) *In this clause, **airport-related land use** means a building or place used for purposes related to Sydney (Kingsford Smith) Airport, and includes a building or place used for the provision of services related to any of the following uses carried out at Sydney (Kingsford Smith) Airport:*

- a) *the assembly, storage or land transport of air freight, or*

- b) *the accommodation or transportation of crew or air passengers, and the provision of associated shops, information and services, including banking, dry cleaning, hairdressing and the like, or*
- c) *the storage, operation, maintenance or repair of aircraft or aircraft components, or*
- d) *the administrative functions associated with the airport, such as airport management and security, or*
- e) *the functions of government departments and authorities related to air passengers and air freight.*

**Use of certain land at King Street, Mascot**

- (1) *This Clause applies to land at King Street Mascot being Lot 2 in DP 510447.*
- (2) *Development for the purposes of airport-related industry is permitted with consent.*
- (3) *In this clause, **airport-related industry** means a general industry or light industry for a purpose related to Sydney (Kingsford Smith) Airport.*

- Incorporate the following into Clause 4.4 of the BBLEP 2013:

**Clause 4.4(2D)** - *Despite subclause (2), the maximum floor space for development that is used for the purposes of “airport related land uses” or “airport related industries” as defined in Schedule 1 on land identified as “Area 4” on the Floor Space Ratio Map must not exceed 1.5:1.*

## PART 3 – JUSTIFICATION

### Section A - Need for the planning proposal.

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

The Planning Proposal is not a direct result of any strategic study or report. An application was made by Qantas Airway Limited seeking amendment to the BBLEP 2013 in the following manner:

- 1) Introduce a new objective into the IN1 – General Industrial and B5 – Business Development zone;
- 2) Additional permitted uses on the Qantas land within Schedule 1 of the BBLEP 2013; and
- 3) Seek additional FSR on the Qantas Land.

**Note:** In accordance with the *Environmental Planning and Assessment Act 1979*, the draft BBLEP 2012 was placed on public exhibition Thursday 22 May 2012 to Friday 22 June 2012. Consequently, the proponent made a representation to Council to seek the above amendments.

Refer to **Background** 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 Botany Bay Local

Environmental Plan 2013. Other possible options (i.e. community education and new administrative processes) are unable to achieve the outcomes sought by Qantas.

### **Section B – Relationship to strategic planning framework.**

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

#### **Metropolitan Plan for Sydney 2036**

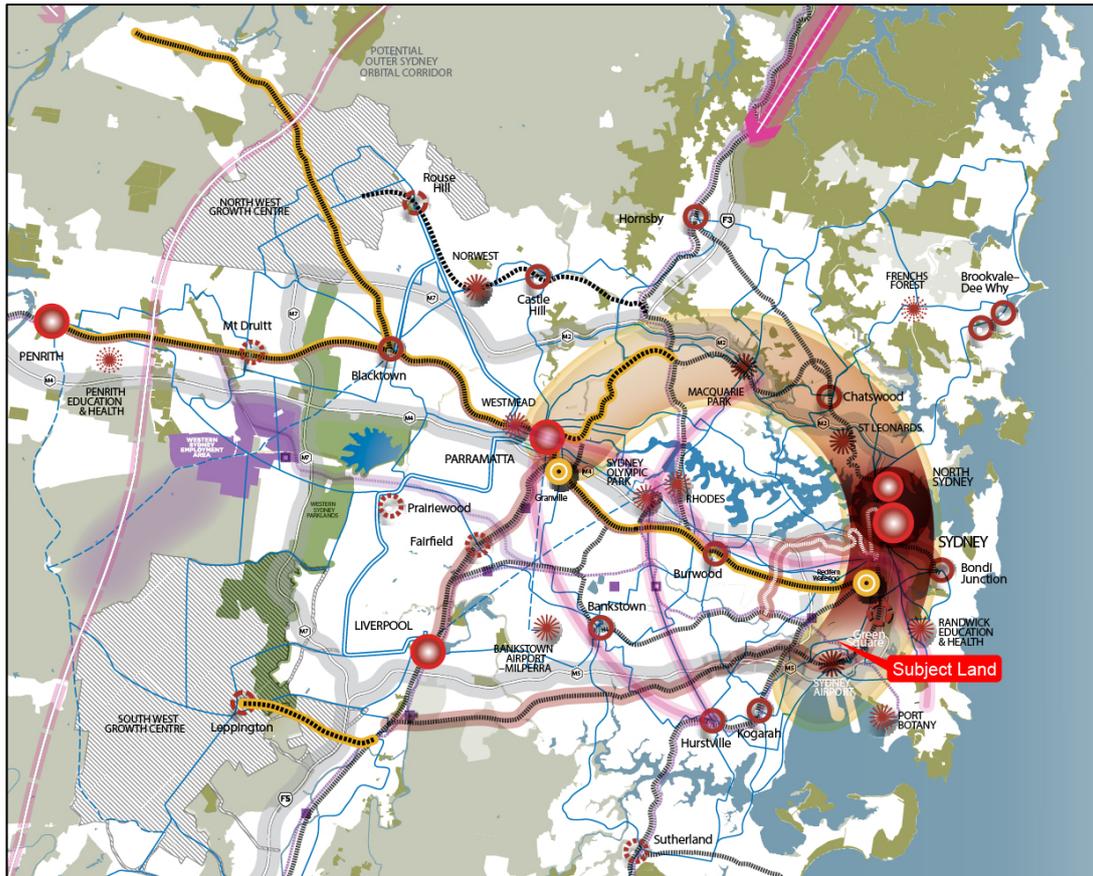
*Metropolitan Plan for Sydney 2036* establishes a long-term planning framework to manage Sydney's growth in a sustainable manner and strengthen its economic development whilst enhancing the unique lifestyle, heritage and environment of Sydney.

The following objectives and actions apply to the subject precinct:

- **Objective A4** – *To continue strengthening Sydney's capacity to attract and retain global business and investment;*
- **Objective A9** – *To support, protect and enhance nationally and international significant infrastructure in the metropolitan area;*
- **Objective B2** – *To strengthen major and specialised centres to support sustainable growth of the city;*
- **Objective E1** – *To ensure adequate land supply for economic activity, investment and jobs in the right locations;*
- **Action E2.1** – *Plan for more commercial and retail jobs in highly accessible Strategic Centres;*
- **Action E3** – *To provide employment lands to support the economy's freight and industry needs;*
- **Action E3.2** – *Identify and retain strategically important employment lands;*
- **Action E3.2** – *Strengthening existing freight and industry clusters and support emergence of new clusters;*
- **Objective E6** – *To support Sydney's nationally significant economic gateway; and*
- **Action E6.2** – *Build capacity and support economic growth in and around the Sydney Airport and Port Botany.*

The Qantas Land is located within the "Global Economic Corridor" and "Sydney Airport & Environs Specialised Precinct". The key future directions of the Specialised Precinct are:

- Maintain trade gateway function; and
- Protect and enhance strategic employment lands, including at Botany Industrial Area, Mascot and Alexandria.



**Figure 4 – Metropolitan Plan for Sydney 2036**

### **Draft Metropolitan Strategy for Sydney to 2031**

The draft *Metropolitan Strategy for Sydney to 2031* is a new plan to guide our Sydney's growth to 2031. The draft Metropolitan Strategy is a consultation document and was placed on public exhibition until 28 June 2013.

The following objectives and actions apply to the subject precinct:

- **Objective 2** – Strengthen and grow Sydney's centres;
- **Objective 4** – Deliver strategic outcomes – nine city shapers;
- **Objective 10** – Provide capacity for jobs growth and diversity across Sydney;
- **Objective 11** – Support the land use requirements of industries with high potential;
- **Objective 13** - Provide well-located supply of industrial lands; and
- **Objective 24** – Plan and deliver transport and land use that are integrated and promote sustainable transport choice;

The subject precinct is located within the “Global Economic Corridor” and “Sydney Airport & Environs Specialised Precinct”.

The intent of the Global Economic Corridor is to “*prioritise international gateway functions at Sydney Airport and Port Botany to protect industrial lands supporting the Port and Airport*”.

Sydney Airport & Environs Specialised Precinct aims to “*protect and enhance industrial areas related to the economic function of Sydney Airport*” and “*provide capacity for at least*

8,000 additional jobs in 2031”.

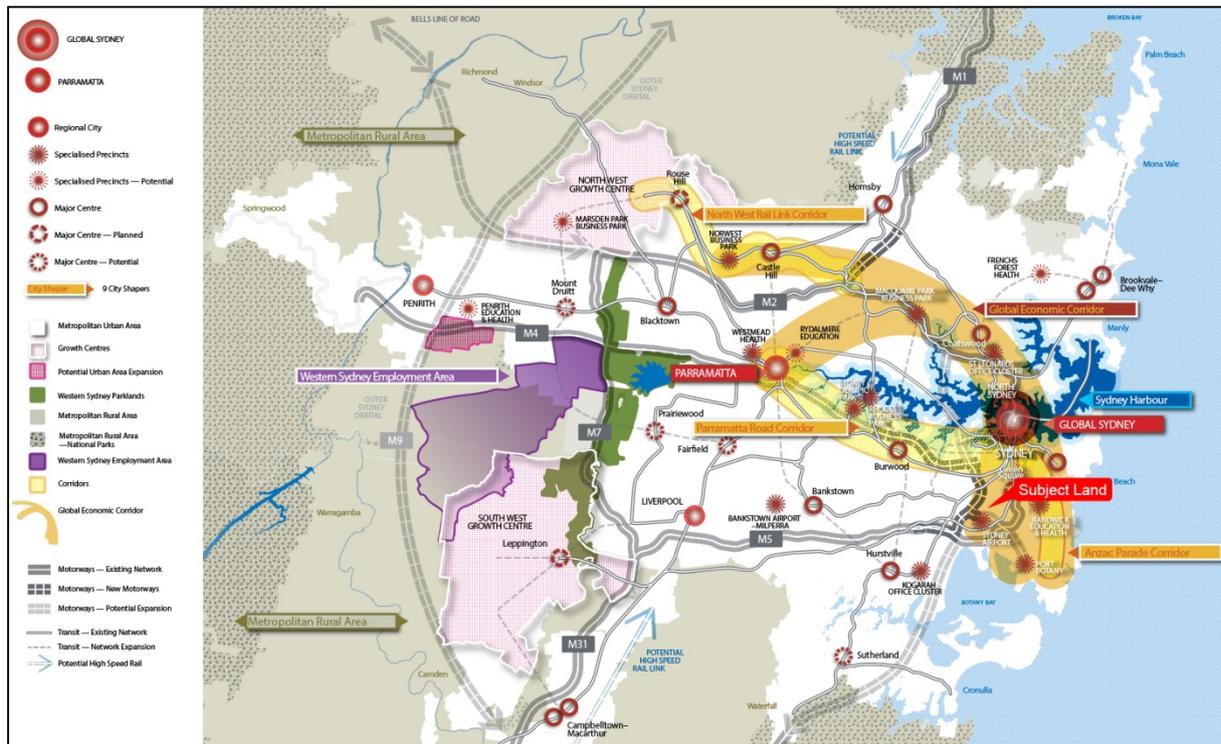


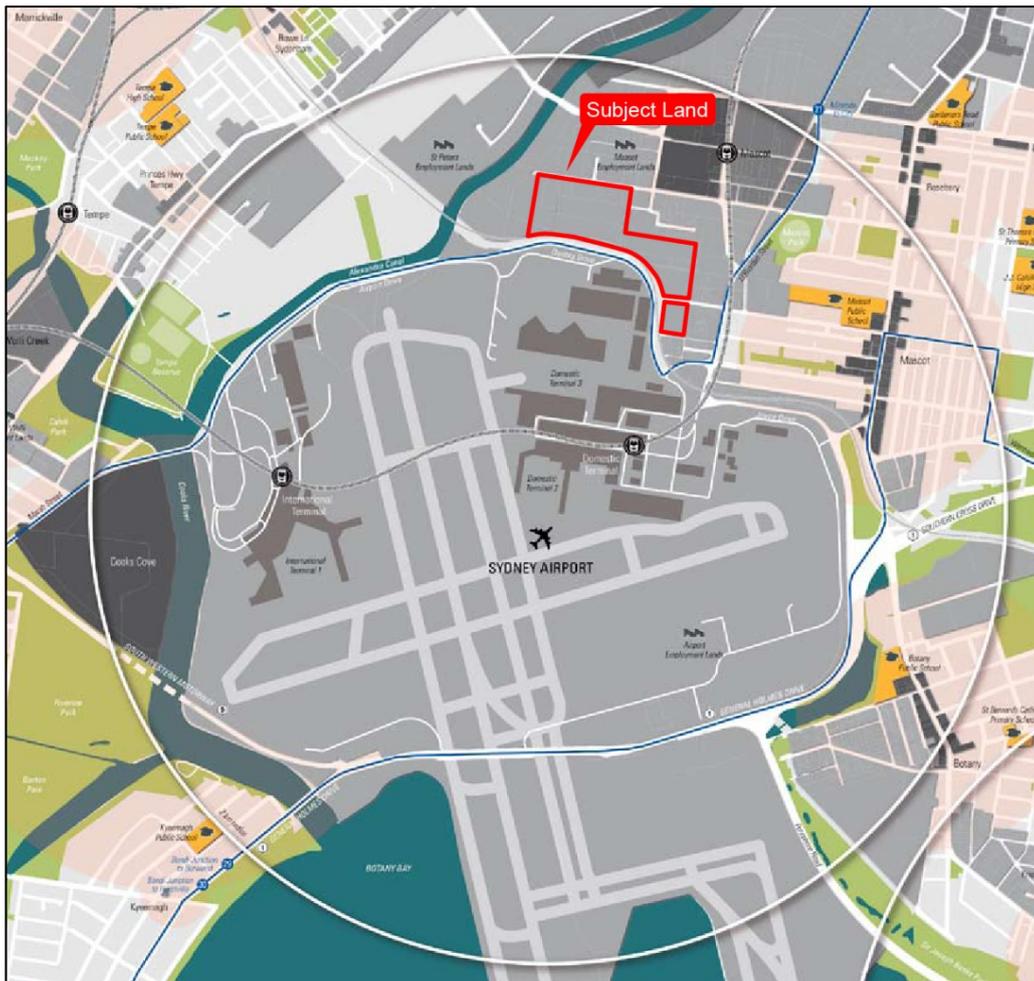
Figure 5 – Metropolitan Priorities for Central Subregion

## 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;
- **A1.5** – 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; and
- **G2.1** – Identify State planning places.



**Figure 6 – Draft East Subregional Strategy (Indicative only)**

The planning proposal is consistent with the *Metropolitan Plan for Sydney 2036*, the draft *Metropolitan Strategy for Sydney to 2031* and the draft *East Subregional Strategy* for the following reasons:

- Acknowledge the importance and function of the Sydney Airport by introducing an aviation related objective to the IN1 – General Industrial and B5 – Business Development zones;
- Support Sydney Airport (i.e. national and international infrastructure) by enabling a range of airport-related uses on the Qantas Land;
- Protect existing industrial lands and aviation uses in close proximity to the Sydney Airport;
- Enable the clustering of airport-related landuses and industries within Sydney Airport & Environs Specialised Precinct ;
- Build capacity and support economic growth in and around Sydney Airport;
- Generate an additional 44,362.8 sqm of industrial floor space in the IN1 zone which supports economic growth in and around the Sydney Airport; and
- Increase employment capacity in the “Global Economic Corridor”, “Sydney Airport & Environs Specialised Precinct” and Botany Bay LGA.

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

### **Botany Local Environmental Plan (BLEP) 1995**

In order to cater for airport-related activities and land uses within the Botany Bay LGA, 4(c1) - Industrial Special - Airport Related and 4(c2) - Industrial Special - Airport Related - Restricted zone were incorporated into the *Botany Local Environment Plan 1995*. The Qantas Land was previously zoned as 4(c1) - Industrial Special - Airport Related 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 signages in the locality, and*
- f) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.”*

The 4(c1) - Industrial Special - Airport Related 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) Industrial Special - Airport Related - Restricted 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 signages in the locality, and
- g) to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.

The 4(c2) – Industrial Special – Airport Related – Restricted 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.*

The intent of the Planning Proposal is to safeguard and establish certainty to the existing and future airport related activities on the Qantas Land. This is consistent with the objectives of the 4(c1) and 4(c2) zones contained in the BLEP 1995.

### **Botany Bay Local Environmental Plan 2013**

#### New local objective to the IN1 – General Industrial and B5 – Business Development zones

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

One of the aims of the BBLEP 2013 is to "*recognise the importance of Botany Bay as a gateway to Sydney, given its proximity to Sydney (Kingsford Smith) Airport and Port Botany*". However, no mechanism has been incorporated into the BBLEP 2013 which highlights the proximity and importance of the Sydney Airport.

The *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument), prohibits council from developing "*new zones, create subzones, or change the name of a standard zone*". However, Practice Note 11-002 and 09-005 indicates that Council may "*prepare additional local objectives to supplement core objectives where appropriate, provided that these are not inconsistent with the core objectives and mandated land uses, and do not conflict with any relevant State or regional planning guidance*".

By incorporating an additional local objective into the IN1 and B5 zones, it provides certainty to the activities and uses presently undertaken on the Qantas Land and those that are

planned in the future; protects aviation-related uses and employment land within the Botany Bay LGA; and underlines the importance of the Qantas Land in supporting the role and function of Sydney Airport, as the gateway to NSW and Australia.

Additional permitted uses (i.e. airport-related land use and airport related industry) on the Qantas Land within Schedule 1 of the BBLEP 2013.

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

BLEP 1995 defined “*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 defined “*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 definition 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.

**Attachment 6** provides a comparison of permissible land uses for the 4(c1) and 4(c2) zones under BLEP 1995 and the IN1 and B5 zones under the BBLEP 2013.

A land uses analysis has been conducted by Qantas. The existing (and anticipated) land uses on the Qantas Land can be categorised as follows under the Standard Instrument definitions: car park; freight transport facility; function centre; general industry; industrial training facilities; information and education facility; passenger transport facilities; storage premises; tourist and visitor accommodation and transport depot.

Of the above uses, *function centre, information and education facilities, passenger transport facilities and tourist and visitor accommodation* are prohibited in the IN1 zone. Whilst B5 zone prohibits the following uses: *freight transport facilities, industrial training facilities, industries, storage premises and transport depot*.

The prohibitions will restrict the future use of the Qantas Land to an unacceptable degree and is inconsistent with the strategic importance of the Qantas Land in supporting the role of the Sydney Airport.

Due to the absence of appropriate land use definitions in the Standard Instrument, the planning proposal seeks to incorporate “*airport-related land uses*” and “*airport-related industry*” within Schedule 1 of the BBLEP 2013. The additional land uses will allow flexibility in the future uses of Qantas Land; enable airport-related developments and uses; and achieve broader strategic planning objectives outlined in the *Metropolitan Plan for Sydney 2036*, draft *Metropolitan Strategy for Sydney to 2031* and draft *East Subregional Strategy*.

The inclusion of “*airport-related land use*” and “*airport-related industry*” into Schedule 1 of the BBLEP 2013 will restrict additional permitted development on the Qantas Land unless it can be demonstrated to be purposes related to the *Sydney (Kingsford Smith) Airport*. This would ensure that any future development proposal, utilising Schedule 1 of the BBLEP 2013, is for a purpose which would support the Airport and consistent with the strategic role of the Qantas Land.

Council noted that there are other examples of environmental planning instruments where additional land uses (i.e. land use definitions not found in the Standard Instrument or outlined in LEP Practice Note – PN11-003) are incorporated within Schedule 1 of the LEP. For example, Clause 62 (Particular development permitted with consent) of the *Port Stephens Local Environmental Plan 2000* enables Italia Road, Balickera (Part Portion 66 DP 753200) to be used as a “*pre-cast concrete operating facility*”. As part of the Standard Instrument process, the clause has been incorporated into Schedule 1 of the *Port Stephens Local Environmental Plan 2013* even though “*pre-cast concrete operating facility*” is not covered by the Standard Instrument definition.

Similarly, “*brand outlet centre*” has been introduced into Schedule 1 of the *Shellharbour LEP 2013*. This enables 47–57 Princes Highway, Albion Park Rail to be used as “*a group of brand name stores predominantly selling clothing apparel but may also sell homewares, travel goods and the like*”.

As illustrated above, there is no impediment for a similar approach to be undertaken in respect of the Qantas Land considering it significant in supporting the Airport and Sydney Airport & Environs Specialised Precinct.

### Additional floor space on the Qantas Land

Clause 12(1) of the BLEP 1995 outlines the maximum permissible floor space ratio for 4(c1) and 4(c2) zone is 1:1. However, Clause 12(3) of the BLEP 1995 enables the “*carrying out of commercial development (other than that referred to in subclause (4)) and airport related development, but not including industry, on land within Zone No 4 (c1) or 4 (c2) to a maximum floor space ratio of 1.5:1*”. As any of the land uses that Qantas would have contemplated for its land would have been considered to be “*airport related development*”, the maximum 1.5:1 FSR would have applied. This is equivalent to 221,814 sqm of floor space.

Under the BBLEP 2013, the maximum permissible floor space ratio is 1:2 or 177,451.2 sqm (i.e. on that part of the Qantas Land zoned IN1). This represents a reduction in 44,362.8 sqm of floor space between the BLEP 1995 and BBLEP 2013. It is acknowledged that the change in definition of “*gross floor area*” in the Standard Instrument will impact on the FSR calculation. However, the effect of the change in definition will be much less for the industrial land uses (i.e. airport related industry and uses) comparing to other land uses such as residential development.

Furthermore, the reduction in development potential of the Qantas Land is inconsistent with the actions and objectives of the Sydney Airport & Environs Specialised 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 Local Government Area and addresses the draft East Subregional Strategy dwelling and job targets. The Strategy also provides the foundation for the development of the *Botany Bay Local Environmental Plan 2013*.

The following 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; and*
- **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; provide certainty to existing and future aviation uses on the Qantas Land; generate additional floor space (approx 44,362sqm) for Airport-related activity; and will not compromise the adjoining land uses.

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

**Attachment 4** summarise the Planning Proposal's consistency with State Environmental Planning Policies (SEPPs) and relevant deemed SEPPs.

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 intents of this direction are 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 generate an additional 44,362.8 sqm of floor space. The additional floor space will generate employment growth within Sydney Airport & Environs Specialised Precinct and Mascot Station Precinct. This is consistent with Goal 20 – Build Liveable Centres of the *NSW 2021: A plan to make NSW number one*;
- The additional employment will contribute to the employment capacity target identified by the draft *Metropolitan Plan for Sydney to 2031* and *East Subregional Strategy*;
- The site is located within a walkable catchment (i.e. approx 500m) of the Mascot train station which provides connection to the Sydney CBD;
- 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 & Environs Specialised 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 structure, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) *Improving access to housing, jobs and service by walking, cycling and public transport, and*
- b) *Increasing the choice of available transport by reducing the dependence on cars, and*

- c) *Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- d) *Support the efficient and viable operation of public transport services, and*
- e) *Providing for the efficient movement of freight.*

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

- The Planning Proposal 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 Qantas Lands.

### **3.5 Development Near Licensed Aerodromes**

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

The Qantas Land is generally 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 “relevant Commonwealth body” (i.e. Sydney Airport Corporation Limited) for comments. 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 Soil Map have been incorporated into the *Botany Bay Local Environmental Planning 2013*.

The Qantas Land is identified as Class 2 Acid Sulfate Soils (ASS)

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

### 4.3 Flood Prone Land

The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Some of the Qantas Land is 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 Qantas Land.

Future developments (i.e. excluding exempt and complying developments identified in the SEPP (Infrastructure) 2007) are subject to consent. Any significant adverse environmental impacts 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 the direction is to ensure that LEP provision to encourage the efficient and appropriate assessment of development.

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

### 6.3 Site Specific Provisions

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

The Planning Proposal seeks the site specific provisions:

- Seek to increase floor space ratio, from 1.2:1 to 1.5:1, on that part of the Qantas Land zoned IN1 for "airport related landuses" or "airport related industries"; and
- Incorporate the "airport-related land use" and "airport-related industry" within Schedule 1 of the BBLEP 2013.

The planning proposal will generate an additional 44,362.8 sqm of floor space and enabling a wide range of uses. It offers an appropriate degree of flexibility in landuse within proximity to the Sydney Airport whilst ensuring future uses were related to the airport.

**Note:** *The land use table for IN1 and B5 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 imposing any development standards/requirements in addition to those already contained in the IN1 and B5 zones.

### 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The intent of direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the *Metropolitan Plan for Sydney 2036*.

As illustrated above, the planning proposal is not inconsistent with the Strategic Directions and Actions of the *Metropolitan Plan for Sydney 2036*.

### **Section C – Environmental, social and economic impact.**

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.

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

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

**Flooding:** Some of the Qantas Land is 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 Qantas Land. Future developments will be subject to consent. Any significant adverse environmental impacts can be addressed during the development application stage. Hence, the Planning Proposal is consistent with the Direction.

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

**Traffic:** The traffic impact associated with the Planning Proposal is addressed in the Traffic Assessment prepared ARUP (**Attachment 5**). The Traffic Assessment indicates that the additional traffic generated from the Qantas Land as a result of the Planning Proposal would have a negligible impact on the surrounding network taking into account the number and spread of access points to the road system. The Assessment predicts the additional floor space would result in an additional 887 employees on the Qantas Land with a resultant traffic generation of 168 AM peak hour trips. This increase represents a 3.3% increase in employee across the Mascot precinct and 2.1% increase in peak hour vehicle trips.

Council has already consulted with RMS on 21 February 2014 who has advised the following:

*“Planning for the WestConnex proposal is being progressed in stages, with the initial focus being on Stage 1 (the M4 widening and M4 East corridors). Westconnex Development Authority (WDA) are still investigating options of Stage 2 of WestConnex and there maybe some impact on Qantas lands. WDA have commenced initial discussion with Qantas and these discussions will continue as the options are investigated and development progress continues. At this stage, WDA has no opposition to the proposal LEP amendment.”*

*“In addition, consideration should be given to assess the cumulative of developments within this precinct and identify mitigation measures to accommodate the cumulative traffic impact of future development, particularly O’Riordan Street/King Street intersection.”*

Based on the RMS advice, Council recommends a condition be incorporated into Gateway Determination requiring a traffic assessment to be undertaken by the proponent.

**Groundwater:** The Qantas Land is located in the area of the Botany Sands aquifer and in an area of high water table. Geotechnical investigations of the Qantas Land undertaken in the past have found groundwater at depth of between 0.85m and 2.3m below ground surface.

Any proposed works on the Qantas Land which penetrate the water table may require activity approval under the *Water Management Act 2000* and any such application would be integrated development for the purpose of the *Environmental Planning and Assessment Act 1979*.

Any development proposal involving penetrating of the water table would require assessment of the groundwater and the formulation of appropriate construction and dewatering methodologies at the development application stage.

#### 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 (i.e. open space, hospitals); and existing retail centres.

The proposal will not alter the land use table contained in the BBLEP 2013. The proposed uses (i.e. airport-related landuse and airport-related industry) will not generate additional permanent population to the Botany Bay LGA. Hence, it is unlikely the planning proposal will place additional pressure to the existing social infrastructures (i.e. schools and hospitals).

The Traffic Assessment (**Attachment 5**), prepared by ARUP, indicates that the additional floor space (i.e. 44,362.8 sqm) will generate an additional 887 employees on the Qantas Land. The additional employees will be serviced by the Mascot Station Precinct which is located approximately 500m from the Qantas Land. It should be noted that the Mascot Station Precinct has been identified as a “future Town Centre<sup>1</sup>” in the draft *East Subregional Strategy*.

**Economic effects:** The Planning Proposal will result in a positive economic effect as the additional floor space will generate additional job opportunity within Botany Bay LGA; support the economic activity of Global Economic Corridor and Sydney Airport and Environs Specialised Centre; and generate demand and support the Mascot Station Precinct.

The planning proposal will not impact upon the supply of residential land or housing supply.

### **Section D – State and Commonwealth interests**

#### Is there adequate public infrastructure for the planning proposal?

The Qantas Land is serviced by existing public transport infrastructure, utility services, roads and essential services.

The impact of the Planning Proposal on the road network has been addressed in the Traffic Assessment prepared by ARUP. The Assessment indicates that the increased traffic

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<sup>1</sup> The draft *East Subregional Strategy* defined “town centre” as large group of more than 50 retail and services with one or two supermarkets, sometimes a small shopping mall.

generation would “*have a negligible impact when spread across the access points to the road system*”.

Hence, the additional floor space is unlikely to impact on the existing infrastructures (such as public transport, road, utilities, waste management, recycling and essential services).

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

The following State and Commonwealth government authority will be consulted:

- Road and Maritime Services; and
- Sydney Airport Corporation Limited.

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

## **PART 4 - MAPPING**

Mapping for the Planning Proposal can be found in **Attachment 1 & 2**.

## **PART 5 - COMMUNITY CONSULTATION**

Council proposes that the planning proposal be exhibited as follows:

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

## PART 6 – PROJECT TIMELINE

The project timeline for the Planning Proposal is as follow:

	<i>Timeframe*</i>
<i>Anticipated commencement date</i>	May 2014
<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>	June 2014
<i>Commencement date for public exhibition period</i>	June 2014
<i>Dates for public hearing (if required)</i>	N/A
<i>Timeframe for consideration of submissions</i>	July 2014
<i>Timeframe for the consideration of a proposal post exhibition</i>	August 2014
<i>Date of submission to the Department to finalise the LEP</i>	August 2014
<i>Anticipate date RPA will make the plan (if delegated)</i>	October 2014
<i>Anticipated date RPA will forwarded to the Department for notification</i>	November 2014

**Table 2 – Proposed Timeframe**

\* Subject to the Department of Planning & Infrastructure approval and timeframe

## PART 7 – CONCLUSION

In summary, the Planning Proposal seeks the following amendments:

- Incorporate the following new objective in the IN1 – General Industrial and B5 – Business Development zones:

*To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport.*

- Introduce airport-related land use and airport-related industry on the Qantas land (identified in **Table 1**) within Schedule 1 of the BBLEP 2013; and
- Incorporate the following into Clause 4.4 of the BBLEP 2013:

**Clause 4.4(2D)** - *Despite subclause (2), the maximum floor space for development that is used for the purposes of “airport related land uses” or “airport related industries” as defined in Schedule 1 on land identified as “Area 4” on the Floor Space Ratio Map must not exceed 1.5:1.*

The Planning Proposal is generally consistent with relevant State and local legislations; 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 Sydney Airport & Environs Specialised Centre; generate additional employment opportunities for the Botany Bay LGA; minimal adverse impacts to the environment; and positive social and economic effect. However, Council requests the following information be provided prior to public exhibition and agency consultation:

- **Traffic Assessment** – assess the cumulative impact of developments within the precinct and identify mitigation measures to accommodate the cumulative traffic impact of future development, particularly O’Riordan/King Street intersection.

## ATTACHMENT

1. Botany Bay Local Environmental Plan 2013 – Zoning and Planning Controls
2. Letter to Qantas dated 25 January 2013
3. Council's Report and Resolution
4. List of State Environmental Planning Policies
5. Traffic Assessment
6. Permissible Uses Comparison
7. Qantas Response
8. Road and Maritime Services Response

## Chi-Li Chen Gilead

---

**From:** QU Stella B [Stella.QU@rms.nsw.gov.au]  
**Sent:** Friday, 21 February 2014 10:12 AM  
**To:** Chi-Li Chen Gilead  
**Cc:** Dowsett, Rodger; McMahon, Cathy; HALL James C  
**Subject:** RE: Qantas Airways - Planning Proposal  
**Attachments:** RMS response.pdf

Dear Gilead,

Please find attached RMS response to the abovementioned planning proposal.

Let me know if you have any questions.

Regards,

**Stella Qu**

Land Use Planner  
Transport Planning Section | Sydney Region  
T 02 8849 2520 F 02 8849 2918  
www.rms.nsw.gov.au

Roads and Maritime Services  
27 Argyle Street Parramatta NSW 2150

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**From:** Chi-Li Chen Gilead [mailto:cheng@botanybay.nsw.gov.au]  
**Sent:** Friday, 21 February 2014 9:46 AM  
**To:** QU Stella B; HALL James C  
**Cc:** Dowsett, Rodger; McMahon, Cathy  
**Subject:** RE: Qantas Airways - Planning Proposal

James and Stella,

Botany Bay City Council has been advised by Qantas that WestConnex has provided the following feedback to RMS regarding the Qantas Planning Proposal:

*"In summary the advice was that WestConnex is currently undertaking investigations in the area and these may result in proposed impacts upon Qantas lands. However, at this stage WDA has no opposition to the proposed LEP amendment."*

Please provide confirmation to the above feedback and advise Council whether RMS has any objections to the Planning Proposal. A reply by 24 February 2014 (Monday) would be appreciated.

Regards

Gilead Chen  
Senior Strategic Planner  
City of Botany Bay

T: (02) 9366 3566  
F: (02) 9366 3777  
E: [cheng@botanybay.nsw.gov.au](mailto:cheng@botanybay.nsw.gov.au)

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**From:** McMahon, Cathy  
**Sent:** Thursday, 12 December 2013 8:11 AM  
**To:** 'QU Stella B'; James Hall  
**Cc:** Dowsett, Rodger; Chi-Li Chen Gilead  
**Subject:** Qantas Airways - Planning Proposal  
**Importance:** High

James and Stella,

Council has received a planning proposal from Design Collaborative on behalf of Qantas Airways.

I attach the documents relating to the planning proposal which seek 3 amendments to the Botany Bay LEP 2013 as follows:

1. Amend the land use table in the Botany Bay LEP to include the following zone objective in the IN1 General Industrial and B5 Business Development zones: *To support the role of Sydney Airport and Environs as a specialised centre providing an international aviation gateway and airport related landuses and industries.*
2. Amend Botany Bay LEP 2013 by adding the following items to Schedule 1 – Additional Permitted Uses:

***Use of certain land at Coward Street, King Street and Kent Road, Mascot***

*(1) This Clause applies to land at Coward Street, King Street and Kent Road Mascot being Lots 2 & 4 DP 234489, Lot B DP 164829, Lot 1 DP 81210, Lot 1 DP 202093, Lot 1 DP 721562, Lot 1 DP 202747, Lot 133 DP 659434, Lots 4 & 5 DP 38594, Lots 1 & 2 DP 738342, Lot 23 DP 883548, Lot 3 DP 230355, Lot 4 DP 537339, Lot 1 DP 445957 and Lot 2 in DP 510447.*

*(2) Development for the purposes of airport-related land use is permitted with consent.*

*(3) In this clause, **airport-related land use** means a building or place used for purposes related to Sydney (Kingsford Smith) Airport, and includes a building or place used for the provision of services related to any of the following uses carried out at Sydney (Kingsford Smith) Airport:*

*(a) the assembly, storage or land transport of air freight, or*

*(b) the accommodation or transportation of crew or air passengers, and the provision of associated shops, information and services, including banking, dry cleaning, hairdressing and the like, or*

*(c) the storage, operation, maintenance or repair of aircraft or aircraft components, or*

- (d) the administrative functions associated with the airport, such as airport management and security, or*
- (e) the functions of government departments and authorities related to air passengers and air freight.*

**Use of certain land at King Street, Mascot**

- (1) This Clause applies to land at King Street Mascot being Lot 2 in DP 510447.*
- (2) Development for the purposes of airport-related industry is permitted with consent.*
- (3) In this clause, **airport-related industry** means a general industry or light industry for a purpose related to Sydney (Kingsford Smith) Airport.*

- 3. Amend Botany Bay LEP 2013 FSR Map to provide for a maximum FSR of 1.5:1 on that part of the Qantas land zoned IN1. Please note that the FSR is currently a maximum of 1.2:1.

The Planning Proposal is accompanied by a Traffic Assessment Report dated 3 October 2013 prepared by ARUP. Please refer to Appendix 1 attachment to this email.

The matter is referred to the Roads and Maritime Services in the first instance to advise on whether or not it has any objections to the Planning Proposal or whether or not additional information is required from Qantas prior to Council proceeding with the Planning Proposal. **A reply by 20 January 2014 would be appreciated.**

Please contact either myself or Gilead Chi-Li Chen should you have any queries or require additional information – or if RMS require a meeting with Council Officers or the proponent for the Planning Proposal.

regards

Catherine McMahan  
Principal Planner  
City of Botany Bay  
(02) 9366 3520

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## Chi-Li Chen Gilead

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**From:** Felicity Thomas [felicitythomas@qantas.com.au]  
**Sent:** Friday, 21 February 2014 9:33 AM  
**To:** Chi-Li Chen Gilead  
**Cc:** Stephen McDonald; Adel Faltas; McMahon, Cathy; Dowsett, Rodger; Felicity Thomas  
**Subject:** FW: Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Hi Gilead,

We have been advised by WestConnex that they have provided their feedback to RMS regarding the Qantas Planning Proposal as follows:

“In summary the advice was that WestConnex is currently undertaking investigations in the area and these may result in proposed impacts upon Qantas lands. However, at this stage WDA has no opposition to the proposed LEP amendment.”

We hope that this means that RMS have now provided feedback to Botany Council regarding the planning proposal. Please do not hesitate to contact me if you have any queries.

Thanks & Regards  
Felicity



**Felicity Thomas**  
Manager Property Planning  
Qantas Airways Limited

B Wing Level 1  
10 Bourke Road, Mascot NSW 2020  
P. +61 2 9691 3046 (ext. 23046)  
M. +61 423 782 731  
E. [felicitythomas@qantas.com.au](mailto:felicitythomas@qantas.com.au)

[qantas.com](http://qantas.com) | [facebook.com/qantas](https://facebook.com/qantas) | [twitter.com/qantasairways](https://twitter.com/qantasairways) | [youtube.com/qantas](https://youtube.com/qantas)



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**From:** Felicity Thomas  
**Sent:** Wednesday, 19 February 2014 5:36 PM  
**To:** 'Chi-Li Chen Gilead'  
**Cc:** Stephen McDonald; Adel Faltas; McMahon, Cathy; Dowsett, Rodger  
**Subject:** RE: Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Hi Gilead,

Thanks for the update.  
Qantas has no objections to the proposed amendment below.

Regards  
Felicity



**Felicity Thomas**  
Manager Property Planning  
Qantas Airways Limited

B Wing Level 1  
10 Bourke Road, Mascot NSW 2020  
P. +61 2 9691 3046 (ext. 23046)  
M. +61 423 782 731  
E. [felicitythomas@qantas.com.au](mailto:felicitythomas@qantas.com.au)

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**From:** Chi-Li Chen Gilead [<mailto:cheng@botanybay.nsw.gov.au>]  
**Sent:** Friday, 14 February 2014 2:56 PM  
**To:** Felicity Thomas  
**Cc:** Stephen McDonald; Adel Faltas; McMahon, Cathy; Dowsett, Rodger  
**Subject:** RE: Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Felicity,

Thank you for your prompt response.

In addition to the previous amendment, Council proposes to incorporate the following clause into the *Botany Bay Local Environmental Plan 2013*:

- **Clause 4.4(2D)** - Despite subclause (2), the maximum floor space for development that is used for the purposes of “airport related land uses” or “airport related industries” as defined in Schedule 1 on land identified as “Area 4” on the Floor Space Ratio Map must not exceed 1.5:1.

The intent of the clause is to ensure the floor space is used for “airport-related” purpose and prevent future land uses and industries (i.e. non airport-related land uses/industries) in taking advantage of the additional floor space. This is consistent with Clause 12(3) of the *Botany Local Environmental Plan 1995*.

If you any questions, please do not hesitate to contact me on 9366 3566.

Regards

Gilead Chen  
Senior Strategic Planner  
City of Botany Bay

T: (02) 9366 3566  
F: (02) 9366 3777

E: [cheng@botanybay.nsw.gov.au](mailto:cheng@botanybay.nsw.gov.au)

---

**From:** Felicity Thomas [<mailto:felicitythomas@qantas.com.au>]  
**Sent:** Wednesday, 12 February 2014 5:49 PM  
**To:** Chi-Li Chen Gilead  
**Cc:** Stephen McDonald; Adel Faltas; McMahon, Cathy; Dowsett, Rodger  
**Subject:** RE: Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Hi Gilead,

Thanks for the update.  
Qantas has no objections to the proposed amendment below.

Qantas had a preliminary meeting with WestConnex last week. We are following up with WestConnex regarding any further information Qantas can provide to enable RMS to provide feedback on the Planning Proposal.

Regards  
Felicity



**Felicity Thomas**  
Manager Property Planning  
Qantas Airways Limited

B Wing Level 1  
10 Bourke Road, Mascot NSW 2020  
P. +61 2 9691 3046 (ext. 23046)  
M. +61 423 782 731  
E. [felicitythomas@qantas.com.au](mailto:felicitythomas@qantas.com.au)

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---

**From:** Chi-Li Chen Gilead [<mailto:cheng@botanybay.nsw.gov.au>]  
**Sent:** Tuesday, 11 February 2014 3:40 PM  
**To:** Felicity Thomas  
**Cc:** Stephen McDonald; Adel Faltas; McMahon, Cathy; Dowsett, Rodger  
**Subject:** RE: Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Felicity,

Council's Strategic Planner has reviewed the submitted Planning Proposal for the Qantas Land and wishes to amend the objective for the IN1 – General Industrial and B5 – Business Development zones to the following:

*"To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport"*

The intent of the amendment is to ensure other IN1 and B5 zoned lands (such as land near Eastgardens) are not impacted by the proposed objective.

Council currently awaiting feedback from RMS. Once feedback is received, the Planning Proposal will be submitted to Council for consideration.

If you any questions, please do not hesitate to contact me on 9366 3566.

Regards

Gilead Chen  
Senior Strategic Planner  
City of Botany Bay

T: (02) 9366 3566  
F: (02) 9366 3777  
E: [cheng@botanybay.nsw.gov.au](mailto:cheng@botanybay.nsw.gov.au)

---

**From:** Felicity Thomas [<mailto:felicitythomas@qantas.com.au>]  
**Sent:** Wednesday, 5 February 2014 3:25 PM  
**To:** McMahon, Cathy  
**Cc:** Stephen McDonald; Adel Faltas; Chi-Li Chen Gilead  
**Subject:** RE: Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Hi Cathy,

We had an initial meeting with the WestConnex Section of Transport this morning.  
We will be having further sessions with the WestConnex team due to the potential impacts on the Qantas owned land.

As discussed, the progression of the Planning Proposal is awaiting approval from RMS, which was waiting for feedback from the WestConnex team.  
We will follow up with the WestConnex team to facilitate the requested approval from RMS.

Thanks  
Felicity



**Felicity Thomas**  
Manager Property Planning  
Qantas Airways Limited

B Wing Level 1  
10 Bourke Road, Mascot NSW 2020  
P. +61 2 9691 3046 (ext. 23046)  
M. +61 423 782 731  
E. [felicitythomas@qantas.com.au](mailto:felicitythomas@qantas.com.au)

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**From:** McMahon, Cathy [<mailto:mcmahonc@botanybay.nsw.gov.au>]  
**Sent:** Wednesday, 5 February 2014 2:47 PM  
**To:** Felicity Thomas  
**Cc:** Stephen McDonald; Adel Faltas; Chi-Li Chen Gilead  
**Subject:** RE: Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Hi Felicity

Council was advised last week that the Planning Proposal had been referred to the WestConnex Section of Transport who have advised that they are currently organising a meeting with Qantas – I am waiting on the time and date.

It seems that they have not contacted Qantas yet as you are unaware of the request for a meeting. I will chase up the WestConnex Section

regards

Catherine McMahon  
Principal Planner  
City of Botany Bay  
(02) 9366 3520

---

**From:** Felicity Thomas [<mailto:felicitythomas@qantas.com.au>]  
**Sent:** Wednesday, 5 February 2014 2:41 PM  
**To:** McMahon, Cathy; Chi-Li Chen Gilead  
**Cc:** Stephen McDonald; Adel Faltas  
**Subject:** FW: Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Hi Cathy and Gil,

Happy New Year.

I am just writing to check whether you have received any feedback on the Planning Proposal?  
Do you require any further detail from Qantas?

Thanks  
Felicity



**Felicity Thomas**

Manager Property Planning  
Qantas Airways Limited

B Wing Level 1  
10 Bourke Road, Mascot NSW 2020  
P. +61 2 9691 3046 (ext. 23046)  
M. +61 423 782 731  
E. [felicitythomas@qantas.com.au](mailto:felicitythomas@qantas.com.au)

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Begin forwarded message:

**From:** "McMahon, Cathy" <[mcmahonc@botanybay.nsw.gov.au](mailto:mcmahonc@botanybay.nsw.gov.au)>  
**Date:** 12 December 2013 8:23:09 am AEDT  
**To:** "[stephenmcdonald@qantas.com.au](mailto:stephenmcdonald@qantas.com.au)" <[stephenmcdonald@qantas.com.au](mailto:stephenmcdonald@qantas.com.au)>  
**Cc:** "Dowsett, Rodger" <[dowsettr@botanybay.nsw.gov.au](mailto:dowsettr@botanybay.nsw.gov.au)>, Chi-Li Chen Gilead <[cheng@botanybay.nsw.gov.au](mailto:cheng@botanybay.nsw.gov.au)>  
**Subject:** Planning Proposal - Land owned by Qantas Airways Limited at Mascot

Mr McDonald

I acknowledge receipt of Qantas's Planning Proposal lodged with Council on 9 December 2013.

I advise that Council has forwarded the Planning Proposal to the Roads and Maritime Services for its preliminary advice. Council has requested that that advice be received by 20 January 2014 (given the Christmas break). Once RMS's advice is received I will be in contact with you.

Any queries regarding the progress of the Planning Proposal please contact either myself or Mr Gilead Chi-Li Chen.

regards

Catherine McMahon  
Principal Planner  
City of Botany Bay  
(02) 9366 3520

---

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Qantas Airways Limited ABN 16 009 661 901

Visit Qantas online at <http://qantas.com>

\*\*\*\*\*

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## Attachment 6 - Permissible Uses Comparison

Type	Former: BLEP 1995 4(c1) and 4(c2)	Current: BBLEP 2013 IN1 and B5 zone
<i>Commercial</i>	<ul style="list-style-type: none"> <li>• Commercial premises</li> <li>• Convenience shops or facilities</li> <li>• Motor showrooms;</li> <li>• Taverns</li> <li>• Tradespersons' supply and service stores</li> <li>• Vehicle rental centres</li> </ul>	<ul style="list-style-type: none"> <li>• Food and drink premises</li> <li>• Garden centres</li> <li>• Hardware and building supplies</li> <li>• Landscaping material supplies</li> <li>• Neighbourhood shops</li> <li>• Restaurants or cafes</li> <li>• Take away food and drink premises</li> <li>• Timber yards</li> <li>• Vehicle sales or hire premises</li> </ul>
<i>Industrial</i>	<ul style="list-style-type: none"> <li>• Air freight forwarders;</li> <li>• Airport-related industries;</li> <li>• Airport-related land uses</li> <li>• Bus Depots</li> <li>• High technology industries</li> <li>• Light goods dispatch</li> <li>• Warehouse or distribution centres</li> </ul>	<ul style="list-style-type: none"> <li>• Bulky goods premises</li> <li>• Depots</li> <li>• Freight transport facilities</li> <li>• General industries</li> <li>• High technology industries</li> <li>• Industrial training facilities</li> <li>• Light industries</li> <li>• Warehouse or distribution centres</li> </ul>
<i>Infrastructure</i>	<ul style="list-style-type: none"> <li>• Car parking facilities</li> <li>• Child care centres</li> <li>• Clubs</li> <li>• Community facilities</li> <li>• Places of worship</li> <li>• Public buildings</li> <li>• Recreation facilities</li> <li>• Refreshment rooms</li> </ul>	<ul style="list-style-type: none"> <li>• Child care centres</li> <li>• Passenger transport facilities</li> <li>• Respite day care centres</li> <li>• Roads</li> </ul>
<i>Other</i>	<ul style="list-style-type: none"> <li>• Building identification signs</li> <li>• Business identification signs</li> <li>• Customs agencies</li> <li>• General advertising</li> <li>• Hotels</li> <li>• Motels</li> <li>• Serviced apartments</li> <li>• Subdivision</li> <li>• Utility installations</li> </ul>	

Qantas Airways Limited  
**Land owned by Qantas at Mascot**  
Traffic Assessment for Planning  
Proposal to amend Botany Bay LEP  
2013

Issue | 3 October 2013

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 220564

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Arup Pty Ltd ABN 18 000 966 165

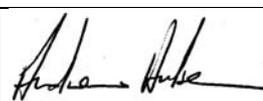


**Arup**  
Level 10 201 Kent Street  
PO Box 76 Millers Point  
Sydney 2000  
Australia  
[www.arup.com](http://www.arup.com)

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# Document Verification

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<b>Job title</b>		Land owned by Qantas at Mascot		<b>Job number</b>	
				220564	
<b>Document title</b>		Traffic Assessment for Planning Proposal to amend Botany Bay LEP 2013		<b>File reference</b>	
<b>Document ref</b>					
<b>Revision</b>	<b>Date</b>	<b>Filename</b>	Draft Qantas Mascot Land Traffic Assessment for Botany Bay LEP 2013.docx		
Draft 1	19 Sep 2013	<b>Description</b>	First draft		
			Prepared by	Checked by	Approved by
		Name	Andrew Hulse	Joshua Milston	Andrew Hulse
		Signature			
Issue	3 Oct 2013	<b>Filename</b>	Qantas Mascot Land Traffic Assessment for Botany Bay LEP 2013.docx		
		<b>Description</b>	Issue		
			Prepared by	Checked by	Approved by
		Name	Andrew Hulse	Joshua Milston	Andrew Hulse
		Signature			
		<b>Filename</b>			
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		Name			
		Signature			

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# 1 Introduction

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Arup has been appointed by the Qantas Group to provide a traffic assessment for a Planning Proposal to amend Botany Bay LEP 2013 for the Qantas freehold land in Mascot.

## 2 LEP Changes

---

### 2.1 Floor Space Ratio (FSR)

Under Botany LEP 1995, all of Qantas's land was zoned *Special Industrial 4(c1) Airport-related* purposes zone which is developed for airport related development and was subject to a maximum FSR of 1.5:1.

The IN1 zone under the recently adopted Botany Bay LEP 2013, which applies to the majority of the Qantas Freehold land, has a FSR of 1.2:1. Based on the site area of the Qantas land, the change in development potential by this lower FSR is some 44,363 m<sup>2</sup> GFA as shown in Table 1.

Table 1 GFA resulting from change in FSR

Qantas IN1 zoned land	FSR	GFA generated
147,876 m <sup>2</sup>	1.5:1	221,814.0 m <sup>2</sup>
	1.2:1	177,451.2 m <sup>2</sup>
Difference in GFA		44,362.8 m <sup>2</sup>

### 2.2 Permissible Land Uses

The IN1 zone permits general industrial uses which aligns closely with most of the Qantas land uses. An analysis of Qantas's anticipated land uses indicates that they might variously be defined as follows under the Botany Bay LEP 2013:

- Freight transport facility
- General industry
- Storage premises
- Industrial training facility
- Car park
- Tourist and visitor accommodation
- Other airport / aviation related land uses

All of the above with the exception of *tourist and visitor accommodation and other airport / aviation related land uses* would be permissible.

## 3 Traffic Assessment

### 3.1 Potential future employment on Qantas land

The Mascot Town Centre Precinct Transport Management and Accessibility Plan (Mascot TMAP) prepared by SMEC in 2012 assessed the traffic and transport implications of the Botany Bay LEP 2013 planning controls. Travel zone 9105 shown in Figure 1 was applied to the general industrial zoned land predominantly associated with the Qantas freehold land.

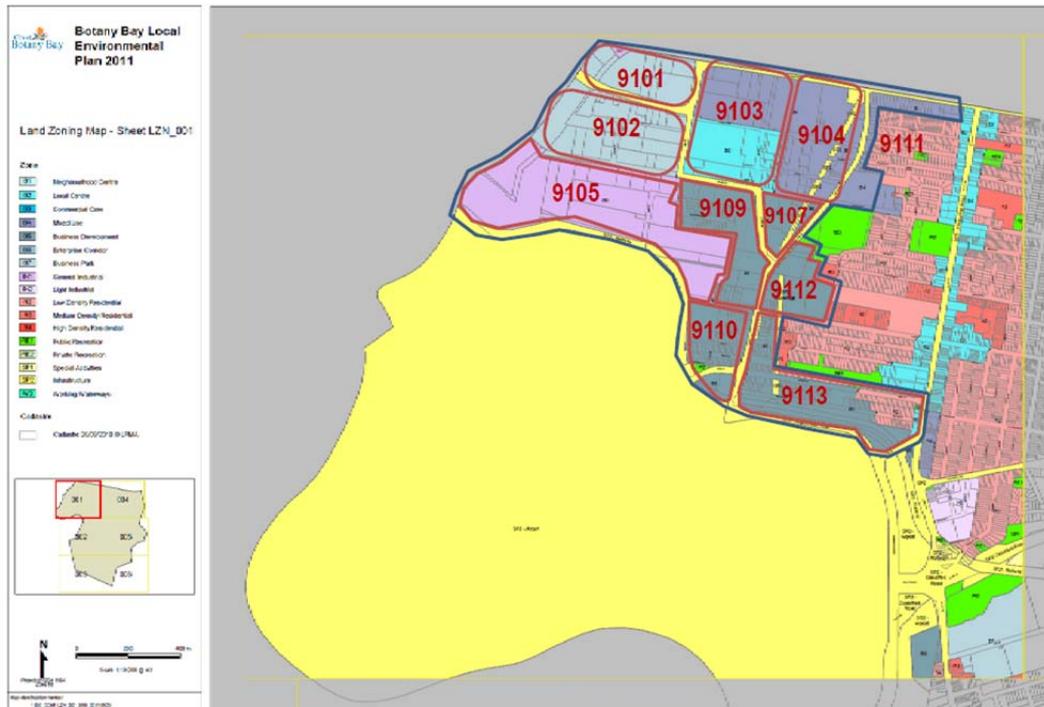


Figure 1 Land zoning and associated travel zones from TMAP

Two development scenarios were developed for the TMAP analysis:

- S1 with an FSR of 3.0:1; and
- S2 with an FSR of 3.5:1.

The development scenarios were based on the following assumptions:

- The TMAP Study Area will be redeveloped by 2031;
- Employment capacity of one person per 80 m<sup>2</sup> metres for industrial uses and one person per 25 m<sup>2</sup> for office development; and
- Residential development is constructed in areas below ANEF 25.

For travel zone 9105, Scenario S1 predicted a slight fall in employment and S2 a static employment at 2031.

The airport related land uses could be expected to have an employee density somewhere within the range of one employee per 25 to 80m<sup>2</sup>. If the 147,876 m<sup>2</sup> of Qantas freehold land is compared with TZ 9105 as shown in Figure 2, it represents approximately 70% of the zone. In 2011 this zone had 3000 employees assigned to it which represents an employee density of one per 70m<sup>2</sup>. This is as

expected given the low density of industrial uses and significant areas of car parking. Future development of the zone could see employee density increase to about one per 50m<sup>2</sup> which sits close to the midway point and is considered appropriate for the likely future uses on this land and will be used in this assessment.

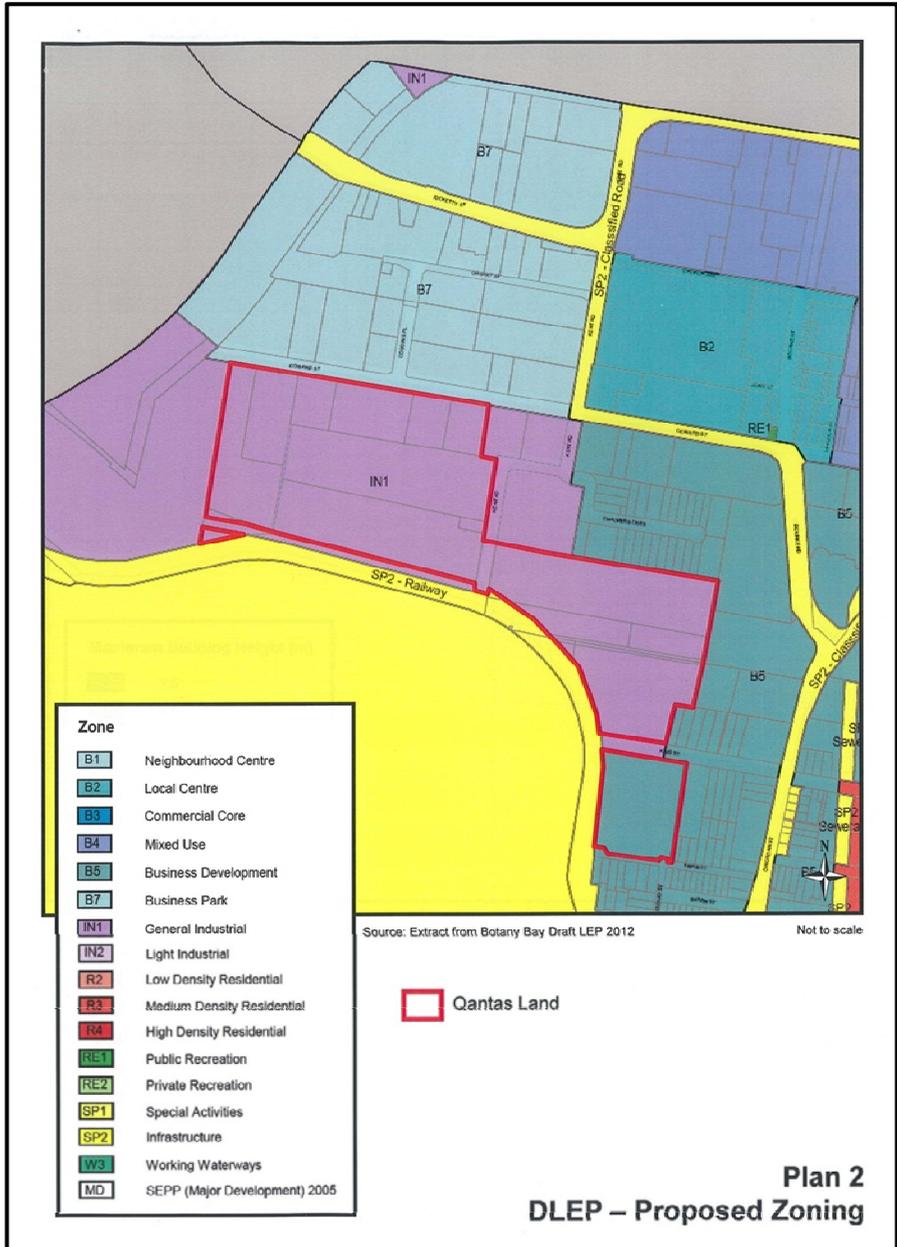


Figure 2 Qantas land overlay on IN1 zone which matches TZ9105

When the ratio of one employee per 50m<sup>2</sup> is applied to the potential 44,363m<sup>2</sup> change in GFA for a 1.5:1 FSR, an additional 887 employees could be accommodated on the Qantas land.

In 2021 for Scenario 1 which uses an FSR of 3:1 for the business zoned land and 1.2:1 for IN1 zoned land, the TMAP analysis predicted a total employment of 26,521 employees across the study area. The additional 887 employees on the Qantas land with the FSR uplift from 1.2 to 1.5:1 represents only a 3.3% increase.

### 3.2 Potential trip generation

The Mascot TMAP uses a trip generation rate of 0.19 car trips/employee/hour and 0.42 car trips/resident/hour for the AM Peak. The study area is predicted to generate a total of 7,910 car trips in the AM peak hour comprising 2,870 resident car trips and 5,040 employee car trips.

Applying the employee rate to the 887 potential additional employees results in 168 additional car trips in the AM peak hour. When compared to the total car trips generated in the study area this represents a 2.1% increase (168 compared with 7,910 AM Peak hour trips).

There are numerous existing access points to the Qantas land as shown in Figure 3. The additional traffic is spread onto the road network at 4 different points and this level of traffic increase would be negligible when applied to the road network.

The Level of Service for the road links in the Mascot precinct have been provided in the TMAP for 2031. These are shown in Figure 4 for the AM and PM Peaks. The key access routes of Coward Street to the north and King Street to the east provide good levels of service in the range of A to C in both peak periods. Qantas Drive is more constrained and will be operating close to capacity by 2031. Qantas traffic will choose not to use this route when it is constrained.

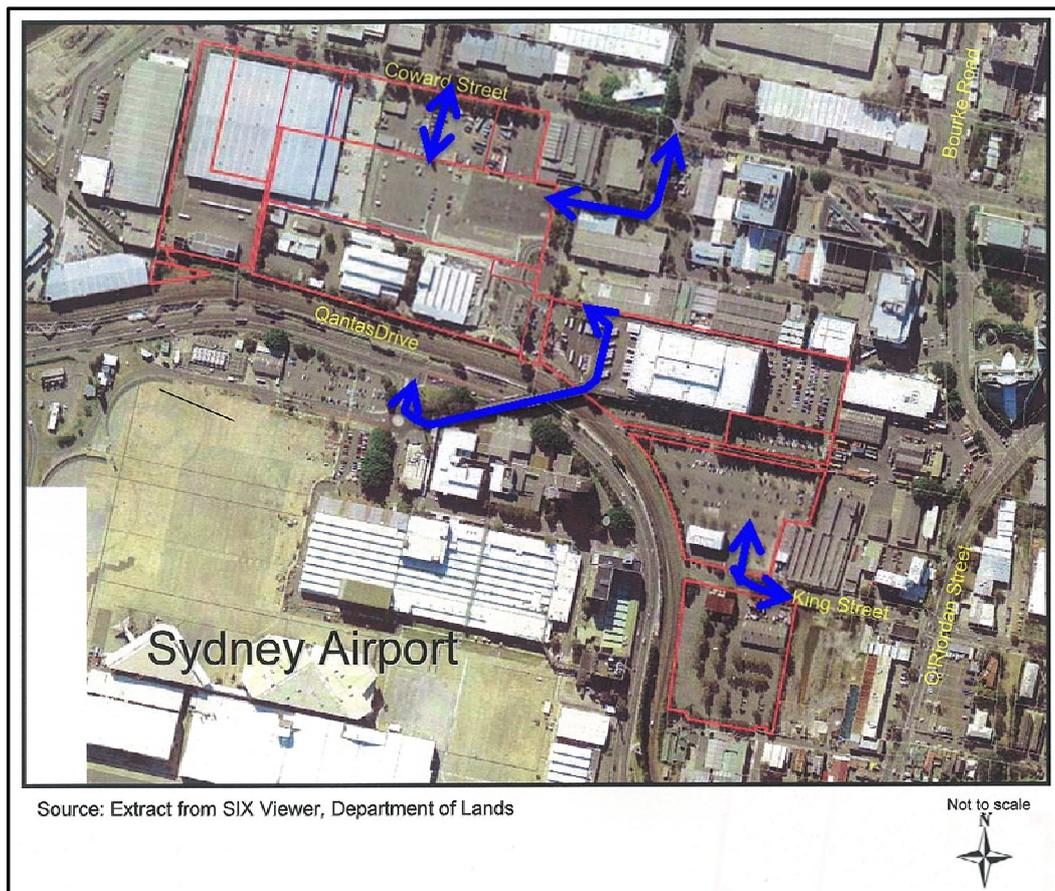


Figure 3 Aerial view of Qantas land with access points indicated

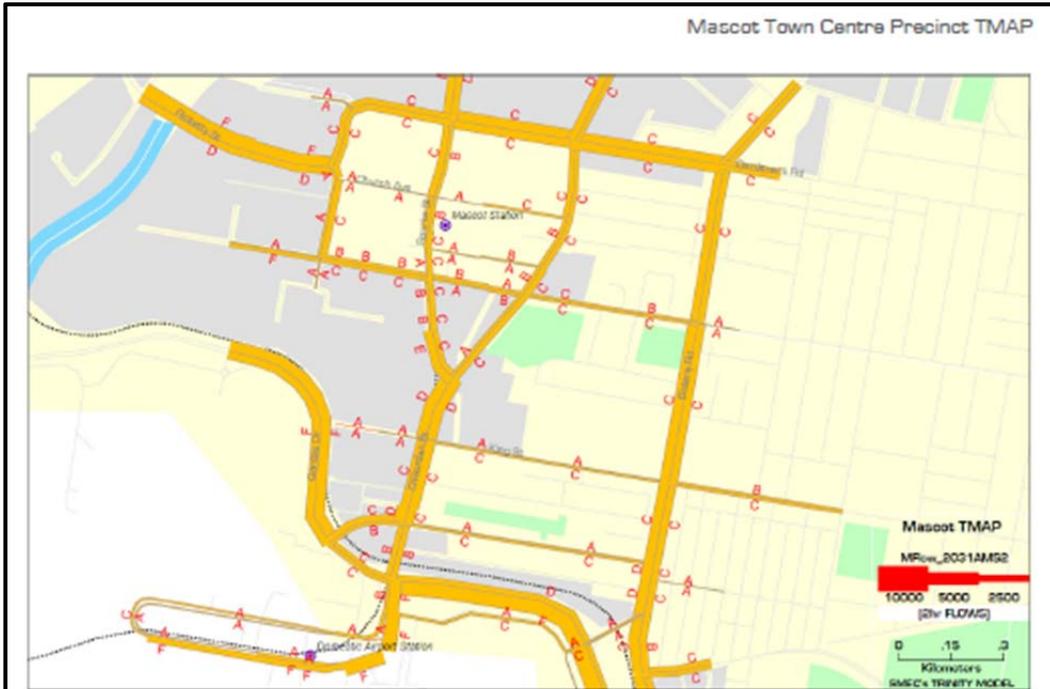


Figure 5.5: 2031 Scenario 2, AM Peak Period (two hours), LOS

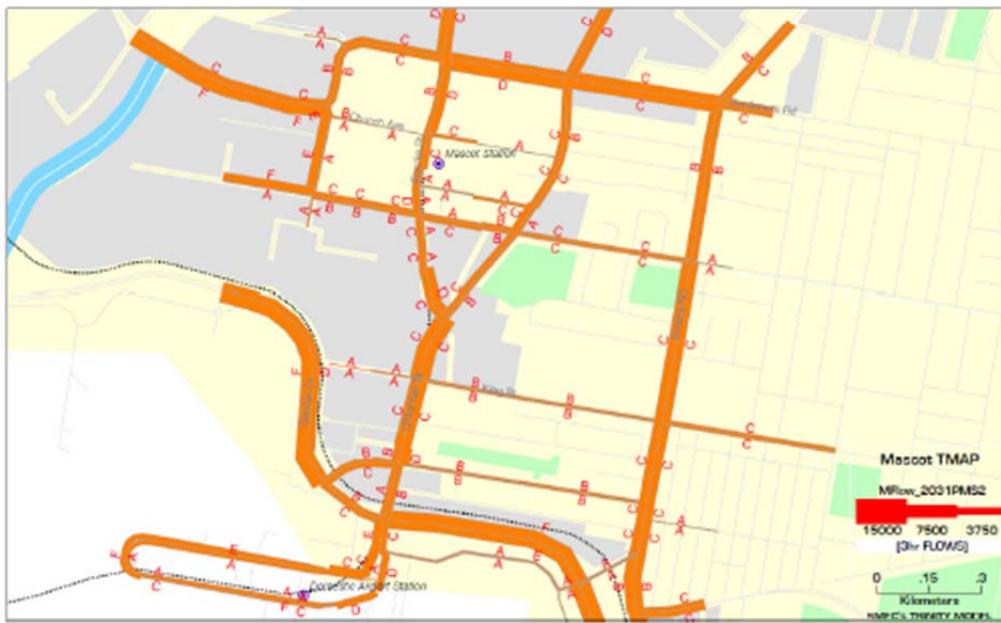


Figure 5.6: 2031 Scenario 2, PM Peak Period (three hours), LOS

Figure 4 Road link Level of Service from TMAP Modelling for 2031

## 4 Conclusion

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This assessment provides the context and quantum of change in traffic generation resulting from the small change in FSR requested for the IN1 zone from 1.2:1 to 1.5: 1. It is predicted that an additional 887 employees could be accommodated on the Qantas Land with a resultant traffic generation of 168 AM peak hour trips. This represents a 3.3% increase in employees across the Mascot precinct and a resultant 2.1% increase in peak hour vehicle trips which could be expected to have negligible impact when spread across the access points to the road system.

#### **Attachment 4 - List of State Environmental Planning Policies**

<b>State Environmental Planning Policy (SEPP)</b>	<b>Consistent with applicable State Environmental Planning Policies</b>
<i>No.1 – Development Standards</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
<i>No.4 – Development without Consent and Miscellaneous Exempt &amp; Complying Development</i>	Not applicable
<i>No.6 – Number of Storey in a Building</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
<i>No.14 – Coastal Wetlands</i>	Not applicable
<i>No.15 – Rural Landsharing Communities</i>	Not applicable
<i>No.19 – Bushland in Urban Areas</i>	Not applicable
<i>No.21 – Caravan Parks</i>	Not applicable
<i>No.22 – Shops and Commercial Premises</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP
<i>No.26 – Littoral Rainforests</i>	Not applicable
<i>No.29 – Western Sydney Recreation Area</i>	Not applicable
<i>No.30 – Intensive Agricultural</i>	Not applicable
<i>No.32 – Urban Consolidation (Redevelopment of Urban Land)</i>	Not applicable
<i>No.33 – Hazardous and Offensive Development</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP
<i>No.36 – Manufactured Home Estates</i>	Not applicable
<i>No.39 – Spit Island Bird Habitat</i>	Not applicable
<i>No.41 – Casino Entertainment Complex</i>	Not applicable
<i>No.44 – Koala Habitat Protection</i>	Not applicable
<i>No.47 – Moore Park Showground</i>	Not applicable
<i>No.50 – Canal Estate Development</i>	Not applicable
<i>No.52 – Farm Dams and Other Works in Land and Water Management Plan Areas</i>	Not applicable
<i>No.55 – Remediation</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
<i>No.59 – Central Western Sydney Regional Open Space and</i>	Not applicable

<i>Residential</i>	
<i>No.60 – Exempt and Complying</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP
<i>No.62 – Sustainable Aquaculture</i>	Not applicable
<i>No.64 – Advertising and Signage</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP
<i>No.65 – Design Quality of Residential Flat Development</i>	Not applicable
<i>No.70 – Affordable Housing (Revised Schemes)</i>	Not applicable
<i>No.71 – Coastal Protection</i>	Not applicable
<i>Affordable Rental Housing (2009)</i>	Not applicable
<i>Building Sustainability Index: BASIX 2004</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
<i>Exempt and Complying Development Codes (2008)</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
<i>Housing for Seniors or People with a Disability (2004)</i>	Not applicable
<i>Infrastructure (2007)</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
<i>Kosciusko National Park – Alpine Resorts (2007)</i>	Not applicable
<i>Kurnell Peninsula</i>	Not applicable
<i>Major Development (2005)</i>	Not applicable
<i>Mining, Petroleum Production and Extractive Industries (2007)</i>	Not applicable
<i>Penrith Lakes Scheme (1989)</i>	Not applicable
<i>Port Botany and Port Kembla (2013)</i>	Not applicable
<i>Rural Lands (2008)</i>	Not applicable
<i>SEPP 53 Transitional Provisions (2011)</i>	Not applicable
<i>State and Regional Development (2011)</i>	Consistent  The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
<i>Sydney Drinking Water Catchment (2011)</i>	Not applicable
<i>Sydney Region Growth Centres (2006)</i>	Not applicable
<i>Temporary Structures (2007)</i>	Consistent

	The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
<i>Urban Renewal (2010)</i>	Not applicable
<i>Western Sydney Employment Area (2009)</i>	Not applicable
<i>Western Sydney Parklands (2009)</i>	Not applicable
<i>Sydney Regional Environmental Plan No.8 - Central Coast Plateau Areas</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 9 – Extractive Industry (No.2 – 1995)</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 16 – Walsh Bay</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 18 – Public Transport Corridor</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 19 – Rouse Hill Development Area</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 – 1997)</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 24 – Homebush Bay Area</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 25 – Orchard Hills</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 26 – City West</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 28 - Parramatta</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 30 – St Marys</i>	Not applicable
<i>Sydney Regional Environmental Plan No. 33 – Cooks Cove</i>	Not applicable
<i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>	Not applicable

**8.3 PLANNING PROPOSAL NO. 1/2014 - LAND OWNED BY QANTAS AIRWAYS LIMITED AT MASCOT**

**File No:** S13/156

On the motion of Councillor Troy, seconded Councillor Glinatsis

144/14

THAT:

1. The contents of the report be noted;
2. Council prepare a Planning Proposal in accordance with the Environmental Planning & Assessment Act 1979 and its Regulation to amend the Botany Bay Local Environmental Plan 2013 as follows:
  - a) Incorporate the following objective into the IN1 – General Industrial and B5 – Business Development zones:

*To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport.*
  - b) Introduce “airport-related land uses” and “airport-related industry” to land owned by Qantas within Schedule 1 of the BBLEP 2013.
  - c) Amend the *Botany Bay Local Environmental Plan 2013* to provide for a maximum floor space ratio of 1.5:1 on that part of the Qantas Land zoned IN1 for “airport related land uses” or “airport related industries”.
3. The Planning Proposal be referred to the Department of Planning for Gateway Determination; and
4. The Gateway Determination be reported to Council.

Submitted to Council for consideration  
on 26/3/14 and received

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### 8.3 PLANNING PROPOSAL NO. 1/2014 - LAND OWNED BY QANTAS AIRWAYS LIMITED AT MASCOT

<b>File No:</b>	S13/156
<b>Attachments:</b>	Copy of Planning Proposal No. 1/2014 - Qantas
<b>Responsible Officer:</b>	Rodger Dowsett - Director of Planning and Development
<b>Date of Preparation:</b>	24 February 2014

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#### EXECUTIVE SUMMARY

On 9 December 2013, Qantas Airways Limited submitted a Planning Proposal that proposes amendments to the *Botany Bay Local Environmental Plan (BBLEP) 2013* in respect of Qantas' land at Mascot. In summary the Planning Proposal provides the following amendments:

- To incorporate the following new objective in the IN1 – General Industrial and B5 – Business Development zones:

*To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport.*

- To insert the following items to Schedule 1 of the *Botany Bay Local Environmental Plan 2013*:

- ***Use of certain land at Coward Street, King Street and Kent Road, Mascot***

*This Clause applies to land at Coward Street, King Street and Kent Road Mascot being Lots 2 & 4 DP 234489, Lot B DP 164829, Lot 1 DP 81210, Lot 1 DP 202093, Lot 1 DP 721562, Lot 1 DP 202747, Lot 133 DP 659434, Lots 4 & 5 DP 38594, Lots 1 & 2 DP 738342, Lot 23 DP 883548, Lot 3 DP 230355, Lot 4 DP 537339, Lot 1 DP 445957 and Lot 2 in DP 510447.*

*Development for the purposes of airport-related land use is permitted with consent. In this clause, **airport-related land use** means a building or place used for purposes related to Sydney (Kingsford Smith) Airport, and includes a building or place used for the provision of services related to any of the following uses carried out at Sydney (Kingsford Smith) Airport:*

- *the assembly, storage or land transport of air freight, or*
  - *the accommodation or transportation of crew or air passengers, and the provision of associated shops, information and services, including banking, dry cleaning, hairdressing and the like, or*
  - *the storage, operation, maintenance or repair of aircraft or aircraft components, or*
-

- *the administrative functions associated with the airport, such as airport management and security, or*
- *the functions of government departments and authorities related to air passengers and air freight.*

- ***Use of certain land at King Street, Mascot***

*This Clause applies to land at King Street Mascot being Lot 2 in DP 510447. Development for the purposes of airport-related industry is permitted with consent. In this clause, **airport-related industry** means a general industry or light industry for a purpose related to Sydney (Kingsford Smith) Airport.*

- Incorporate the following into Clause 4.4 of the BBLEP 2013:

**Clause 4.4(2D)** - *Despite subclause (2), the maximum floor space for development that is used for the purposes of “airport related land uses” or “airport related industries” as defined in Schedule 1 on land identified as “Area 4” on the Floor Space Ratio Map must not exceed 1.5:1.*

## Background

The Planning Proposal relates to a parcel of land owned by Qantas Airways Limited (i.e. the Qantas Land) situated at Coward Street and King Street, Mascot which comprises 17 allotments. The Qantas Land is located immediately to the north of Sydney Airport and is bounded by Qantas Drive and Sydenham-Botany Railway Line to the south and Coward Street to the north. It is generally bounded by existing industrial/business developments. The Qantas parcel of land is united with the exception of one allotment situated on the southern side of King Street. The Qantas Land covers an area of 16.44 ha.

The area of land affected by the Planning Proposal is shown in **Figure 1** below.



**Figure 1 – Location of Qantas Land**

## **Discussion**

### Historical Planning Provisions

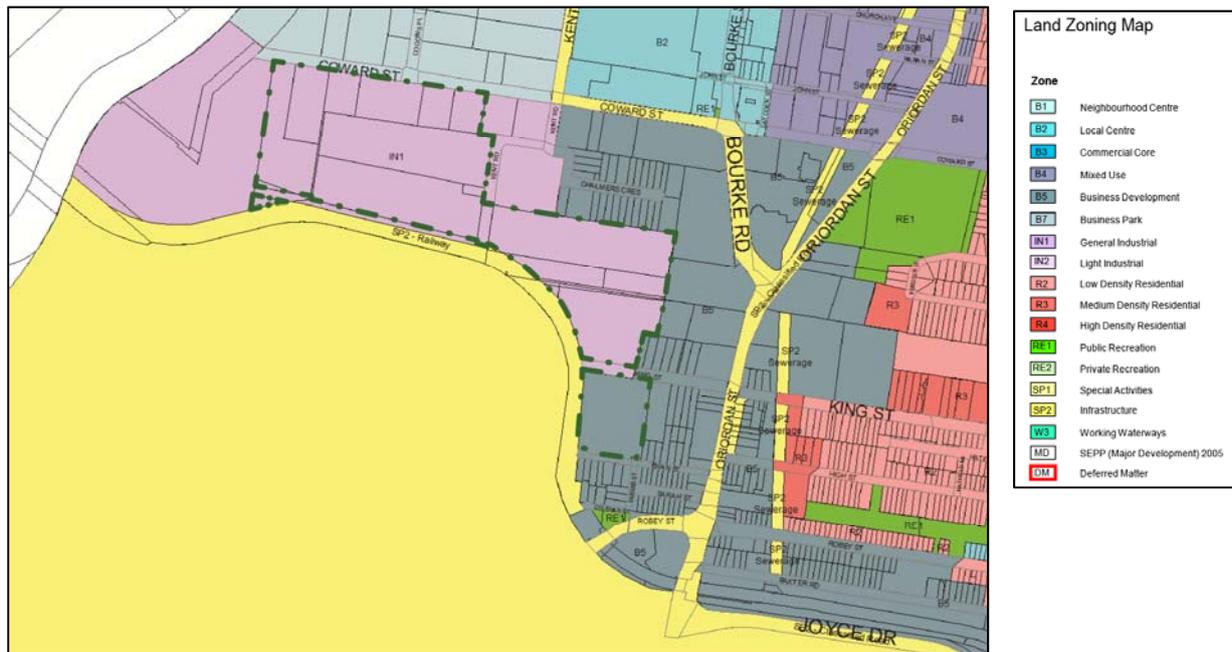
The Qantas Land was zoned as 4(c1) - Industrial Special - Airport Related and 4(c2) - Industrial Special - Airport Related - Restricted zone under the provisions of the Botany Local Environmental Plan (BLEP) 1995. The 4(c1) - Industrial Special - Airport Related and 4(c2) - Industrial Special - Airport Related - Restricted zone were developed to cater for airport-related activities and land uses within the Botany Bay LGA, for example:

- Commercial buildings;
- the assembly, storage or land transport of airfreight;
- hotels, motels and serviced apartments, including services provided for hotel or motel guests, including banking, dry cleaning, hairdressing and the like which are located within the confines of the hotel or motel building;
- the operation, maintenance or repair of aircraft or aircraft components,
- administrative functions associated with the airport such as airport management and security;
- the functions of government departments and authorities related to air passengers and air freight; and
- airport-related industries – including food catering and so on.

Furthermore the maximum FSR permitted under the previous Botany LEP 1995 for commercial development and airport related development was 1.5:1 for land zoned 4(c1) and 4(c2).

### Current Planning Provisions

Zoning under the Botany Bay LEP 2013 is illustrated in Figure 2 below. As indicated the majority of the Qantas land is zoned IN1 General Industrial. Land between King and Ewan Streets is zoned B5 Business Development.



**Figure 2 – Land Zoning under the BBLEP 2013**

The maximum FSR for the Qantas Land zoned IN1 is 1.2:1 whilst the B5 Zoned land has a FSR of 3:1. The maximum height for the Qantas land is 44m.

The Council should note that the IN1 Zone that applies to the Qantas Land permits a range of industrial activities including industries, storage premises, depots, waste or resource management systems, etc.

### Planning Proposal

On 9 December 2013, Qantas Airways Limited submitted a Planning Proposal to amend the Botany Bay Local Environmental Plan (BBLEP) 2013 in respect of Qantas' land at Mascot.

The Planning Proposal is for the following amendments:

- **Additional permitted uses (i.e. airport-related land use and airport related industry) on the Qantas Land within Schedule 1 of the BBLEP 2013:**

The Standard Instrument (Local Environmental Plans) Order 2006 (Standard Instrument) sets out 35 standard zones for councils to use when preparing new principal local environmental plans (LEPs) for their local government areas. As indicated in Practice Note 11-002, Councils may select zones as appropriate to the needs of their local areas but it prohibits council from developing “new zones, create subzones, or change the name of a standard zone”.

Unlike the BLEP 1995 which made unique provision for “airport related” zones the Standard Instrument is devoid of this zone. Hence, Council zoned the Qantas Land as B5 – Business Development and IN1 – General Industrial in the BBLEP 2013 as the circumstances “fitted” to the Standard Instrument LEP.

The IN1 and B5 zones do not offer the same degree of flexibility when compared to the IN1 and B5 Zones for airport related uses. As indicated previously airport related uses/industries include:

- the assembly, storage or land transport of airfreight;
- hotels, motels and serviced apartments, including services provided for hotel or motel guests, including banking, dry cleaning, hairdressing and the like which are located within the confines of the hotel or motel building;
- the operation, maintenance or repair of aircraft or aircraft components,
- administrative functions associated with the airport such as airport management and security;
- the functions of government departments and authorities related to air passengers and air freight;
- airport-related industries – including food catering and so on;
- commercial buildings.

For this reason, the Planning Proposal proposes the inclusion of “airport-related land use” and “airport-related industry” into Schedule 1 of the BBLEP 2013. This will allow additional permitted development on the Qantas Land as long as it can be demonstrated that it is for purposes related to the Sydney (Kingsford Smith) Airport - ie., any future development proposal utilising Schedule 1 of the BBLEP 2013, is for a purpose which would support the Airport and consistent with the strategic role of the Qantas Land.

As indicated in **Figure 1** the location of the Qantas Land is behind the main B5 Business Development Zone along O’Riordan Street so the Gateway between Sydney Airport through the City of Botany Bay into the City of Sydney is maintained – this Gateway will contain commercial buildings and residential development, including hotel motels, serviced apartments and residential flat buildings.

Permitting airport related uses & industries on the Qantas Land to the north of the Airport will expand the range of uses within the IN1 Zone – a return to the goals of the previous planning instrument. If this is achieved, then at worst Council may face applications for industries, storage premises, depots, waste or resource management systems, etc.

- **New local objective to the IN1 – General Industrial and B5 – Business Development zones:**

The Planning Proposal also proposes to incorporate a new objective to the IN1 and B5 zones of the BBLEP 2013. The intent of the new objective is to provide certainty to the activities and uses presently undertaken on the Qantas Land and those that are planned in the future; protects aviation-related uses and employment land within the Botany Bay LGA; and underlines the importance of the Qantas Land in supporting the role and function of Sydney Airport.

The new objective only applies “on land located in close proximity to the Sydney Airport” and will not impact on other IN1 and B5 zoned lands within the Botany Bay LGA.

“Close proximity” is not defined, but would apply to the land zoned B5 and IN1 north and east of the airport.

- **Additional floor space on the Qantas Land:**

Under the BBLEP 2013, the maximum permissible floor space ratio is 1:2 or 177,451.2 sqm (i.e. part of the Qantas Land zoned IN1). As discussed previously, the BLEP 1995 enables the maximum permissible floor space ratio of 1.5:1 or 221,814 sqm for the Qantas Land as it is contemplated as “airport related development”. This represents a reduction in 44,362.8 sqm of floor space between the BLEP 1995 and BBLEP 2013. Therefore, the Planning Proposal seeks to amend the floor space ratio from 1.2:1 to 1.5:1 on that part of the Qantas Land zoned IN1 for “airport related land uses” or “airport related industries”.

The Planning Proposal is consistent with relevant State and local strategic documents (such as Metropolitan Plan for Sydney 2036, draft East Subregional Strategy; and Botany Bay Planning Strategy 2031) and applicable state environmental planning policies and Ministerial Directions (s.117 directions).

As illustrated in the attached Planning Proposal viz Part 3, the proposed amendments will have a positive economic effect on the Botany Bay LGA and have minimal social impact on neighbouring properties. The Planning Proposal seeks to maintain land owned by Qantas for airport related uses which include a range of commercial and light industrial uses.

Future developments are subject to Council’s consent. Matters for consideration (such as flooding; acid sulfate soils; groundwater; and traffic impacts) can be addressed during the development application stage.

Furthermore the Planning Proposal was referred to the Roads and Maritime Services (RMS) for comment and advice on the traffic impacts. RMS advised by letter dated 21 February 2014 the following:

*“Planning for the WestConnex proposal is being progressed in stages, with the initial focus being on Stage 1 (the M4 widening and M4 East corridors). Westconnex Development Authority (WDA) are still investigating options of Stage 2 of WestConnex and there maybe some impact on Qantas lands. WDA have commenced initial discussion with Qantas and these discussions will continue as the options are investigated and development progress continues. At this stage, WDA has no opposition to the proposal LEP amendment.”*

*“In addition, consideration should be given to assess the cumulative of developments within this precinct and identify mitigation measures to accommodate the cumulative traffic impact of future development, particularly O’Riordan Street/King Street intersection.”*

Based on the RMS advice, a request for a cumulative traffic assessment has been incorporated into the Planning Proposal. The assessment will be undertaken by the proponent.

### **Next Step**

A copy of the draft Planning Proposal is attached. If Council adopts this report, the Planning Proposal will be finalised (the Council resolution included) and lodged with the Department of Planning & Infrastructure for a Gateway Determination.

Council should note that there are other examples of environmental planning instruments where additional land uses (i.e. land use definitions not found in the Standard Instrument or outlined in LEP Practice Note – PN11-003) are incorporated within Schedule 1 of the LEP. For example, Clause 62 (Particular development permitted with consent) of the *Port Stephens Local Environmental Plan 2000* enables Italia Road, Balickera (Part Portion 66 DP 753200) to be used as a “*pre-cast concrete operating facility*”. As part of the Standard Instrument process, the clause has been incorporated into Schedule 1 of the *Port Stephens Local Environmental Plan 2013* even though “*pre-cast concrete operating facility*” is not covered by the Standard Instrument definition.

Similarly, “*brand outlet centre*” has been introduced into Schedule 1 of the *Shellharbour LEP 2013*. This enables 47–57 Princes Highway, Albion Park Rail to be used as “*a group of brand name stores predominantly selling clothing apparel but may also sell homewares, travel goods and the like*”.

As illustrated above, there is no impediment for a similar approach to be undertaken in respect of the Qantas Land considering it significant in supporting the Airport and Sydney Airport & Environs Specialised Precinct.

### **Financial Implications**

The costs of the rezoning process will be borne by the proponent.

### **Conclusion**

In summary, the Planning Proposal is for the following amendments to the Botany Bay LEP 2013:

- Incorporate the following new objective in the IN1 – General Industrial and B5 – Business Development zones:

*To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport.*

- Introduce airport-related land use and airport-related industry on the Qantas land within Schedule 1 of the BBLEP 2013; and
- Incorporate the following into Clause 4.4 of the BBLEP 2013:

*Clause 4.4(2D) - Despite subclause (2), the maximum floor space for development that is used for the purposes of “airport related land uses” or “airport related industries” as defined in Schedule 1 on land identified as “Area 4” on the Floor Space Ratio Map must not exceed 1.5:1.*

The Planning Proposal is consistent with relevant State and local legislation; planning 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 Sydney Airport & Environs Specialised Centre; generate additional employment opportunities for the Botany Bay LGA; minimal adverse impacts to the environment; and positive social and economic effect. However, the planning proposal to be forwarded to the Department's LEP Panel for a Gateway Determination requests that the following be provided prior to public exhibition and agency consultation:

- **Traffic Assessment to be undertaken** – to assess the cumulative impact of developments within the precinct and identify mitigation measures to accommodate the cumulative traffic impact of future development, particularly O'Riordan/King Street intersection.

## RECOMMENDATION

THAT:

The report be referred to Council with the following recommendations:

1. The contents of the report be noted.
2. Council prepare a Planning Proposal in accordance with the Environmental Planning and Assessment Act 1979 and its Regulation to amend the Botany Bay Local Environmental Plan 2013 as follows:

- a) Incorporate the following objective into the IN1 – General Industrial and B5 – Business Development zones:

*To support the role of Sydney Airport and Environs as a specialised centre by providing for an international aviation gateway and airport-related land uses and industries on land located in close proximity to the Sydney Airport.*

- b) Introduce “airport-related land uses” and “airport-related industry” to land owned by Qantas within Schedule 1 of the BBLEP 2013.
  - c) Amend the *Botany Bay Local Environmental Plan 2013* to provide for a maximum floor space ratio of 1.5:1 on that part of the Qantas Land zoned IN1 for “airport related landuses” or “airport related industries”.
3. The Planning Proposal be referred to the Department of Planning for Gateway Determination; and
  4. The results of the Gateway Determination be reported to Council.

Our ref: 09/105 – 27

25 January 2013

Mr Steven MacDonald  
Head of Property  
Qantas Airway Limited  
Qantas Centre  
203 Coward Street  
Mascot NSW 2020

Dear Mr MacDonald

**RE: Exhibition of Comprehensive Botany Bay Local Environmental Plan (BBLEP) 2012**

I refer to your submission dated 22 June 2012 in relation to the comprehensive *Botany Bay Local Environmental Plan (BBLEP) 2012*.

At its meeting of 28 November 2012, Council resolved to forward the draft BBLEP 2012 to the NSW Department of Planning and Infrastructure and request the Minister of Planning and Infrastructure to make the draft Plan under S68(4) of the *Environmental Planning and Assessment Act 1979 (unamended)*. The decision was made after considering all the matters raised in all the submissions received.

Please note that Council did not amend the draft exhibited LEP in response to your submission. It was considered that the proposed changes sought by Qantas would result in a significant change to the exhibited draft LEP and have major implications to the *Transport Management and Accessibility Plan (TMAP)* for the Mascot Town Centre Precinct. Hence, a separate planning proposal will be required if the Qantas wish to pursue the proposed changes. Issues such as the traffic implications of the additional FSR and uses would need to be investigated and addressed in the planning proposal.

The planning proposal must be prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Thank you for taking the time to provide comments regarding the comprehensive *Botany Bay Local Environmental Plan 2012*.

If you have further questions regarding this matter, please contact Ms Cathy McMahon – Chief Town Planner on 9366 3520 or Mr Gilead Chen – Senior Strategic Planner on (02) 9366 3566.

Yours faithfully



**R J DOWSETT**  
**DIRECTOR – PLANNING & DEVELOPMENT**



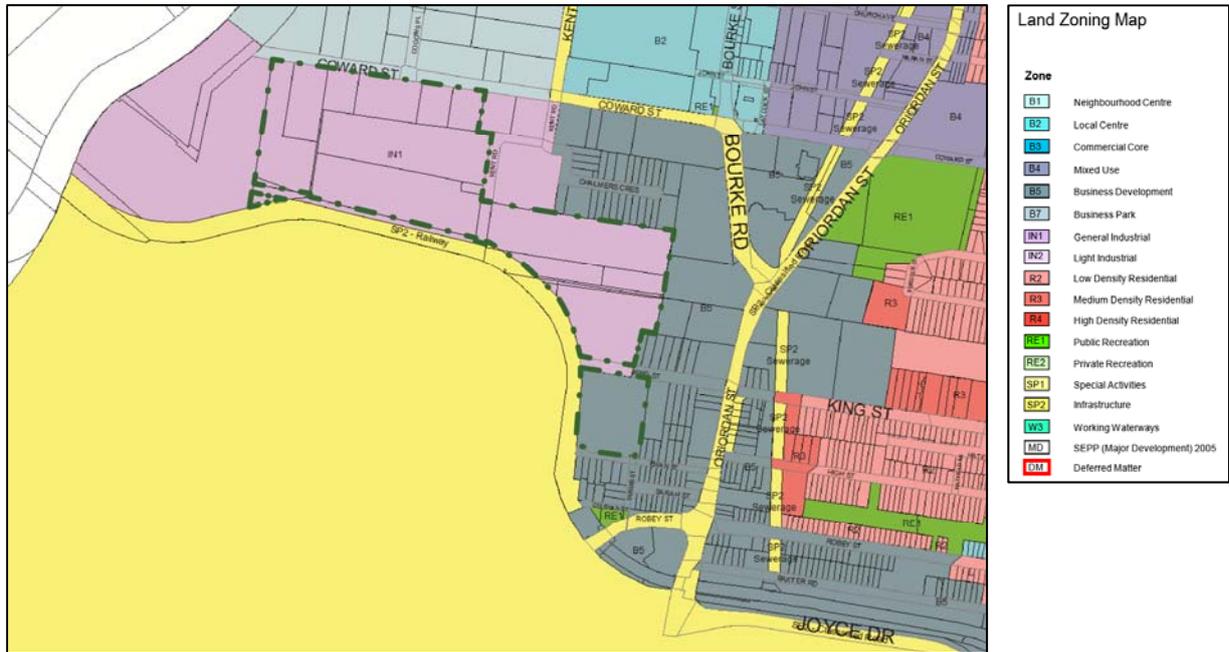
Administration Centre, 141 Coward Street, Mascot NSW 2020. (PO Box 331 Mascot NSW 1460)

Telephone: (02) 9366 3666 Facsimile: (02) 9366 3777

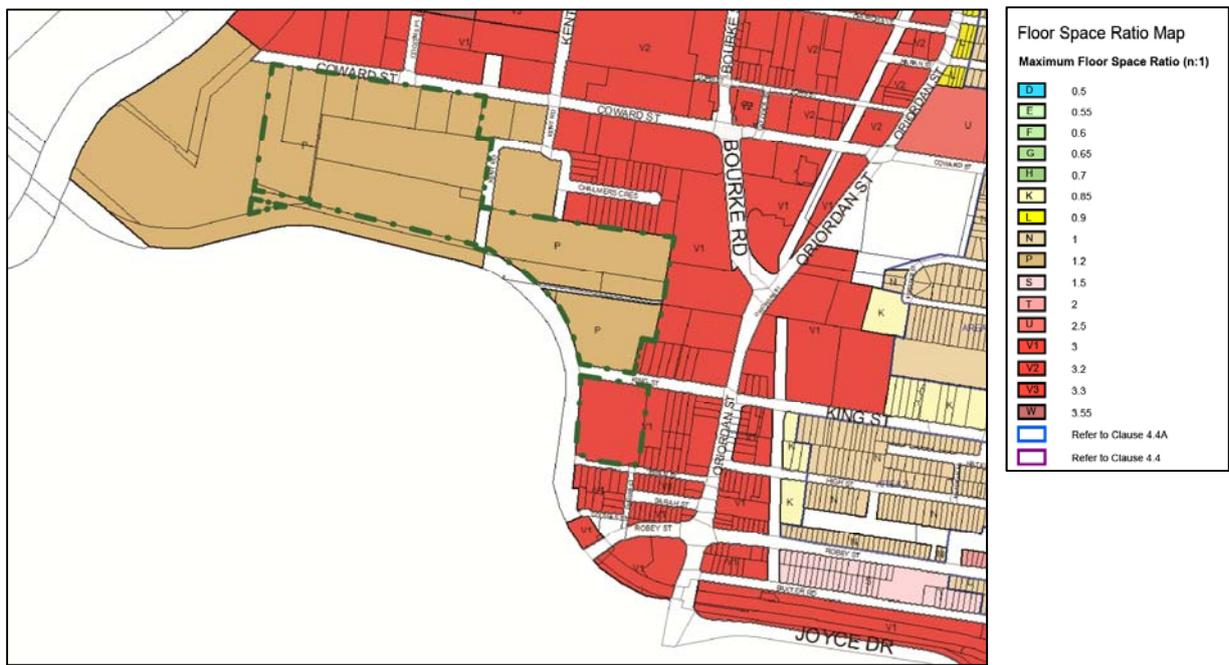
E-mail: [council@botanybay.nsw.gov.au](mailto:council@botanybay.nsw.gov.au) Internet: <http://www.botanybay.nsw.gov.au>

# Attachment 1 – Botany Bay Local Environmental Plan 2013 – Planning Controls

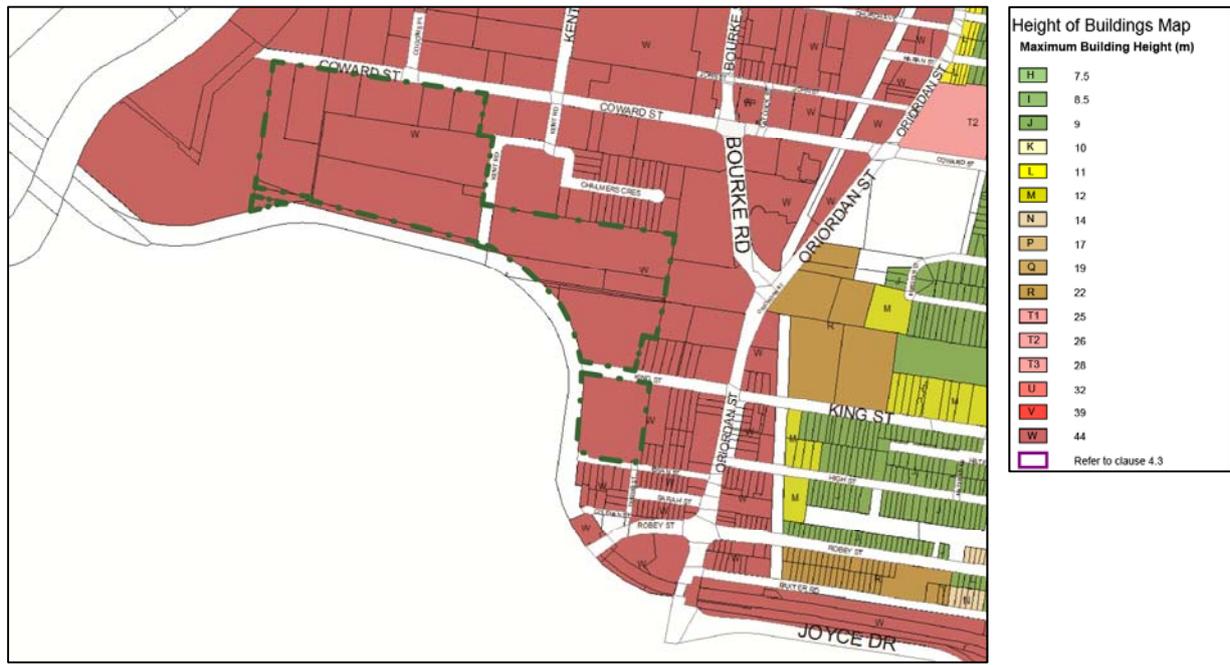
## Map Extract A – Land Zoning (Current)



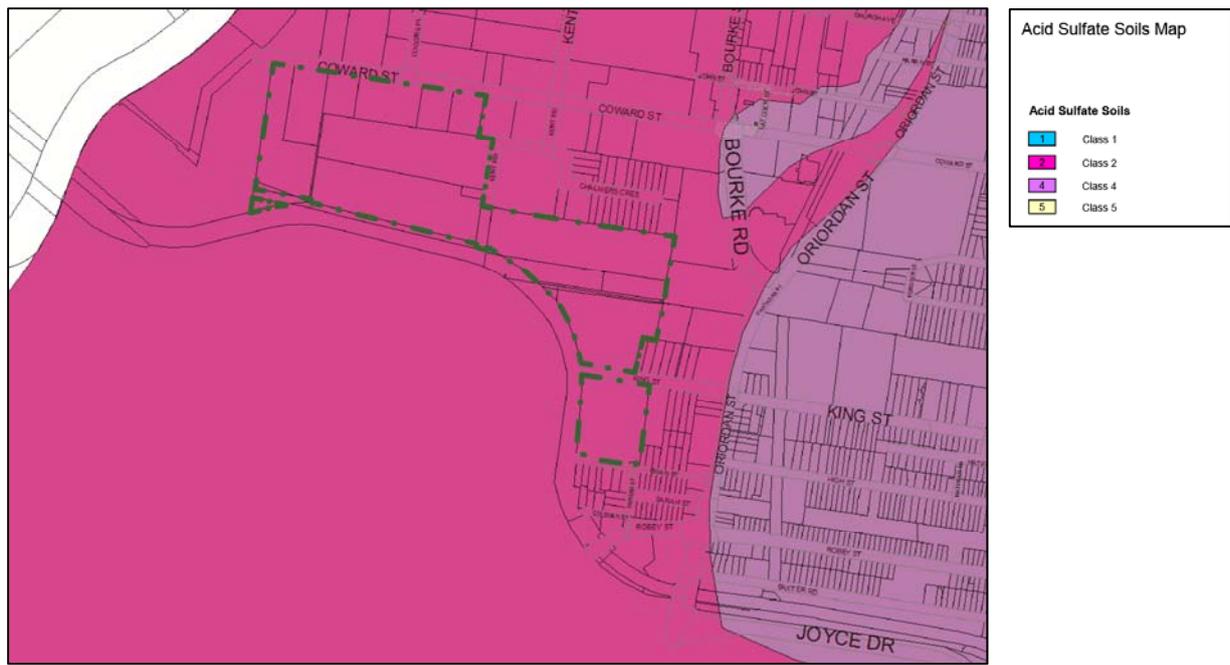
## Map Extract B – Floor Space Ratio (Current)



Map Extract C – Maximum Building Height (Current)



Map Extract D – Acid Sulfate (Current)



21 February 2014

RMS Ref: SYD13/01438

Your Ref: Qantas Airways – Planning Proposal

Cathy McMahon  
Principal Planner  
City of Botany Bay  
PO Box 331  
MASCOT NSW 1460

### **QANTAS AIRWAYS – PLANNING PROPOSAL**

Dear Ms McMahon,

Reference is made to your correspondence dated 12 December 2013 with regard to the abovementioned planning proposal, which was referred to Roads and Maritime Services (RMS) for comment.

RMS has reviewed the proposal and advises planning for the WestConnex proposal is being progressed in stages, with the initial focus being on Stage 1 (the M4 widening and M4 East corridors). Westconnex Development Authority (WDA) are still investigating options of Stage 2 of WestConnex and there may be some impact on Qantas lands. WDA have commenced initial discussions with Qantas and these discussions will continue as the options are investigated and development progress continues. At this stage, WDA has no opposition to the proposal LEP amendment.

In addition, consideration should be given to assess the cumulative impact of developments within this precinct and identify mitigation measures to accommodate the cumulative traffic impact of future development, particularly O’Riordan Street/King Street intersection.

Should you require any further clarification in this matter, please do not hesitate to contact Stella Qu on 02 8849 2520 or via email at [Stella.Qu@rms.nsw.gov.au](mailto:Stella.Qu@rms.nsw.gov.au).

Yours sincerely,



James Hall  
**Senior Land Use Planner**  
**Network Management, Network and Safety Section**

**Roads & Maritime Services**