

5.2 Planning Proposal - 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot

Panel members have undertaken inspections of the site.

The following person made a submission and spoke at the meeting.

- Mr Michael File, applicant's representative, spoke against the officer's recommendation and responded to the Panel's question.

Advice to Council

The Panel considers that the draft Planning Proposal for 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot should be deferred for the following reasons:

- 1 The site is in an area that has been identified for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct.
- 2 Proceeding with a site-specific Planning Proposal prior to the masterplan would set an undesirable precedent, lead to ad hoc planning, and could undermine any future vision to be established by the master planning process.

While the Panel understands the need for affordable and social housing, this is a strategically important precinct, which requires an appropriate level of investigation to enable master planning for the Botany Road corridor at Mascot (Coward/Botany Road) as outlined in the Bayside Local Strategic Planning Statement (Planning Priority 9, Action 9.6). Those investigations could establish the parameters for the most appropriate built form outcomes and planning controls.

Consideration of significant changes to planning controls for this site without a master planning process may prevent the achievement of quality outcomes for the Botany Road corridor as a whole. Council has been consistent in avoiding ad-hoc decision making for this important precinct and this Planning Proposal does not create any justification for not maintaining that approach.

A future master planning process as noted in the Local Strategic Planning Statement should consider the broader transport strategy, positioning of bulk and scale, impact on adjoining lower density sites, impacts on Mascot Memorial Park and other heritage items and vegetation within the master planning area including retention of significant trees.

If the planning proposal does progress, the Panel recommends that any LEP amendment include a clause requiring preparation of a detailed site specific development control plan.

Name	For	Against
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larissa Ozog	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.3 Housekeeping LEP

Panel members have undertaken inspections of the site.

No registered speakers for this item.

Advice to Council

That the Bayside Local Planning Panel (BLPP) recommend to Council:

- 1 That the Planning Proposal for the Housekeeping LEP be endorsed and forwarded to the Minister for Planning requesting a Gateway Determination pursuant to s3.34 of the *Environmental Planning & Assessment Act 1979*.

Name	For	Against
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larissa Ozog	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6 Reports – Development Applications

Nil

Closed deliberations concluded at 6:55pm.

Certified as true and correct.

Marcia Doheny
Chairperson

Bayside Local Planning Panel - Other Applications

21/03/2023

Item No	5.2
Subject	Planning Proposal - 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot
Report by	Peter Barber, Director City Futures
File	SF22/6725

Summary

Council received a revised draft Planning Proposal (PP) (**Attachment 1**) for 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot on 15 October 2021. For ease of reference, all individual attachments to the draft PP in Attachment 1 are also attached separately to this report (**Attachments 2-13**).

The draft PP proposes changes summarised in the table below:

Development standard	Bayside Local Environmental Plan (BLEP) 2021	Proposed
Height	14m	28m
Additional Permitted Use	Not Applicable	Allow <i>Residential Flat Building</i> as an Additional Permitted Use
Active Street Frontage	Applies to the site along Botany Road	Remove Active Street Frontage requirement

The draft PP will enable the owners, NSW Land and Housing Corporation (LAHC) and Health Administration Corporation (NSW Health), to facilitate the renewal of the site to deliver a mix of private and social housing of up to 8 storeys.

The site has the potential to be developed as a transition site between the higher density of the Mascot Town Centre and the low density of the surrounding residential fabric, however, the current proposal's intensification of height and density does not provide an appropriate transition. The proposed two-fold increase in building height and removal of employment uses on the site could adversely change the character of the local centre and reset the vision of this part of Botany Road.

The proposal also raises unresolved issues relating to traffic, heritage, impact on adjacent properties, provision of local community and commercial services, and urban design.

At the Council meeting on 26 October 2022, Council resolved to commit to project planning and master planning for three investigation areas identified for further investigation in the Bayside Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). Botany Road was identified for further investigation, as it was seen to offer a contribution to the future provision and diversity of housing in the Bayside LGA.

Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road Corridor are established.

Officer Recommendation

That the draft Planning Proposal for 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot be deferred for the following reasons:

- 1 The draft Planning Proposal is inconsistent with the Bayside Local Strategic Planning Statement, which does not propose any changed role, or identify any changes to planning controls, for the area within which the draft Planning Proposal applies.
- 2 The site is in an area that has been identified for further investigation by way of a master planning process, which will allow a more comprehensive and holistic planning outcome to be delivered in the broader precinct.
- 3 Proceeding with a site-specific Planning Proposal prior to the masterplan finalisation would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision to be established by the master planning process.
- 4 The current Planning Proposal raises unresolved issues including heritage impact, traffic and access, urban design, impact on adjoining properties and the streetscape, and impact on community services and commercial activity in the precinct.

Background

Applicant:

NSW Land and Housing Corporation

Owner:

- NSW Land and Housing Corporation
- Health Administration Corporation

Site Description:

Lots subject to the draft Planning Proposal are identified in **Table 1**, below:

Table 1: Lots subject to draft Planning Proposal

Lot	DP	Address	Current zoning	Current Height of Buildings	Owner
A	36472	33 Henry Kendall Crescent, Mascot	B2 Local Centre	14m	NSW Land and Housing Corporation

B	36472	35 Henry Kendall Crescent, Mascot			
C	36472	37 Henry Kendall Crescent, Mascot			
D	36472	794 Botany Road, Mascot			
E	36472	792 Botany Road, Mascot			
1	36486	776 Botany Road, Mascot	B2 Local Centre	14m	Health Administration Corporation

SITE CONTEXT

The site at 776, 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot comprises six lots on the western side of Botany Road at the intersection with Coward Street, with an area of approximately 5,771sqm (**Figure 1**).



Figure 1: Subject Site

The site comprises 25 social housing dwellings owned by NSW Land and Housing Corporation (LAHC) within five two storey brick buildings, including three walk-up apartment buildings and two town house style buildings constructed in the late 1950s. The site at 776 Botany Road, also contains the Mascot Ambulance Station, being a two-storey brick building fronting Botany Road to the north of the social housing buildings.

Mascot Train Station and Mascot Town centre is located approximately 850m to the west of the site, measured from the closest point (south-western corner) of the subject site, being 37 Henry Kendall Crescent.

To the south of the site is Mascot Memorial Park, which is identified in Bayside LEP 2021 as a local Heritage Item. The NSW State Heritage Inventory statement of significance describes the park, *'as a locally significant cultural landscape that provides evidence of the community's memorialisation of their sacrifice and losses in the first world war'*.

Adjoining the site to the north are single storey dwellings and to the west across Henry Kendall Crescent are a mix of single and two storey dwellings. To the east of the site on the opposite side of Botany Road are a mix of two storey commercial buildings and located diagonally opposite the site to the south-east is Mascot Town Hall (former Botany Bay Council chambers), which is identified as a local heritage item in Bayside LEP 2021.



Figure 2: Subject Site (left) and Low-Density Housing (right) on Henry Kendall Crescent Looking South Towards Mascot Memorial Park



Figure 3: Subject Site (left) and Mascot Memorial Park (right) on Coward Street Looking East Towards Botany Road



Figure 4: Botany Road and Coward Street Intersection Looking South-east Towards Mascot Town Hall



Figure 5: Mascot Ambulance Station and Adjoining Cottages on Botany Road, Located North of the Subject Site

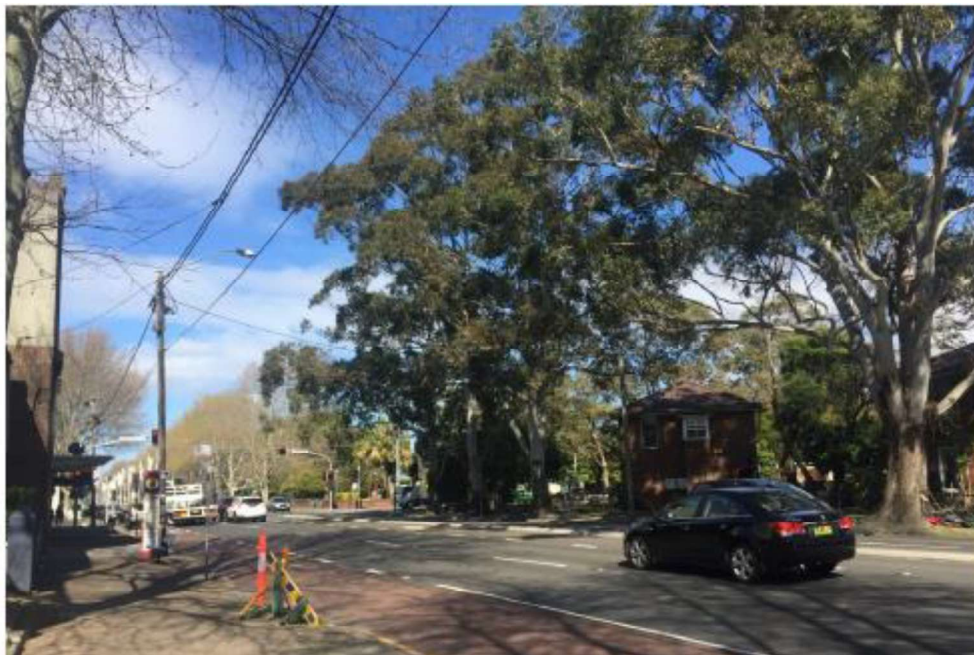


Figure 6: View from North-east of Subject Site Towards Mascot Memorial Park and Subject Site (right of photo)

EXISTING PLANNING CONTROLS

Under the Bayside LEP 2021, the site has the following zoning and planning controls:

- B2 Local Centre (**Figure 7**)
- 2:1 FSR (**Figure 8**)

- 14m maximum building Height (**Figure 9**)
- Subject to Clause 6.9 an Active Street Frontage (**Figure 10**)
- Adjacent to heritage items (**Figure 11**)

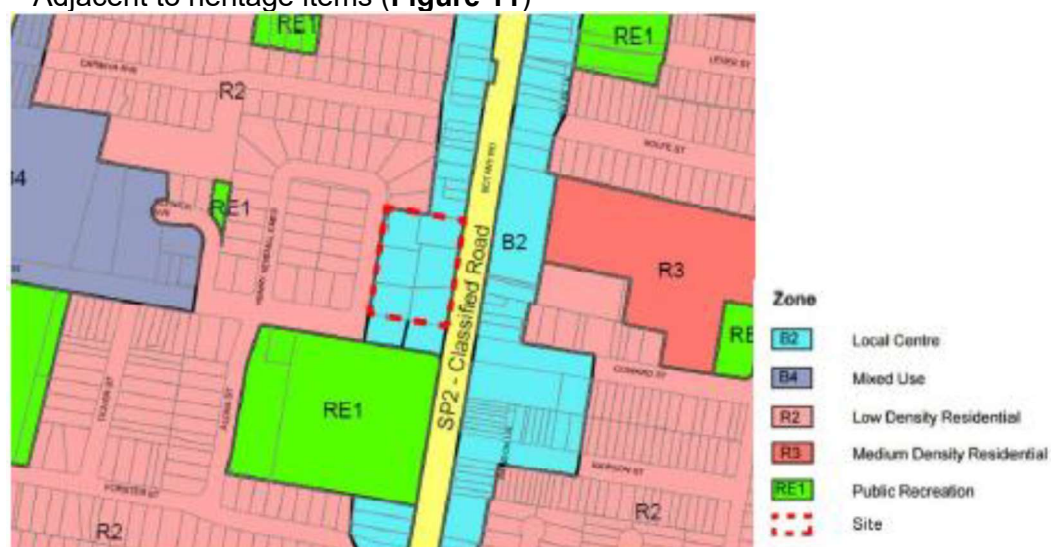


Figure 7: Land Zoning Map



Figure 8: Floor Space Ratio Map



Figure 9: Height of Building Map



Figure 10: Active Street Frontage Map



Figure 11: Heritage Items Map

NEARBY PLANNING PROPOSAL – 995-1005 Botany Road and 124-128 Coward Street

A draft PP for land directly opposite the subject site at 995-1005 Botany Road (site 1) and 124-128 Coward Street, Botany (site 2) has previously been considered by the Bayside Local Planning Panel. The proposal sought to:

- Amend zoning for site 2 from R2 Low Density Residential to B2 Local Centre.
- Amend the Floor Space Ratio from 2:1 to 4.6:1 (site 1) and from 0.55:1 to 3.4:19 (site 2)
- Amend the Height of Building from 9m and 14m to 36m.
- Remove a heritage item I266 from the site.

The draft PP was considered by the Bayside Local Planning Panel on 21 September 2021, where it was recommended that Council not support the draft PP, as it did not have strategic merit. The Panel provided the following advice:

The Panel notes the fundamental principle that land use planning should promote the orderly and economic development of land consistent with section 1.3(c) of the Environmental Planning & Assessment Act, 1979. The strategic planning context in which this is to occur in this case requires alignment between the Greater Sydney Region Plan, Eastern City District Plan, Council's Local Strategic Planning Statement and its Local Environmental Plan, 2021.

The absence of such alignment can reduce community trust in the planning system and can also result in ad hoc development not supported by adequate infrastructure and/or development that sets a precedent which can then undermine future opportunities for wholistic, high-quality 'precinct' planning.

The Panel notes that the Planning Proposal has been the subject of considerable high-quality work which has illustrated well the potential for the broader area.

However, in the absence of alignment with the strategic planning framework, the Panel could not identify any justification for the very significant increase in bulk and scale sought in the Planning Proposal which would be excessive and out of character with the local area.

Accordingly, the Panel does not support the Planning Proposal in its present form and does not recommend that it proceed to Gateway determination.

Options available to the applicant include either a more modest redevelopment consistent with the current controls or working with nearby landowners and Council to develop a more wholistic approach to the precinct. This advice is consistent and in line with the recommendations proposed by Allen Jack + Cottier Architects who independently reviewed the Planning Proposal on behalf of Council.

The Panel's advice in relation to the need to develop a more holistic approach to the precinct is consistent with Council's recent decision to proceed with master planning for Botany Road.

The Planning Proposal was due to be considered by Council meeting on 13 October 2021, however, the applicant had withdrawn the proposal before the meeting took place.

INVESTIGATION AREA – BOTANY ROAD

At the City Planning and Environment Committee (CP&E) meeting on 12 October 2022, the Committee considered a report on the Bayside LHS, including the status of all the identified investigation areas in the LSPS and LHS. The report recommended that work commence on three areas identified for investigation, being:

- West Kogarah
- Botany Road
- Bexley North

These locations were identified for investigation because it was thought they could offer a contribution to the future provision and diversity of housing.

In relation to why Botany Road was identified for further investigation, the report notes:

Botany Road in Mascot and Botany has been identified as a place that requires investigation because it is apparent that there is a mismatch of the Floor Space Ratio and the Height of Building controls. This has resulted in several Planning Proposals in recent years. A height study is needed to inform master planning and potential changes to the BLEP and Development Control Plan.

There are several larger land holdings and owners interested in redevelopment, which may provide impetus for the development of new dwelling stock. The location has reasonable access to public transport. Economic Impact Analysis and traffic studies will also be required.

Council has landholdings in this area so will need to be mindful of probity considerations.

The report further notes an undertaking to investigate does not commit Council or imply that there will be any change to the current controls, it is only seeking a commitment from Council to investigate these areas further.

The Committee's recommendation in relation to this matter was:

1. *That Council endorses commencement of project planning and master planning for three investigation areas in the following order: West Kogarah, Botany Road south of Gardeners Road, and Bexley North.*

2. *That Council requests a subsequent report that provides more detailed information about project scope, timeframes, and milestones for each of the Investigation Areas.*

The Committee's recommendations were considered at the Council meeting on 26 October 2022, where Council resolved to adopt the above recommendations.

Project planning is currently being prepared to inform a future report to Council, which will respond to item 2 of the resolution above.

HEIGHT AND FSR MISMATCH

A key reason why Botany Road has been identified for further investigation is because there is an apparent mismatch between the height and FSR controls. A significant section of land along Botany Road, zoned B2 Local Centre is subject to the following key planning controls:

- Height: 14m
- FSR: 2:1
- Active Street Frontage

The proposal includes a doubling in the height control from 14m to 28m. The justification provided in the draft Planning Proposal report for the proposed increase in height includes:

- *The existing maximum FSR of 2:1 would be retained meaning that the proposal is not seeking additional floor space than is currently permissible.*
- *The proposal seeks to increase the permissible height of buildings from 14m to 28m to enable an improved configuration of the allowable floor space across the site.*

Given that height and FSR have been identified for further investigation along Botany Road, and a height study is needed to inform the master planning and potential changes to the BLEP and Development Control Plan (DCP), it would be premature to proceed with the proposed heights in isolation of the remainder of Botany Road.

IMPLICATIONS OF PROCEEDING WITH PLANNING PROPOSAL

It is essential that Council effectively plans for its growing population, including changes and pressures associated with growth. Council has recognised this need through the endorsement of master planning/investigation for Botany Road.

Assessing the current proposal at the early stage of the master planning process is difficult and premature. Proceeding with a site-specific Planning Proposal prior to the finalisation of the Masterplan would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision of this part of Botany Road.

Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road Corridor are established.

Council has received two draft Planning Proposals along Botany Road, including the subject draft PP. These proposals have been submitted outside of an overarching strategic vision for Botany Road.

EMPLOYMENT ZONES REFORM B2 – E1

In December 2021, the Department of Planning and Environment introduced new employment zones within the Standard Instrument (Local Environmental Plans) Order 2006.

Changes under the proposed new employment zones framework that are relevant to this draft PP include:

- Creating five new employment zones and three supporting zones to replace the existing Business (B) and Industrial (IN) zones, including an updated Local Centre Zone (E1).
- Amending the definition of 'Shop Top Housing' to allow more ground floor non-residential uses; and
- Updating the list of employment land uses that are permitted in the updated Zone E1 Local Centre.

The proposed new zones will initially be introduced alongside existing Business and Industrial zones and Council will then need to work with DPE to transition affected BLEP 2021 provisions into the new framework.

The DPE recently exhibited the proposed Bayside LEP (Employment Zones Reform) in May 2022, concluding in July 2022.

Although the framework will eventually amend the zoning and permissible land uses that apply to the subject site, Council officers do not consider these changes to be consequential to Council's strategic and site-specific merit assessment of the subject draft PP.

Draft Planning Proposal - Process to Date

The subject draft Planning Proposal (**Attachment 1**) was submitted to Bayside Council in December 2017. The draft PP requested that Council initiate an amendment to the Botany Bay Local Environmental Plan 2013 (BBLEP 2013), now superseded by Bayside Local Environmental Plan 2021.

The original draft PP included proposed amendments to Height of Buildings and Floor Space Ratio as follows:

- Amend the Height of Building Map to increase the maximum height of building from 14m to 22m and 28m;
- Amend the Floor Space Ratio (FSR) to increase the maximum FSR from 2:1 to 2.5:1.

Following a number of issues raised by Council staff, an updated PP was submitted in October 2021. The draft Planning Proposal now seeks the following amendment to the Bayside LEP 2021:

- Increase the Height of Buildings (HOB) from 14m to 28m
- Remove Active Street Frontage along Botany Road
- Include *Residential Flat Building* as an Additional Permitted Use (APU) on the site.

The existing B2 Local Centre zone prohibits residential uses at ground floor level. The draft Planning Proposal seeks to enable a future development with ground floor residential uses, by nominating *Residential Flat Building* as an Additional Permitted Use on the site.

The draft PP submitted by the proponent states that a 100% residential use on this site is consistent with the existing use and will enable LAHC to maximise additional social housing supply in this location.

Assessment of Draft Planning Proposal

Environmental Planning and Assessment Act 1979 (EPAA)

The Department of Planning and Environment's (DPE) publication '*Local Environmental Plan Making Guideline*' – issued under s3.33 (3) of the EP&A Act - provides guidance and information on the process for preparing Planning Proposals. The assessment of the submitted draft PP by Council staff has been undertaken in accordance with the latest version of this guide (dated September 2022).

Part 3, page 72 of The Guide states that:

Strategic Merit means a proposal has alignment with the NSW strategic planning framework.

The planning proposal must demonstrate how the proposed amended or principal LEP will give effect to the strategic planning framework to then ensure that the proposal has strategic merit.

Any planning proposal that seeks to address this criterion needs to be supported with clear and appropriate technical studies and justification.

It is encouraged that where a planning proposal fails to adequately demonstrate strategic merit the relevant PPA is unlikely to progress the proposal, despite any site-specific merit it may have.

Strategic Merit of Planning Proposals

The assessment of strategic merit of a planning proposal begins with an assessment against the Metropolitan, District and Local strategic planning framework.

3.8 Implementation of Strategic Plans

- (1) In preparing a draft district strategic plan, the relevant strategic planning authority is to give effect to any regional strategic plan applying to the region in respect of which the district is part.
- (2) In preparing a planning proposal under section 3.33, the planning proposal authority is to give effect—
 - (a) to any district strategic plan applying to the local government area to which the planning proposal relates (including any adjoining local government area), or

The Eastern City District Plan (ECDP) applies to the Bayside Local Government Area (LGA), and therefore any Planning Proposal must outline how it demonstrates strategic merit against the objectives of the ECDP and Greater Sydney Regional Plan (GSRP).

Neither the GSRP or ECDP proposed a changed role or any change to the built character for this area. The future character is described under the existing statutory framework and is in alignment with the current strategic planning framework. **Table 4** below provides an assessment against the GSRP and ECDP.

Council's Local Strategic Planning Statement (LSPS) was endorsed by the GSC in March 2020. The LSPS sets the 20-year vision for the Bayside LGA, including identifying the special character and values to be preserved and how change will be managed. The LSPS explains how Council is implementing the planning priorities and actions in the ECDP, in conjunction with their Community Strategic Plan. **Table 5** below provides an assessment against the LSPS.

Section 9.1 Local Planning Directions Issued by the Minister

Section 9.1(2) Local Planning Directions issued by the Minister (s.9.1 directions) set out what a Relevant Planning Authority (RPA) must do if a s.9.1 direction applies to a Planning Proposal and provides details on how inconsistencies with the terms of a direction *may* be justified.

An assessment of the draft Planning Proposal against the applicable s.9.1 directions is provided in **Table 3** below:

Table 3: Draft Planning Proposal consistency with s9.1(2) Local Planning Directions (latest version issued on 1 March 2022)

Local Planning Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
7.1 Business and Industrial Zones	<p>Objectives <i>The objectives of this direction are to:</i> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.</p> <p>Application <i>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</i></p> <p>What a relevant planning authority must do if this direction applies <i>A planning proposal must:</i> (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 Secretary of the Department of Planning and Environment.</p> <p>Comment: The draft PP is inconsistent with this direction. It is acknowledged that the draft PP does not seek to amend the existing zoning of the site being B2 Local Centre. However, the proposal involves a reduction in employment floor space by removing the Active Street Frontage along Botany Road and allowing <i>Residential Flat Building</i> as an Additional Permitted Use, thereby removing the requirement for retail/commercial uses to be accommodated on the site.</p>	NO

Local Planning Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>To justify this inconsistency, a Market Needs Assessment prepared by Hill PDA was provided to support the proposed reduction in employment floor space. The assessment concluded:</p> <ul style="list-style-type: none"> <i>The site was not appropriate or suitable for retail premises given its competitive disadvantages (location, lack of parking, low footfall/pedestrian traffic and other negative attributes).</i> <i>The proposal provides a better and higher use for the site since it reduces the risk of ground floor commercial vacancies and delivers more and better-quality housing for the benefit of the community.</i> <p>A peer review of the Market Needs Assessment was carried out by RPS, and the following comments were raised:</p> <ul style="list-style-type: none"> <i>The Hill PDA report in its currently format does not constitute an economic impact assessment as it is referred to in the Planning Proposal. It is primarily a qualitative piece of research that focuses principally on profiling retail market conditions (section 5.0), the nature of existing and approved developments/centres with which the subject site will be in competition (sections 3.0 and 5.0) and assesses the proposed development against a series of qualitative success factors.</i> <i>The current information included within the Hill PDA report is insufficient in its detail and appropriateness for the conclusions reached (and subsequently incorporated into the Planning Proposal report) to be justified. This undermines their capacity to be relied upon by Council to inform decision making.</i> <i>RPS recommends a true economic impact assessment to be undertaken in support of the project. Focus of this report should be on providing a quantitative justification of the removal of the currently zoned allowance for commercial/retail floor space and frontages to demonstrate the continued and future sustainability of the retail network in meeting local and regional community needs.</i> <p>In response to RPS comments, An Economic Impact Assessment and Market Needs Assessment prepared by Hill PDA was submitted. The advice concludes</p> <ul style="list-style-type: none"> <i>The trade area (located within 600-800m of the subject site) cannot sustainably support additional retail on the site, with local residents adequately serviced by the existing retail along Botany Road and Gardeners Road, Rosebery 2036 and beyond.</i> <i>The high proportion of vacant shopfront spaces in the trade area along Botany Road, as well as Gardeners Road, Rosebery, demonstrates that the site is at high risk and likelihood of long-term commercial vacancies on site.</i> <p>While the updated reports provide a quantitative assessment of the removal of the currently zoned allowance for commercial/retail floor space and frontages, the information in the report is insufficient in its detail for the conclusions to be justified.</p> <p>The subject site is located within the Botany Road Investigation Area. An Economic Impact Analysis will be required to inform the master planning and potential changes to the BLEP 2021 and Development Control Plan (DCP) for the investigation area, including the subject site. It would be premature to proceed with the proposed change to employment floor space in isolation of the remainder of Botany Road.</p>	

Local Planning Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road Corridor are established, including the location of employment growth in suitable locations.</p> <p>Proceeding with site-specific Planning Proposals prior to the finalisation of a Masterplan would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision of Botany Road.</p>	
3.2 Heritage Conservation	<p>Objective <i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p> <p>Application <i>This direction applies to all relevant planning authorities when preparing a planning proposal.</i></p> <p>What a relevant planning authority must do if this direction applies <i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <ul style="list-style-type: none"> <i>items, places, buildings, works, relics, moveable objects, or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i> <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> <i>Aboriginal areas, Aboriginal objects, Aboriginal places, or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place, or landscape as being of heritage significance to Aboriginal culture and people.</i> <p>Comment:</p> <p>The site is in proximity to the following 16 heritage items:</p> <ul style="list-style-type: none"> 997-999 Botany Rd, Mascot; House Group 1001 Botany Rd, Mascot; Electricity Substation No.147 1005 Botany Rd, Rosebery; Former National banks of Australasia 814 Botany Rd, Botany; Memorial Park 1007 Botany Rd, Mascot; Coronation hall 149 Coward St, Mascot; Botany Family Day Care 1009-1021 Botany Rd, Mascot; Commercial Building Group 118-120 Coward St, Mascot; Uniting Church and Rectory 139 Coward St, Mascot; Mascot Fire Station 153 Coward St, Mascot; Sydney Water Pumping Station 110 Coward St, Mascot; House 117 Coward St, Mascot; House 119 Coward St, Mascot; House 121 Coward St, Mascot; House 123 Coward St, Mascot; House - "Orara" 125 Coward St, Mascot; House- "Highhurstwood" <p>The draft PP was referred to Council's Heritage Advisor, who undertook an assessment and provided detailed comments. In summary, comments are as follows:</p>	No

Local Planning Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<ul style="list-style-type: none"> The draft Planning Proposal site is pivotal in contributing to a precinct of Local Historic Civic significance as identified in Bayside LEP 2021, and with 16 buildings listed under the State heritage inventory. The visual impact of the proposal along Coward Street in its current distribution will have an imposing visual impact when viewed from Mascot Memorial Park and is at odds with the management objectives of the Park and surrounding development as established in its listing in the State Heritage Inventory. Though not in a HCA, consideration needs to be taken in developing an appropriate built form and strategy which will enhance and acknowledge the historic nature of the precinct. This will allow further development of the immediate area to also contribute and reflect the growth and development of the area for the local community. Contemporary development on the site provides contribution to further growth within the area and surrounds in a manner that is sympathetic to the existing listed buildings. <p>Council's Heritage Advisor further notes that the draft PP in its current form needs modification in:</p> <ol style="list-style-type: none"> Reducing the visual continuous volume along Coward Street Providing connection to Mascot Memorial Park. Reconsidering the setbacks along Botany Rd to encourage an active street frontage in keeping with the desired outcome in the Bayside LEP 2021. The increase in density of the site and other area would contribute to enlivening the area. The 7m setback on Botany Road at ground level does not provide an active street frontage. The 3m on setback on Coward Street does not adequately relate to the setback from the park or the lower scale residential allotments along Coward Street. The draft PP presents an opportunity to define required outcomes. In terms of considered and appropriate solutions to achieve the desired result. <p>Further Assessment of Heritage is provided further in the report under 'site specific considerations'.</p> <p>Based on the above information, and on balance, the draft PP (in its current form) is generally inconsistent with this direction.</p> <p>The subject site is located within the Botany Road investigation area, given the number of heritage items on and surrounding Botany Road a broader holistic heritage review of the area will form part of this investigation. Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road are established, including the impact of heritage in the area.</p> <p>Proceeding with site specific Planning Proposals prior to the finalisation of a Masterplan would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision for Botany Road.</p>	
6.1 Residential Zones	<p>Objectives</p> <p><i>The objectives of this direction are to:</i></p> <p>(a) <i>encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p>	Yet to be determined.

Local Planning Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>(b) <i>make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p>(c) <i>minimise the impact of residential development on the environment and resource lands.</i></p> <p>Application <i>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</i></p> <p>What a relevant planning authority must do if this direction applies</p> <p>1) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <ul style="list-style-type: none"> (a) <i>broaden the choice of building types and locations available in the housing market, and</i> (b) <i>make more efficient use of existing infrastructure and services, and</i> (c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> (d) <i>be of a good design.</i> <p>2) <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <ul style="list-style-type: none"> (a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> (b) <i>not contain provisions which will reduce the permissible residential density of land.</i> <p>Comment:</p> <p>The draft PP may be consistent with this direction. The proposal involves a significant uplift in residential development, however, it is unknown whether the additional housing will broaden the choice of building types and if the housing will make more efficient use of existing infrastructure and services.</p> <p>Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road Corridor are established, including whether appropriate infrastructure is in place to support the additional density.</p> <p>Proceeding with site specific Planning Proposals prior to the finalisation of a Masterplan would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision for Botany Road.</p>	
5.3 Development Near Regulated Airports and Defence Airfields	<p>Objectives <i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> (a) <i>to ensure the effective and safe operation of regulated airports and defence airfields;</i> (b) <i>to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</i> (c) <i>to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i> <p>Application</p>	YES

Local Planning Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p><i>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter, or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</i></p> <p>What a relevant planning authority must do if this direction applies</p> <p>(a) <i>In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> (a) <i>consult with the lessee/operator of that airport;</i> (b) <i>take into consideration the operational airspace and any advice from the lessee/operator of that airport;</i> (c) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i> (d) <i>not allow development types that are incompatible with the current and future operation of that airport.</i> <p>(b) <i>In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> (a) <i>consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</i> (b) <i>for land affected by the prescribed airspace (as defined in Regulation 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</i> (c) <i>not allow development types that are incompatible with the current and future operation of that airport.</i> (d) <i>obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Environmental Planning and Assessment Act 1979.</i> <p>Comment:</p> <p>The proposal does not include changes to maximum building heights that will exceed the 51m OLS height limit. Future development will seek all relevant approvals including, any future airspace height applications under the Airports (Protection of Airspace) Regulations 1996 (APAR), for approval by the Commonwealth Department of Infrastructure and Regional Development (DIRD) for temporary structures, such as construction cranes.</p>	
<p>4.1 Acid Sulfate Soils</p>	<p>Objective</p> <p>(1) <i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i></p> <p>Where this direction applies</p> <p>(2) <i>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.</i></p> <p>When this direction applies</p> <p>(3) <i>This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</i></p>	<p>YES</p>

Local Planning Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p>What a relevant planning authority must do if this direction applies</p> <p>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</p> <p>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</p> <p>Comment:</p> <p>The Bayside LEP 2021 Acid Sulfate Soils Map identifies the site as being affected by Class 4 Acid Sulfate Soils.</p> <p>Clause 6.1 of the Bayside LEP 2021 requires an Acid Sulfate Soils Management Plan at Development Application (DA) stage, before carrying out any development on the land. The inconsistency with this direction is therefore considered minor and justifiable.</p>	
5.1 Integrated Land Use and Transport	<p>Objectives:</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs, and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p>When this direction applies:</p>	NO

Local Planning Direction	Draft Planning Proposal consistency with terms of direction	Consistent: Yes/ No (If No, is the inconsistency adequately justified?)
	<p><i>This direction applies when an RPA prepares a PP that will create, alter, or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</i></p> <p>What an RPA must do:</p> <p><i>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives, and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001) (Guidelines).</i></p> <p>Consistency:</p> <p><i>A planning proposal may be inconsistent with the terms of this direction only if the RPA can satisfy the Secretary of the DPIE (or delegate) that the provisions of the PP that are inconsistent are:</i></p> <ul style="list-style-type: none"> <i>(a) justified by a strategy which: gives consideration to the direction's objectives; identifies the land subject of the PP; and is approved by the Secretary of the DPIE; or</i> <i>(b) justified by a study (prepared in support of the PP) which gives consideration to the direction's objectives; or</i> <i>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-regional Strategy prepared by the DPIE which gives consideration to the direction's objectives; or</i> <i>(d) of minor significance.</i> <p>Comment:</p> <p>The draft PP is inconsistent with this direction. The draft PP would enable a future residential development to be considered, however, the subject site is located at the edge of the typically accepted 800m catchment zone from a high frequency rail station (Mascot). Note the site is located 850m from Mascot train station. As such, it is not near enough to transport nodes to be regarded as transit-oriented development (TOD).</p> <p>The Guidelines note that best practice is achieved when commercial and residential developments are located within proximity to rail and/or bus services.</p> <p>Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road Corridor are established, including whether appropriate transport infrastructure is in place to support the additional density.</p> <p>Proceeding with site specific Planning Proposals prior to the finalisation of a Masterplan would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision for Botany Road.</p>	

State Environmental Planning Policies (SEPPs)

An assessment of the draft Planning Proposal against the relevant SEPPs is provided in **Table 4**, below.

Table 4: Relevant State Environmental Planning Policies

Name of SEPP	Compliance of draft Planning Proposal with SEPP	Complies Y/ N
SEPP (Transport and Infrastructure) 2021	<p>The Transport and Infrastructure SEPP 2021 aims to facilitate the delivery of infrastructure across the state by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development.</p> <p>The site has a frontage to Botany Road, which is a classified road. Should Council and the DPE support the draft PP, any future DA will require referral to TfNSW for comment, as the development is likely to constitute 'traffic generating development', as defined by Infrastructure SEPP.</p> <p>In addition, any future DA will also be required to consider the publication 'Development Near Rail Corridors and Busy Roads – Interim Guideline.' (Department of Planning, 2008).</p>	YES
SEPP 65 (Design Quality of Residential Apartment Development)	<p>SEPP 65 seeks to promote good design of apartments through the establishment of an Apartment Design Guide (ADG).</p> <p>The proposal seeks to facilitate the development of <i>Residential Flat Buildings</i>.</p> <p>An Urban Design Report was submitted with the draft Planning Proposal, which demonstrates that the principles of SEPP 65 have been considered.</p> <p>Council's assessment of SJB's Urban Design report indicated that aspects of the development would be able to comply with the requirements of the ADG.</p> <p>Further detailed compliance with SEPP 65 and the ADG would be required at the DA stage.</p>	YES

There are no other SEPPs applicable to the draft Planning Proposal.

Sydney Regional Environmental Plans (SREPs)

There are no SREPs applicable to the draft Planning Proposal.

Strategic Planning Framework – Regional and District

Regional, Sub-Regional and District Plans and strategies include outcomes and specific actions for a range of different matters, including housing and employment targets, and identify regionally important natural resources, transport networks and social infrastructure.

It should be noted that neither the Regional or District Plans propose a different role, transformation, or any change to the built character in the vicinity of the draft PP site.

An assessment of the draft PP's consistency with the strategic planning framework is provided in **Table 5**, below.

Table 5: Strategic Planning Framework

Directions, priorities, objectives, and actions	Draft Planning Proposal consistency with Strategic Plan	Consistent Y/ N
Regional Plans - The Greater Sydney Region Plan – A Metropolis of Three Cities		
	The Greater Sydney Region Plan: <i>A Metropolis of Three Cities</i> (Region Plan) was released in March 2018. An assessment of the draft PP against the objectives of the Region Plan has been carried and the following fundamental inconsistencies have been identified:	To be determined
Objective 2 – Infrastructure aligns with forecast growth – growth infrastructure compact	Master planning for the Botany Road/Coward Street Local Centre has been identified in Council's LSPS. Council has endorsed commencement for the Botany Road Investigation Area, which the subject site is located within. Investigations for increased density as part of a more holistic and place-based planning approach is underway and will inform the overall strategy, density and built form controls. This will ensure redevelopment of the site is consistent with strategic planning principles envisioned for this precinct.	
Objective 12: Great places that bring people together	The draft PP may be inconsistent with these objectives. The proposal involves a significant uplift in residential development, and it is not known whether there is sufficient infrastructure to support the increased density, or what the desired future outcomes for this area are. The twofold increase in height (14m to 28m), replacing commercial with residential use on the site, could adversely affect the character of the centre and undermine the future vision. Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road investigation area are established, including whether appropriate infrastructure is in place to support the additional density, and the desired future outcomes for the area.	
Objective 13- Environmental heritage is identified, conserved, and enhanced	The draft PP may be inconsistent with this objective. While there are no heritage items on the subject site, issues raised by Council's Heritage Advisor have not been satisfactorily addressed under the revised PP. It has not been demonstrated that the degree of uplift proposed can satisfactorily address the visual and amenity impact of the surrounding heritage items, particularly Mascot Memorial Park opposite the site. The revised PP is therefore not supported on heritage grounds. Further Assessment of Heritage is provided in the report under 'site specific considerations'. Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road are established, including the impact of heritage in the area. Proceeding with site specific Planning Proposals prior to the finalisation of a Masterplan would set an undesirable precedent, lead to ad hoc planning, and undermine any future vision for Botany Road.	
Objective 14 – A Metropolis of Three Cities - integrated land use and transport create walkable and 30-minute cities	This objective focus locating land uses in locations with access to public transport to enable the delivery of a 30-minute city where residents can access the nearest centre, jobs, and services. The subject site is located just outside Mascot-Green Square Strategic Centre. The location of the site presents opportunities in the future to explore uses that are complementary to the surrounding area. The	

Directions, priorities, objectives, and actions	Draft Planning Proposal consistency with Strategic Plan	Consistent Y/ N
	<p>concept design accompanying the draft PP would facilitate a significant amount of residential floor space.</p> <p>However, given that the site is located outside of the Mascot to Green Square Strategic Centre, the proposal for a significant increase in residential floor space and reduction in employment floor space is not considered to be justified in this location.</p>	
District Plan - Eastern City District Plan (ECDP)		
E1 Planning for a city supported by infrastructure	<p>The draft PP does not respond to this Planning Priority, as it seeks to provide increased residential density:</p> <ul style="list-style-type: none"> The site is located 850m from Mascot Station. While the subject site is located at the edge of the typically accepted 800m catchment zone from a high frequency railway station (Mascot). It is not located close enough to transport nodes to be regarded as transit-oriented development. While the site is located near bus services, Future Transport 2056 Strategy and South East Sydney Transport Strategy reveal there are no improvements to infrastructure proposed. No significant infrastructure updates within Botany have been committed to. <p>As such, the draft PP does not adequately align with this priority. Master planning for the Botany Road/Coward Street Local Centre has been identified in Council's LSPPS.</p> <p>Investigations for increased density as part of a more holistic and place-based planning approach is underway for Botany Road, and will inform the overall strategy, density and built form controls. This will ensure redevelopment of the site is consistent with strategic planning principles envisioned for this precinct.</p>	NO
E3 Providing services and social infrastructure to meet people's changing needs	<p>NSW Health has advised that they support inclusion of the Ambulance Station land within the draft PP, to enable consideration of potential future renewal. However, NSW Health is yet to determine whether it will seek to retain the existing facility on site, and the details of this will be determined prior to a DA being progressed for this land.</p> <p>The proposal does replace old social housing stock with new dwellings, which is of benefit to the community, although only 45 of the proposed 152 dwellings (30%) would be social housing.</p> <p>On balance, it is difficult to determine if the proposal satisfies this planning priority without understanding the future provision of ambulance facilities.</p>	NO
E4 Fostering healthy, creative, culturally rich, and socially connected communities	<p>Council's Urban Designer has reviewed the draft PP, and the following comment are provided:</p> <p><i>The draft PP generally demonstrates a competent strategy to distribute the currently permissible FSR across the site, if developed as a purely residential building. The envelope proposed would accommodate a building that responds to the site's immediate context to provide an appropriate level of amenity to future residents. However, if the controls are changed in isolation of the remainder of the B2 Local Centre zone it would be an</i></p>	NO

Directions, priorities, objectives, and actions	Draft Planning Proposal consistency with Strategic Plan	Consistent Y/ N
	<p><i>anomaly, that would be inconsistent with the scale and character of this precinct.</i></p> <p><i>It is recommended that the site be considered as part of a broader master plan encompassing the full extent of the B2 Local centre zone.</i></p> <p>This advice aligns with master planning proposed for the Botany Road/Coward Street Local Centre which has been identified in Council's LSPS.</p> <p>Council has commenced investigations for increased density as part of a more holistic and place-based planning approach for Botany Road, which will inform the overall strategy, density and built form controls. This will ensure redevelopment of the site is consistent with strategic planning principles envisioned for this precinct.</p>	
E5 Providing housing supply, choice, and affordability, with access to jobs, services, and public transport	<p>The draft PP does not respond to this Planning Priority as it:</p> <ul style="list-style-type: none"> Provides additional housing away from public transport, the site is located 850m from Mascot Station. While the site provides social housing, only 30% (45) of the 152 dwellings will be provided as social housing. Affordable rental housing is not provided in the proposal. The draft PP aims to provide a range of apartments from 1,2 and 3 bedrooms. <p>As such, the draft PP does not adequately align with this priority.</p> <p>Master planning for the Botany Road/Coward Street Local Centre has been identified in Council's LSPS.</p> <p>Investigations for increased density as part of a more holistic and place-based planning approach is underway for Botany Road, which will inform the overall strategy, density and built form controls. This will ensure redevelopment of the site is consistent with strategic planning principles envisioned for this precinct.</p>	NO
E6 Creating and renewing great places and local centres, and respecting the District's heritage	<p>This Planning Priority aims to create places which bring people together and where heritage is identified, conserved, and enhanced.</p> <p>The site is located near Botany, a Local Centre identified in the District Plan.</p> <p>The District Plan acknowledges that Local Centres account for 18 per cent of all Greater Sydney's jobs. These centres also provide essential local functions, with access to goods and services, both social and community based.</p> <p>The draft PP does not respond to this priority because it proposes to replace the local centre function of the site currently zoned B2 Local Centre to high density residential use. The proposal seeks to remove the active street frontage along Botany Road and add <i>Residential Flat Building</i> as an Additional Permitted Use.</p> <p>The draft PP does not respond to this planning priority because the proposed additional density will not have an opportunity to facilitate economic activity or improve the centre's vitality and viability, as the proposal effectively removes this core local centre function of the site by removing the active street frontage along Botany Road and allowing residential uses on the ground floor.</p>	NO

Directions, priorities, objectives, and actions	Draft Planning Proposal consistency with Strategic Plan	Consistent Y/ N
	<p>The urban design review carried out in response to the draft PP had identified various concerns, including the proposed height being out of character with the surrounding area, the need for master planning for the entire length of Botany Road, building typology, overshadowing and proposed setbacks.</p> <p>This advice aligns with master planning proposed for the Botany Road/Coward Street Local Centre, which has been identified in Council's LSPS. Council has also endorsed further investigations to be carried out on Botany Road.</p>	
E7 Growing a stronger and more competitive Harbour CBD	<p>The subject site is located outside of the Mascot-Green Square Strategic Centre. The location of the site presents opportunities to explore uses that are complementary to the surrounding area. The concept design accompanying the draft PP features a residential only scheme, which would facilitate a significant amount of residential space.</p> <p>However, given that the site is located outside of the Strategic Centre, the proposal for a significant increase in residential floor space is not considered to be justified in this location.</p> <p>The draft PP is accompanied by an Economic Impact Assessment (EIA). While the submitted EIAs provide a quantitative assessment of the removal of the currently zoned allowance for commercial/retail floor space and frontages. The information in the report is insufficient in its detail to justify the proposed removal of the commercial floor space via the removal of the ASF and allowing ground floor residential.</p> <p>An Economic Impact Analysis has been identified to inform the master planning and potential changes to the BLEP and Development Control Plan (DCP). It would be premature to proceed with the proposed change to employment floor space in isolation of the remainder of Botany Road.</p> <p>Assessment of the proposal should be deferred until the desired future outcomes associated with design and planning parameters for the broader Botany Road Corridor are established including the location of employment growth in suitable locations.</p>	No
E10 - Delivering integrated land use and transport planning and a 30-minute city	<p>This planning priority seeks to guide decision-making in locations on new transport, housing, jobs, education, health, and other facilities. This will enable more efficient access to workplaces, services, and community facilities.</p> <p>Notwithstanding, the residential only concept design accompanying the draft PP, the proposed amendments would theoretically provide housing opportunities within 30 minutes of the Mascot-Green Square Strategic Centre. It is, however, outside of the 800m buffer from Mascot Station, and would therefore be reliant on the surrounding bus network to facilitate increased public transport use.</p> <p>TfNSW would be required to ensure that the surrounding bus infrastructure can accommodate the anticipated increase in activity as a result of the draft PP.</p>	Further information required
E11 - Growing investment, business opportunities and	<p>The subject site is located outside of the Mascot-Green Square Strategic Centre. The subject site may be appropriate for a mix of employment and residential uses, however, a complete and thorough economic appraisal of the site and its immediate context has not been</p>	NO

Directions, priorities, objectives, and actions	Draft Planning Proposal consistency with Strategic Plan	Consistent Y/ N
jobs in strategic centres	<p>provided to justify the significant uplift in residential floor space nor the reduction in commercial floor space.</p> <p>The ECDP is clear that job creation and employment uses should be concentrated in strategic centres. Council is undertaking a Centres and Employment Lands Strategy to identify locations where employment is warranted. This strategy has yet to be finalised.</p> <p>The draft PP could potentially undermine the nearby Strategic Centre if it was to proceed ahead of appropriate strategic planning being undertaken by Council.</p>	
E17 - Increasing urban tree canopy cover and delivering Green Grid connections	<p>This Planning Priority seeks to increase the urban tree canopy and create a Green Grid which links parks, open spaces, bushland and walking and cycling paths.</p> <p>According to the proponent's Planning Proposal report, the proposal will be able to deliver 30% canopy cover which exceeds the 25% canopy cover for medium and high-density residential areas in the Draft Greener Places Design Guide prepared by the Government Architect NSW. However, there is no indication in the concept design showing 30% canopy cover is provided on the site.</p> <p>On balance, the draft PP cannot be confirmed as consistent with this Planning Priority.</p>	NO
District Plan - Future Transport 2056		
The Strategy does not identify proposed improvements to nearby transport nodes.	N/A	N/A

Strategic Planning Framework – Local

Bayside Local Strategic Planning Statement (LSPS)

Council's LSPS sets the 20-year vision for the Bayside LGA, including identifying the special character and values to be preserved and how change will be managed. The LSPS explains how Council is implementing the planning priorities and actions in the relevant District Plan, in conjunction with its Community Strategic Plan.

It should be noted that Bayside LSPS does not propose a different role, transformation, or any change to the built character in the vicinity of the draft PP site. Notwithstanding this, Action 9.6 of the LSPS notes:

Council will take a place-based approach for each local centre and prepare master plans/urban design studies or public domain plans to create great places including the following centres at west Kogarah, Carlton, Kingsgrove, Bexley, Bexley North, Ramsgate, Hillsdale, Botany, Mascot (Coward/Botany Road) and Mascot Station Precinct.

In accordance with Action Plan 9.6, Council has endorsed to commence investigation for three investigation areas: Kogarah West, Botany Road and Bexley North. The subject site is situated within the Botany Road Investigation Area.

The draft PP compares with the following relevant Planning Priorities identified in the Bayside LSPS, as noted in **Table 6**, below:

Table 6: Bayside LSPS

Bayside Planning Priority	Action	Draft Planning Proposal consistency
2. Align land use planning with the delivery and management of assets by Bayside Council to support our community	<i>Council will take a place-based approach to land use and asset planning to ensure growth aligns with infrastructure provision</i>	<p>The LSPS has recommended investigations as part of a more holistic and place-based planning approach for the Botany Road should inform future Local Environmental Plan reviews.</p> <p>As such, the draft PP has been lodged prematurely, without adequate planning having occurred to date.</p>
4. Provide social infrastructure to meet the needs of the Bayside Community	<i>Ensure social infrastructure planning is considered at the earliest stages of planning for change to ensure there is an adequate level of provision to meet the incoming population's needs and that it is part of a place-based planning approach.</i>	<p>The draft PP replaces existing social housing with new dwelling stock, although only 30% of the new dwellings will be set aside as social housing.</p> <p>NSW Health has advised they support the inclusion of the Ambulance Station (776 Botany Rd, Mascot) within the draft Planning Proposal to enable consideration of potential future renewal of the site. There is no confirmation from NSW Health that the 'future renewal of the site' includes the retention of the NSW Ambulance Station and details of its retention will be determined prior to a DA being progressed for this land. The PP could potentially remove an important social infrastructure that provides emergency services to the local community in Mascot.</p>
5. Foster healthy, creative, culturally rich, and socially connected communities.	<i>Prioritise opportunities for people to walk, cycle and use public transport when planning for existing or future centres.</i>	<p>The subject site is located 850m from Mascot Station, it is near frequent bus services. However, any changes to the Botany Road Mascot/Rosebery locality should be undertaken as a holistic strategic planning approach, rather than as spot rezonings to ensure transport infrastructure aligns with future growth.</p>
6. Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors	<i>Finalise and adopt the Local Housing Strategy to inform investigation of opportunities for residential growth.</i>	<p>Botany Road has been identified for future investigations and the subject site is in this investigation area.</p> <p>The prematurity of the draft Planning Proposal in this context, before the preparation for necessary Master Planning, results in inconsistency with this priority.</p>

<p>7. Provide choice in housing to meet the needs of the community.</p>	<p><i>Review planning controls to deliver a greater range of dwelling types, size, and standards</i></p>	<p>The indicative development scheme includes 152 residential apartments to meet the housing needs of the LGA under the District Plans.</p> <p>The draft PP plans to provide 152 residential units comprising 1,2 and 3 bedroom apartments to meet the need of the Bayside 6–10-year housing targets in the Eastern District. Bayside has target of 7,720 dwellings by 2026.</p> <p>Although housing is required, the Bayside LGA is currently not under significant pressure to meet housing targets.</p> <p>The proposed development would result in significant population growth (152 new dwellings) and increased patronage, in an area located 850m from a railway station, placing pressure on the road network through increased traffic volumes and limited public transport services (bus connections).</p> <p>The master planning process will inform future development for the Botany Road corridor, including housing choice and targets. As such, the assessment of the draft PP should be deferred until the desired future outcomes within associated design and planning parameters for this area are established including providing housing choice appropriate to the needs of the community.</p>
<p>8. Provide housing that is affordable.</p>		<p>The draft PP provides 30% social housing, with the remainder being sold and/or rented on the open market.</p>
<p>9. Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm.</p>	<p><i>Council will encourage good built form outcomes through Design Excellence Competitions, Design Excellence Guidelines and Design Review Panel.</i></p> <p><i>Council will take a place-based approach for each local centre and prepare master plans/urban design studies or public domain plans to create great places including... Mascot (Coward/Botany Road).</i></p>	<p>The draft PP provides an inappropriate contextual fit to the existing and future desired character of this section of Botany Road. The proposal would result in a built form that does not align with the role and character of the area and is premature in the absence of a masterplan/structure plan to inform future planning for the broader locality.</p> <p>Council has earmarked for Botany Road for further investigations.</p> <p>The outcome of these investigations will provide an overarching vision for development for this part of Botany Road, and it will ensure a coordinated approach to growth and infrastructure requirements.</p>
<p>11. Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas.</p>	<p><i>Council will protect, celebrate, and promote Bayside's rich cultural heritage</i></p>	<p>The LSPS has recommended investigations for increased density as part of a more holistic and place-based planning approach for Botany Road should inform future Local Environmental Plan reviews.</p> <p>The Master Planning process will inform future development for the Botany Road Investigation area. As such the assessment of the draft PP should be deferred until the desired future</p>

		outcomes within associated design and planning parameters for this area are established, including the provision of appropriate controls for development of heritage items, adjoining sites and within conservation areas.
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Bayside Community Strategic Plan 2032

An assessment of the draft PP's consistency with the following relevant themes and strategic directions contained in the Bayside Community Strategic Plan 2032 is provided in **Table 7**:

Table 7: Bayside Community Strategic Plan 2032

Theme One	Consistency/comment
<p>In 2032 Bayside will be a vibrant place</p> <p><i>Neighbours, visitors, and businesses interact in dynamic urban environments. People are proud of living and working in Bayside. Built forms are sympathetic to the natural landscape and make our area a great place to live.</i></p> <p>Community Outcomes</p> <ul style="list-style-type: none"> - <i>Bayside places are accessible to all</i> - <i>Bayside's places are dynamic and connected.</i> - <i>Bayside's places are people focussed</i> - <i>Bayside's transport system works.</i> 	<p>The draft PP does not align with the current role of Botany Road, or its surrounding land use constraints and opportunities. It is an inappropriate contextual fit to the character of this section of Botany Road, ignoring its low-density surroundings, and offering no response to the adjoining heritage fabric.</p> <p>The draft PP is accompanied by a concept design that comprises only residential land uses. The draft PP does not make any commitment to providing affordable housing.</p>

Theme Two	Consistency/comment
<p>In 2032 our people will be connected in a creative City</p> <p>Knowledge sharing and collaboration ensure that we have the expertise and relationships to lead with integrity, adapt to change, connect vulnerable people to community, build resilience and effectively respond in times of adversity and stress. Our strong connections help our diverse community to feel equally valued.</p> <p>Community Outcomes</p> <ul style="list-style-type: none"> - <i>Bayside celebrates and respects our diverse community.</i> - <i>Bayside utilises and benefits from technology.</i> - <i>Bayside utilises and benefits from technology.</i> - <i>The community is united and proud to live in Bayside.</i> 	<p>The draft PP involves the potential removal of the existing Ambulance Station which provides key emergency infrastructure to the local community. The draft PP is inconsistent with Council's strategy for the need to promote access to health care to support a healthy community.</p>
Theme Three	Consistent/comment
<p>In 2032 Bayside will be green, resilient, and sustainable.</p> <p>Our natural assets and biodiversity are protected and enhanced through collaborative partnerships, to benefit a healthy environment now and in the future. The community is resilient, and confident in its ability to work together to thrive, adapt and recover from risks and climate events. Energy, resources, and waste are managed sustainably.</p> <p>Community Outcomes</p> <ul style="list-style-type: none"> - <i>Bayside is resilient to economic, social, and environmental impacts.</i> - <i>Bayside's use of renewable energy is increasing.</i> - <i>Bayside's waterways and green corridors are regenerated and preserved.</i> - <i>Bayside's waste is well managed.</i> 	<p>The draft PP and accompanying Urban Framework Report outline intentions to deliver:</p> <p><i>"improved landscape and public domain outcomes with more deep soil, ground floor open space, canopy cover and potential for a publicly accessible through site link".</i></p> <p>However, the details of these improvements and mechanisms for delivery have not been outlined.</p>

Theme Four	Consistency/comment
<p>In 2032 Bayside will be a prosperous community</p> <p>Business innovation, technology, flourishing urban spaces and efficient transport attract diverse business, skilled employees and generate home-based business. Growth in services to the local community generate employment support, a thriving community, and livelihoods. Council is viable across its quadruple bottom line: social, environmental, economic, and civic leadership.</p> <p>Community Outcomes</p> <ul style="list-style-type: none"> - <i>Bayside generates diverse local employment and business opportunities.</i> - <i>Bayside recognises and leverages opportunities for economic development.</i> - <i>Council is financially sustainable and well governed.</i> 	<p>The draft PP proposes to replace the local centre function of the site currently zoned B2 Local Centre with a high-density residential use. The proposal seeks to remove the Active Street Frontage along Botany Road and add <i>Residential Flat Building</i> as an Additional Permitted Use.</p> <p>The draft PP is inconsistent with the community outcomes as it:</p> <ul style="list-style-type: none"> - Does not support innovative and new and emerging businesses to locate in Bayside. - Does not preserve industrial lands and employment lands.

Bayside Local Housing Strategy

Council adopted the Bayside Local Housing Strategy (LHS) in March 2021. Following Council's decision, DPE approved the LHS on 30 June 2021. The LHS provides the evidence base to inform suitable locations across the Bayside LGA for uplift in housing supply, and considers the following factors:

- The demand for dwellings in the entire Bayside LGA;
- The type of dwellings needed over the next 20 years in the entire Bayside LGA;
- Opportunities and housing constraints to housing growth in the entire Bayside LGA;
- The need for affordable housing, now and in the future; and
- Future investigation areas for housing growth across the entire Bayside LGA.

The subject site and general Botany Road/Mascot/Rosebery Area is not identified for any increase in housing, or for further investigation in the Bayside LHS. The nearby Mascot train station precinct has and continues to accommodate significant growth in residential and commercial floor space.

An update on the LHS was considered by Council on 26 October 2022, which notes:

Whilst some capacity may still exist under the current controls in the BLEP for the period 2026-2036, Council also needs to ensure that it delivers diversity of dwelling types as well addressing strategic considerations such as the provision of new housing

close to public and active transport as well as other community infrastructure and open space.

A summary of the status of areas identified for investigation of the LSPS and the LHS. The report makes recommendations for three areas proposed to progress to investigate and include:

- West Kogarah
- Botany Road
- Bexley North

These locations were identified for investigations because it was thought they could offer a contribution to the future provision and diversity of housing. The subject site is located within the Botany Road Investigation Area.

Local Plans

Bayside Local Environmental Plan 2021 (BLEP 2021)

Table 8: BLEP 2021

Control	Objective	Consistency
Clause 2.1 Land Use Zones B2 Local Centre	<ul style="list-style-type: none"> • To provide a range of retail, business, entertainment, and community uses that serve the needs of people who live in, work in, and visit the local area. 	<p>The draft PP is inconsistent with this objective as it effectively proposes to remove commercial use on the land. The proposal seeks to retain the existing B2 Local Centre zone; however, it also seeks to remove the Active Street Frontage applying to the site and to allow ground floor residential use by way of allowing <i>Residential Flat Building</i> as an Additional Permitted Use.</p> <p>The Urban Design Study accompanying the draft PP shows ground floor residential uses where the active street frontage applies (Botany Road).</p>
	<ul style="list-style-type: none"> • To encourage employment opportunities in accessible locations. 	<p>The draft PP is inconsistent with this objective in principle, in that it would effectively remove employment use on the site through the removal of the active street frontage and allowing residential use on the ground floor.</p>
	<ul style="list-style-type: none"> • To maximise public transport patronage and encourage walking and cycling. 	<p>On balance, the draft PP is inconsistent with this objective. Although it would enable uplift in close proximity to local bus routes and some public open space, the subject site is located outside the typically accepted 850m catchment zone from a high frequency rail station (Mascot). As such, it is not near enough to transport nodes to be regarded as transit-oriented development to intensify the extent of the existing B2 zone in the locality.</p>
Clause 4.3 Height of buildings	(a) to ensure that building height is consistent with the desired future character of an area,	<p>The draft PP is inconsistent with this objective.</p> <p>The proposed HOB control is 28m, increased from 14m. This would support a maximum 8 storey residential</p>

Control	Objective	Consistency
		<p>building based on typical floor-to-floors and lift overrun heights.</p> <p>The proposed height and scale of the proposed development is excessive and significantly out of context with any existing or proposed surrounding development, with the largest development along Botany Road currently standing at 4 storeys.</p> <p>This represents an overdevelopment of the subject site that does not align with the currently envisaged role of the locality, or its surrounding land use constraints and opportunities.</p>
	(b) to minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development,	<p>The draft PP is inconsistent with this objective. The proposed concept design indicates that the heritage listed Mascot Memorial Park opposite the site on Coward Street would be overshadowed during the winter solstice.</p> <p>The concept design shows an 8-storey building, along Coward Street. The proposal will result in overshadowing of the area around the Memorial located on the north- eastern corner of the park. The draft PP report notes that overshadowing will be restricted to a small portion of the northern eastern frontage of the park with the maximum impact being 9% of the park at 9am with this reducing gradually throughout the day. Council's Heritage advisor notes the concern does not relate to the percentage of the park being overshadowed. The concern is the overshadowing on the Memorial and the area around the Cenotaph which is attended - overshadowing is not acceptable at any time of the day.</p>
	(c) to nominate heights that will provide an appropriate transition in built form and land use intensity.	<p>The draft PP is inconsistent with this objective. The subject site is surrounded by 2 storey developments and a heritage listed Park opposite the site. The draft PP notes the proposal provides a sensitive built transition to low density residential by proposing three and four storeys fronting Henry Kendall Crescent. While this transition in height is noted, the proposal seeks to apply a 28m HOB over the entire the site, which would allow 8-storey buildings to be developed adjoining the low scale residential dwellings on Henry Kendall Crescent.</p> <p>This site is inappropriate for the increase in height and density sought, as the proposal nominates a 28m height on the site that would not allow for this transition in height to occur.</p>
Clause 6.9 Active Street Frontage	(a) To promote uses that attract pedestrian traffic along certain ground floor street frontage.	The draft PP is inconsistent with this objective. The proposal seeks to remove the Active Street Frontage currently applying to the Botany Street frontage and replacing it with residential units.
	(b) For the purpose of this clause, a building has an active street frontage if all premises on the ground	The draft PP is inconsistent with this Clause, as the proposal involves the removal of the Active Street Frontage. While the proposal involves no change to the Local Centre B2 zoning, it seeks to allow the ground

Control	Objective	Consistency
	<p>floor of the building facing the street are used for the purposes of one or more of the following:</p> <ul style="list-style-type: none"> • Business premises, • Retail premises, • Medical centre 	<p>floor of a building facing Botany Road for the purposes of a <i>Residential Flat Building</i>. No business, retail or medical centre is proposed in the draft PP concept scheme.</p>
	<p>(c) Development consent must not be granted for a mixed-use development that includes residential accommodation unless the consent authority is satisfied that no part of the ground floor of the building with active street frontage will be used for the purpose of residential accommodation.</p>	<p>The draft PP is inconsistent with this Clause. The proposal involves the ground floor of the building with an Active Street Frontage being used for the purpose of residential accommodation.</p>
5.10 Heritage conservation	<p>(a) to conserve the environmental heritage of Bayside,</p>	<p>The draft PP is inconsistent with this objective. The draft PP has not demonstrated that the two-fold increase in height can satisfactorily address the visual and amenity impact of the surrounding heritage items.</p>
	<p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, and views,</p>	<p>The draft PP is inconsistent with this objective. The future development as proposed by the draft PP includes an 8-storey building along the entire length of Coward Street which will cause parts of the Cenotaph and Memorial to be overshadowed and the bulk and scale of the proposal would result in visual impact on the Memorial.</p>

Botany Bay Development Control Plan 2013 (BBDP 2013)

The relevant sections of the BBDP 2013 have been identified below.

Part of the site (properties facing Botany Road) are located in the Rosebery Neighbourhood Centre. The objectives for the desired future character of the Rosebery Neighbourhood Centre are as follows:

- O1 *To retain and conserve the Rosebery Neighbourhood Centre and encourage a viable and attractive Neighbourhood Centre by improving the public domain and the public/private interface;*
- O2 *To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);*
- O3 *To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;*
- O4 *To retain existing trees within the streetscape;*

- O5 *To allow reasonable redevelopment and to improve the architectural quality of building stock;*
- O6 *To retain a coherent streetscape with a consistent street wall and parapet line;*
- O7 *To encourage the viability of the shopping area with increased car parking.*
- O8 *To improve and extend the pedestrian environment and to encourage appropriate outdoor uses with good solar access, such as cafes;*
- O9 *To encourage development of awnings as balconies for residential units above (to improve amenity for unit dwellers and promote passive surveillance of streets); and*
- O10 *To protect the distinctive and characteristic elements of the Rosebery Neighbourhood Centre and ensure the integration of these features into subsequent development.*

The proposed development does not satisfy the objectives of the Rosebery Neighbourhood Centre, as it does not propose a height, scale, or character, that is consistent with the surrounding area.

Other Considerations

Urban Design

The Urban Design Report (**Attachment 2**) prepared for the applicant by SJB outlines a vision for the site and demonstrates how the intended future development of the site and surrounds could occur.

The proposed built form of the development scheme accompanying the draft PP, and vision for surrounding sites in the study prepared by SJB, is depicted in **Figure 12**.



Figure 12 – Proposed built form (SJB, October 2021)

The indicative concept scheme would deliver a residential development within three apartment buildings ranging in height from three to eight storeys with around 152 dwellings with a mix of social and private housing. Car parking would be provided within a basement in accordance with the rates in the RMS Guide to Traffic Generating Development, which is consistent with the Botany DCP and the Apartment Design Guide.

The concept design illustrates the following:

- Three residential buildings ranging in height from 3 to 8 storeys.
 - Building along Coward Street – 8 storeys stepping down to 4 storeys on the corner of Coward Street and Henry Kendall Crescent.
 - Building along Henry Kendall Crescent – 3 storeys.
 - Building along Botany Road – part 6 storeys and part 4 storeys.
- The street level setback will enable the street trees to be retained. The tree canopy will minimise the scale and visual impact of the built form.
- 152 residential apartments.
- Provision of a through site link.
- Deep soil 28%.

Council's Urban Designer has reviewed the proposal and provides the following comments:

- *The study provided generally demonstrates a competent strategy to distribute the currently permissible FSR across the site, if developed as a residential building. The proposed built form also responds to the sites immediate context to provide an appropriate level of amenity to future residents. However, the site should be considered as a part of its broader context within the Mascot local centre zone. If a*

cohesive pattern of development is to be established within this precinct a master plan for the entire precinct must be established.

- *If this proposal were to be accepted and the current planning controls remain in place, it would create an 8-storey tower that sits next to 6 storey RFB within a landscaped setting whilst the remainder of Botany Street (zoned B2 local centre) was governed by controls that required 4 storey shop top housing with retail located at ground floor, a nil setback provided to the street and a continuous two storey street wall fronting Botany Road. The proposed building would be an anomaly, that was inconsistent with the scale and character of this precinct.*
- *It is acknowledged that the current planning controls for this precinct appear to be outdated. It is highly likely that the extent of retail should be reduced, and specific areas be rezoned to allow residential flat buildings. Recent studies (Built form testing and recommended controls by Ethos Urban 2020) undertaken by council have also highlighted that the current 2:1 FSR cannot be realised within the local centre. If the current FSR is to be maintained additional height and built form guidance should be provided. It is recommended that a master plan of the entire area currently zoned as B2 Local Centre is developed to provide a more consolidated area of retail and provide a wholistic strategy for the distribution of building mass and building typology. The subject site should form part of this broader Master Plan.*

Council's urban design advice is consistent with master planning proposed for the Botany Road Investigation Area which has been identified in Council's LSPS and endorsed by Council in October 2022. It should also be noted that the proponent has been advised that Council has endorsed the commencement of master planning for Botany Road, and that this may have implications on this draft PP. Given this body of work has yet to be completed, it is considered that the draft PP has been lodged prematurely, and the assessment of the proposal should be deferred until a masterplan/structure plan is in place to inform future planning for the broader locality.

Heritage

The draft PP is supported by a Heritage Impact Statement (**Attachment 10**) and Supplementary Heritage Advice (**Attachment 14**), both prepared by GML Heritage.

The subject area contains 16 properties listed in Schedule 5 of the Bayside LEP 2021 as heritage items of local significance, including:

Item address	Item name	Item No
997–999 Botany Road, Mascot	House Group	I266
1001 Botany Road, Mascot	Electricity Substation No.147	I267
1005 Botany Road, Rosebery	Former National Bank of Australasia	
814 Botany Road, Botany	Memorial Park	I262
1007 Botany Road, Mascot	Coronation Hall	I269
149 Coward Street, Mascot	Botany Family Day Care	I294
1009–1021 Botany Road, Mascot	Commercial Building Group	I270
118–120 Coward Street, Mascot	Uniting Church and Rectory	I288

139 Coward Street, Mascot	Mascot Fire Station	I293
153 Coward Street, Mascot	Sydney Water Corporation Pumping Station SP0053	I295
110 Coward Street, Mascot	House	I285
117 Coward Street, Mascot	House	I287
119 Coward Street, Mascot	House	I289
121 Coward Street, Mascot	House	I290
123 Coward Street, Mascot	House - "Orara"	I291
125 Coward Street, Mascot	House- "Highhurstwood"	I292

The draft PP states the Heritage Impact Statement has been prepared which has concluded that the proposal would result in minor visual heritage impacts, and that the proposed setbacks and built form would adequately retain significant views. It recommended;

'Mitigation measures to be addressed at the DA stage including further consideration of view retention at the detailed design stage, archival recording of existing structures and salvage, relocation and interpretation of the existing foundation stone on the site'.

Council's Heritage Advisor has reviewed the PP and has provided comments and concerns regarding potential heritage impacts which include:

- *Bulk and scale along Coward Street require modification to address visual and solar access impact on Memorial Park.*
- *Proposal does not respond to the adjacent subdivision patterns along Coward Street and Botany Road.*
- *Increased setback along Coward Street recommended to address impact on Memorial Park and to create more useable open space.*
- *7m Setback along Botany Road bears no relationship to the items on the eastern side landscaping, is at risk of becoming unusable as the site directly adjoins a four-lane road.*
- *Concern with the location of the through site link, as its location at present is arbitrary.*

The revised draft PP submitted to Council on 28 September 2022 included commentary from GML addressing Council's heritage comments. This revised draft PP package was then referred to Council's Heritage Advisor for updated comments. A summary of the proponent's commentary, and Council's updated comments, are provided below:

Table 9: Proponent Response and Council's Heritage Advisor Response

Proponent Response	Council's Heritage Advisor Response
The shadow diagrams prepared by SJB Architects illustrate that the maximum shaded area of the park reaches its most significant impact (9%) at 9am on the winter solstice. The impact area appears to be a low use area. From 10am onward, no more than 5% of the park is impacted at any given time for the remainder of the winter	<ul style="list-style-type: none"> • It is not acceptable that any part of the cenotaph or memorial be overshadowed. Anzac Day is not the only time the memorial is used. The area around the Cenotaph is attended and cannot be in shade. • The shadow could be re- aligned so it is not in the area of the memorial. This will require

Proponent Response	Council's Heritage Advisor Response
<p>solstice. Given the annual ANZAC memorial – which is the most prominent use of the Mascot Memorial Park – takes place at dawn in April, the minor shade on park between 9am and 3pm in mid-winter would pose not impact on the ANZAC memorial services.</p> <p>The shadow diagrams also show that the ANZAC memorial statue will not be shaded by the propose building at any time, the proposed plan would have a minor adverse visual impact on Mascot Memorial park and its Anzac Memorial statue.</p>	<p>adjustment of the building mass along Coward Street.</p>
<p>The current form of the proposed development is in its early stages of design development.</p> <p>The proposed provision of a through site link from Henry Kendall Crescent to Botany Road helps break up the building mass on Botany Road into two smaller blocks.</p> <p>It is proposed that the street interfaces and terraces on the eastern side of Botany Road will be reflected in the elevation of the proposed development. This will be achieved by reflecting the vertical fenestration and features of the heritage items to the east of the site.</p> <p>Further articulation of the massing and façade during the architectural design development would enable the proposal to better respond to the rhythm of heritage items and its land subdivision east of the site. This should be addressed at DA stage.</p>	<ul style="list-style-type: none"> • It is understood that the design needs to be refined at DA. • The Planning Proposal sets the benchmark to meet the heritage issues highlighted for further consideration at the design development stage for DA. • The concern is not the mass of the building along Botany Road, it's the bulk and scale along Coward Street and its resultant visual impact on the Memorial. • The through site link does not address this, however it reinforces the linear separation across the site as a thoroughfare. • The shadow diagrams identify the through site link open space as being mostly in shade
<p>The proposed design places the communal open spaces for the development at a central location within the site, i.e. the pedestrian link.</p> <p>The proposed development provides a generous setback to Coward Street that meets and, in some cases, exceeds the requirements of the existing planning controls.</p> <p>This setback provides for private open spaces for individual apartments overlooking the park, consistent with the Apartment Design Guide (ADG). The setback permits the retention of mature street trees at the south of the site, which</p>	<ul style="list-style-type: none"> • The setting back of the building marginally in part would assist in reducing the overshadowing of the Memorial. • Addressing the building as proposed along Botany road could assist with the massing impact of the development on the park. • The shadow diagrams identify the through site link open space as being mostly in shade not a desired outcome for useable open space.

Proponent Response	Council's Heritage Advisor Response
<p>maintains the landscape character of a green backdrop a around the park.</p>	
<p>The 7m Setback on Botany Road is more than generous than planning requirements so as to seek to retain existing mature trees, and, along with the verge, would setback residential uses 11m from the kerb of Botany Road. The proposed setback would allow for a vegetated buffer and private open space which meets the requirements of the ADG and is well setback from Botany Road. This generous buffer of vegetation works as a sympathetic separation from the heritage listed items east of the site, especially when added to the four-lane wide Botany Road.</p> <p>Landscape plans at DA stage will need to demonstrate suitability of private land planning along a busy road, however this is not a heritage related matter.</p>	<ul style="list-style-type: none"> • The extensive set back at ground level does not provide for the active street frontage required as part of Bayside council LEP 2021 for Botany Road. Thus, creating a negative space along Botany road with only residential access. • A holistic Heritage approach includes the consideration of the building in relation to the LEP 2021 desired outcomes and amenity. • The increased set back along Botany Road does not contribute to the Heritage precinct and the inclusion of an active Botany Road front will benefit the community as well as create a contemporary connection between the Locally Historic Civic precinct. • Retaining the trees is important as well as activating the street frontage. • An appropriate architectural solution will achieve both as well as providing useable public amenity in the Locally Historic Civic precinct. • The Planning Proposal presents an opportunity to define required outcomes. In terms of considered and appropriate solutions to achieve the desired result.
<p>The subject site is not located within HCA, nor is it a heritage item. No cultural heritage significance has been attributed to the general location. The cultural significance values of the area are derived from the heritage significance of the heritage listed items in the vicinity of the subject site.</p> <p>The proposed development is a contemporary design, which, in line with the principles of the Burra Charter, is readily identifiable, Contemporary design in culturally significant location is a suitable contribution and would have minimal heritage impact.</p> <p>The scale and character of the proposed development is sympathetic to the heritage items in proximity yet would impose minor visual adverse heritage impacts to heritage items in its vicinity.</p> <p>To minimise any negative heritage impacts, design modifications of corner treatments and façade articulations, among others, can be addressed at the DA stage.</p>	<ul style="list-style-type: none"> • The site is pivotal in contributing to a precinct of Local Historic Civic significance as identified in Bayside LEP 2021 and with 16 buildings listed under the State heritage Inventory ranging. This includes: <ul style="list-style-type: none"> • essential services electricity substation, fire station • commercial business • Council chambers • Community facilities • Park • Public housing • General housing • Although not in a HCA, consideration needs to be taken in developing an appropriate built form and strategy which will enhance and acknowledge the historic nature of the precinct. This will allow further development of the immediate area to also contribute and reflect the growth and development of the area for the local community. • In reference to Memorial Park: <i>Ensure that development surrounding the park does not encroach in its visual or physical curtilage; and is visually neutral in scale, form, and materials.</i>

Proponent Response	Council's Heritage Advisor Response
	<ul style="list-style-type: none"> A considered contemporary architectural approach can be achieved in this culturally historical precinct of Mascot.
<p>The subject site is not listed as a heritage item on the NSW State Heritage Register, or in Schedule 5 of the Bayside LEP 2021, nor does it include heritage items. The subject site is not located within a HCA.</p> <p>The through-site link and access to transport are not heritage issues and as such are beyond the scope of this letter. However, the current location of the site link helps break up the mass of the proposal in response to the smaller lots of heritage items across Botany Road. If warranted alternative site links may be considered at a later stage of the design development.</p>	<ul style="list-style-type: none"> A holistic Heritage approach includes the consideration of the building in relation to the LEP 2021 desired outcomes and amenity. The increased set back along Botany Road does not contribute to the Heritage precinct and the inclusion of an active Botany Road front will benefit the community as well as create a contemporary connection between the local Heritage civic precinct. Retaining the trees is important as well as activating the street frontage. An appropriate architectural solution will achieve both as well as providing useable public amenity in the Locally Historic Civic precinct. The Planning Proposal site is pivotal in contributing to a precinct of Local Historic Civic significance as identified in Bayside LEP 2021 and with 16 buildings listed under the State heritage Inventory ranging. This includes: <ol style="list-style-type: none"> essential services electricity substation, fire station commercial business Council chambers Community facilities Park Public housing General housing Though not in a HCA, consideration needs to be taken in developing an appropriate built form and strategy which will enhance and acknowledge the Historic nature of the precinct. This will allow further development of the immediate area to also contribute and reflect the growth and development of the area for the local community. A contemporary link between the new building and the local Heritage civic precinct. An appropriate architectural solution will achieve both as well as providing useable public amenity in the Locally Historic Civic Precinct.

The comments provided above have not been satisfactorily addressed under the current revised draft PP. It has not been demonstrated that the degree of uplift proposed can satisfactorily address the visual and amenity impact of the surrounding heritage items, particularly the Memorial Park opposite the site. The revised draft PP is therefore not supported on heritage grounds.

Council's Heritage Advisor's comments in relation to developing an appropriate built form and strategy for this area to respond to the historic nature of the precinct is consistent with

Master Planning proposed for the Botany Road Investigation Area, which has been identified in Council's LSPS and endorsed by Council in October 2022.

Traffic

The draft PP is supported by a Transport and Movement Study (**Attachment 3**) prepared by EMM. In order to adequately assess the traffic impacts of the proposal, Council engaged Cardno to undertake an independent peer review (**Attachment 15**) of the traffic impact assessment accompanying the previous draft PP.

The independent peer review raised key concerns that were identified as 'medium' and 'high' priority.

Table 10, below shows the outstanding issues and its category in terms of priority:

Item	Cardno Review	Category
1	It is recommended that the applicant consider a single driveway off Botany Road for ambulances only, and that the residential flat building only be accessible from Henry Kendall Crescent.	High
2	The claim of improving the operation and safety at Coward Street / Henry Kendall Crescent is unsupported by any evidence. Cardno believes it is safer for vehicles to access the site via Henry Kendall Crescent as opposed to Botany Road.	High
8	A number of issues have been identified in the SIDRA model which may be creating inaccurate outputs.	Medium
9	It is suggested that the applicant consider the cumulative impact of any proposed developments adjacent to or in close proximity to the Subject Site, and model a cumulative development scenario at the Botany Road / Coward Street intersection.	Medium

An updated traffic advice was provided by the proponent's traffic consultant, EMM Consulting. Cardno peer reviewed this advice and provided comments in response. The below response was subsequently received from EMM:

Item	EMM response
1 and 2	<ul style="list-style-type: none"> The site driveway access is proposed to be retained on Botany Road due to the following reasons: <ul style="list-style-type: none"> Currently with the existing site footprint there are four driveways on Botany Road. It is proposed that the four driveways will be consolidated to one single left-in/left-out driveway on Botany Road, however, if the ambulance use is retained on site, the ambulance driveway could be separated from the residential driveway. The reduced number of driveways will improve traffic safety on Botany Road. The traffic volumes in the locality, including Botany Road, is decreasing which will continue over the next decade due to a number of major transport infrastructure projects in the area. The reduced traffic volumes along Botany Road would have less safety impact in the future, compared to the current situation of four driveways with higher traffic volumes in Botany Road. The traffic speed along Botany Road, at the site frontage, has been restricted to 50 km/h in recent years. This reduced traffic speed minimises rear end type of crashes for the entering vehicles onto the site

	<p>driveway. Furthermore, the minimum sight distance for the driveway access will be achieved.</p> <ul style="list-style-type: none"> • During the detailed design stage, the driveway width could be minimised as much as possible, based on the swept path assessments, to minimise pedestrian/vehicular conflicts at the driveway. The turning traffic would be aware of the presence of pedestrians on the footpath. However, to improve visibility, the proposed driveway could be line marked (hatching). This would alert both motorists and pedestrians to the presence of this driveway. • During the detailed design, the sightlines of the driveway will be specified to comply with the pedestrian sight triangles as stipulated in AS2890.1. • The existing residential amenity would potentially be compromised by any alternative Henry Kendall Crescent access driveway due to increased vehicular activity and the operation of heavy vehicles, e.g. waste collection and removalist vehicles. • If the proposed driveway is provided in Henry Kendall Crescent, the traffic congestion at both accesses of Henry Kendall Crescent with Coward Street would be increased in the future. During the site inspections, vehicles on Coward Street were frequently observed to queue across these intersections resulting in significant access difficulty for the existing Henry Kendall Crescent residents. This situation is likely to worsen for the existing residents and the future occupants of this site if the vehicular access was to be provided via Henry Kendall Crescent. <p>Due to the above reasons, the proposed vehicular access to the site is preferred on Botany Road, over Henry Kendall Crescent.</p>
8	<ul style="list-style-type: none"> • Bus data has been collected separately in the traffic survey from 16 August 2022, which has then input separately in SIDRA. • The northern approach lane 1 has been converted to a short lane in parking in the AM peak and consists of a left turn and through movement. • Northern approach lane 1 has been converted to a through movement bus lane in the PM peak, with an allowance for general traffic to turn left at the intersection. A southbound lane exclusive to buses in the PM peak has been added after the intersection. • The eastern approach lane 1 has been extended to 65 m. • Pedestrian movements have been selected as opposing movements. • Approach speeds have been updated to match 50 km/h speed limit on all roads.
9	<p>Traffic volumes are forecast to drop by up to 30% once the Sydney Gateway and other major projects in the area open.</p> <p>As a result, a cumulative traffic assessment has not been conducted.</p>

The comments provided by EMM have still not satisfactorily addressed traffic concerns under the current revised draft PP. Two items identified as high priority in the peer review relating to driveway access points and safety of Coward Street/Botany Road intersection have not been addressed. According to Cardno, items in this category are *issues which may have a critical effect on the project application in terms of traffic modelling and road safety. Addressing these issues is required.*

The revised PP is therefore not supported on traffic grounds as these issues remain unresolved.

Public Transport

As noted throughout the report, the land subject to the draft PP is located 850m from Mascot station. The subject site is located at the edge of the typically accepted 800m catchment zone from a high frequency rail station (Mascot). The subject site is not located closely enough to transport nodes to be regarded as transit-oriented development.

The subject site is located within proximity to high frequency bus routes 309, 309x, 310x and 320, which provide connections to Banksmeadow, Green Square Station and Central Station.

It is considered that any changes to the Botany Road Mascot/Rosebery locality should be undertaken as a holistic strategic planning approach, rather than as spot rezonings, to ensure infrastructure and public transport services align with future growth.

Economic Impact

The draft PP is supported by a Commercial Market Study (**Attachment 8**) prepared by Hill PDA. To adequately assess the economic impacts of the proposal, Council engaged RPS to undertake an independent peer review (**Attachment 16**) of the Economic Impact Assessment (EIA) accompanying the draft PP.

The independent peer review outlined the following issues:

- The draft PP seeks to establish a series of strategic and site-specific merits of the proposed development, including references to the Hill PDA report confirming the study's findings that "confirms that retail / commercial uses would not be viable in this location or desirable in the context of the surrounding centres hierarchy" (page 11 and section 8.3.1).
- A preliminary review of the Hill PDA report has not indicated any fundamental issues with the accuracy of the content provided.
- However, the Hill PDA report in its current format does not constitute an economic impact assessment as it is referred to in the draft PP. It is primarily a qualitative piece of research that focuses principally on profiling retail market conditions (section 5.0), the nature of existing and approved developments/centres with which the subject site will be in competition (sections 3.0 and 5.0) and assesses the proposed development against a series of qualitative success factors (section 4.0).

To be considered as an economic impact report, the Hill PDA report would need to consider one or more of the following:

- i. **Market Need Assessment** - assessing the market need for the current zoned retail floorspace allowance and frontages in terms of local expenditure-based demand and the impact of this not being delivered in terms of creating a current or known future gap in supply.

- ii. **Retail Sustainability Assessment** – assessing the extent to which the proposed development would impact the sustainability of the local retail network in meeting the ongoing needs of the community for access to and choice of retail offerings.
- iii. **Net Community Benefit/Economic Impact Assessment**– assessing the extent to which the proposed development provides a net benefit to the community and economy relative to the current uses and the underlying planning/zoning of the site.
 - The current information included within the Hill PDA report is insufficient in its detail and appropriateness for the conclusions reached (and subsequently incorporated into the draft PP report) to be justified. This undermines their capacity to be relied upon by Council to inform decision making.
 - A true economic impact assessment needs to be undertaken in support of the project, with a focus of that being on providing a quantitative justification of the removal of the currently zoned allowance for commercial/retail floor space and frontages to demonstrate the continued and future sustainability of the retail network in meeting local and regional community needs.

Further information was requested from the proponent to address the above concerns on 23 June 2023.

An updated Economic Impact Assessment provided by the proponent's economic consultant, Hill PDA. The reports examined the extent to which commercial and/ or retail uses at ground level on Botany Road would be commercially viable from a market perspective and found that the ground floor commercial or retail uses are unlikely to be viable at the subject site, and the risks of long-term vacancies and property neglect are high. The overall conclusion was that the draft PP provides a better and higher use for the site, since it reduces the risk of long-term ground floor commercial vacancies and delivers more and better-quality housing for the benefit of the community.

A Market Needs Assessment was requested to be carried out to provide a quantitative justification of the removal of the current commercial/retail floor space and frontages to demonstrate the continued and future sustainability of the retail network in meeting local and regional community needs. Hill PDA has prepared this study which considers the current supply and demand for retail in the locality and whether there is a need for additional retail and commercial uses on site and whether it can be supported by the local community.

Justification for the significant increase in residential GFA is lacking. The draft PP states that the proposal will introduce more than 200 new residents on the site spending more than \$3m per annum on retail goods and services. It further notes the existing Mascot Village will capture a fair proportion of this spending resulting in an immediate positive impact on the centre.

The draft PP has not adequately demonstrated that future development on the site under the proposed amendments would contribute to employment opportunities in the area and have positive economic impacts for existing and future commercial, retail and business uses in the Mascot local centre.

Economic impact issues remain unresolved and have not been adequately addressed.

Conclusion

The draft PP has been the subject of a detailed merit-based assessment against the strategic and statutory planning framework as established by the EP&A Act, relevant

guidelines, Planning Circulars and Practice Notes. In considering whether to progress the draft PP to a Gateway Determination, Council is required to consider if the proposed changes to the BLEP 2021 have both strategic and site-specific merit.

Council has identified Botany Road for further investigation, therefore assessing the current proposal at the early stage of the Master Planning process is difficult and premature. Proceeding with a site-specific draft PP prior to the finalisation of the Masterplan would set an undesirable precedent, lead to ad-hoc planning, and undermine any future vision for the Botany Road investigation area.

Assessment of the proposal should be deferred until the desired future outcomes associated with the planning parameters for the broader Botany Road Corridor are established.

In regard to site specific merit, the assessment above identifies a number of significant negative impacts on the locality that would arise if the draft PP proceeded. These include visual bulk and scale, loss of employment land, heritage, and traffic impacts.

In summary, Council's assessment has identified that the draft PP should be deferred pending the outcomes of the Botany Road Investigation Area.

It is recommended that the Bayside Local Planning Panel recommend to Council that the draft Planning Proposal be deferred pending the outcomes of the Master Planning process for the Botany Road Investigation Area.

Attachments

- 1 Draft Planning Proposal (Including Appendices) (Under separate cover Attachments Part One)
- 2 Urban Design Report (Under separate cover Attachments Part One)
- 3 Transport and Movement Study (Under separate cover Attachments Part One)
- 4 Updated Transport Advice (Under separate cover Attachments Part One)
- 5 Acoustic Report (Under separate cover Attachments Part One)
- 6 Updated Acoustic Advice (Under separate cover Attachments Part One)
- 7 Economic Impact Assessment (Under separate cover Attachments Part One)
- 8 Commercial Market Study (Under separate cover Attachments Part One)
- 9 Arboriculture Advice (Under separate cover Attachments Part One)
- 10 Heritage Assessment Report (Under separate cover Attachments Part One)
- 11 Draft Site-Specific Development Control Plan (Under separate cover Attachments Part One)
- 12 Market Needs Assessment (Under separate cover Attachments Part One)
- 13 NSW Health Letter (Under separate cover Attachments Part One)
- 14 GML Heritage Response (Under separate cover Attachments Part One)
- 15 Independent Peer Review - Traffic & Transport (Under separate cover Attachments Part One)
- 16 Independent Peer Review - Economic Impact Assessment (Under separate cover Attachments Part One)