FPDplanning

Planning Proposal

792-794 Botany Road and 33-37 Henry Kendal Crescent, Mascot

Prepared on behalf of NSW Land and Housing Corporation

July 10, 2024

FPD Planning
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Document control

Authors

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Project summary

Applicant	NSW Land and Housing Corporation
Applicant's address	Level 4, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
Land to be developed	792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot
Legal description	Lots A, B, C, D and E of DP 36472 and Lot 1 DP 36486
Project description	Planning Proposal to facilitate renewal of existing social housing by increasing height of buildings and removing the active street frontages requirement.

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Executive Summary

Introduction

This report sets out a revised Planning Proposal for land at Botany Road, Mascot which comprises social housing. The revised Planning Proposal addresses the recommendations of the Sydney Eastern City Planning Panel in its determination of 25 June 2024.

The proposal will retain the existing floor space ratio of 2:1 which applies under the Bayside Local Environmental Plan 2021 (Bayside LEP).

It is proposed to amend the Bayside LEP to rezone the site from E1 Local Centre to R4 High Density Residential. It is also proposed to amend the height of buildings which applies to the site from 14m to 11m, 14m and 28m across the site and to remove the active frontages requirement which will result in significant benefits including:

- Generous front setbacks allowing for high amenity and retention of significant existing street trees
- Ability to achieve the existing FSR without the need to deliver a substantial retail / commercial component in an out of centre location which would not be feasible or desirable
- Entirely residential development which will maximise the ability to deliver social housing
- Improved built form outcomes with potential to break up built form, provide sensitive height distribution and greater building articulation
- 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.

Background

LAHC owns and manages the Government's public housing portfolio of some 130,000 properties within New South Wales.

LAHC is a Public Trading Enterprise and as such does not receive funding to grow or maintain its social housing portfolio. In order to renew and grow the portfolio LAHC has to unlock latent value in its assets and partner with the private and community housing sector. LAHC's key objectives for renewal are:

- Increasing the portfolio
- Addressing social housing concentration
- Delivering social housing that is indistinguishable from private housing
- Realigning the portfolio to better fit the increasingly single and aging tenant profile.

The Planning Proposal relates to existing social housing owned by LAHC on Botany Road, Mascot.

The Planning Proposal for this site was originally lodged with Bayside Council in December 2017 and sought to amend the *Botany Local Environmental Plan 2013* (since repealed by the Bayside LEP) as follows:

- Amend the height applying to the site from 14m to 22m and 28m
- Amend the FSR applying to the site from 2:1 to 2.5:1.

The proposal sought to facilitate renewal of the site for a mixed use residential development of up to eight storeys.

On 4 August 2020, Council staff raised a number of issues with the Planning Proposal to be addressed prior to their further consideration which included the following:

- *The report outlines the proposed development as a single concept scheme, providing a comprehensive analysis of the proposed built form within its immediate context. However, further consideration as to how the built form responds to the surrounding urban fabric needs to be undertaken to ensure an appropriate and place sensitive outcome.*
- *The site has strategic merit to be developed as a transition site between the intensity and density of the Mascot Town Centre and the low density of the surrounding residential fabric. This being noted, the current proposal's intensification of height and density does not provide an appropriate transition.*
- *A traffic peer review prepared by Bitzios on behalf of Council indicates that traffic issues can addressed at DA stage, however Council has concerns that the Coward St/ Botany Road intersection currently operates at a level of service 'F' as noted in the submitted Transport and Movement Study and that intensification of the site as proposed may exacerbate the situation.*

LAHC subsequently met with Council staff on a number of occasions with the most recent meeting being held on 27 July 2021 with Council's Director of Planning and other senior staff. Council staff provided further advice on the revised Planning Proposal on the 11 August 2021 with all issues raised considered and addressed in this report.

Following lodgment of an updated Planning Proposal in October 2021, Council wrote to LAHC on the 29 October 2021 seeking a Heritage Impact Statement and Site Specific DCP for the site. On 20 January 2022 Council sought an Economic Impact Assessment for the site. These documents have now been prepared and form part of the Planning Proposal.

A Gateway determination was issued for the Planning Proposal on 15 November 2023 and the proposal was publicly exhibited from 14 December 2023 to 8 February 2024.

On 25 June 2024 the Sydney Eastern City Planning Panel considered a post exhibition report from the Department of Planning, Housing and Infrastructure (DPHI) and determined to recommend to the Minister that the instrument be made.

The Eastern City Planning Panel supported DPHI's recommendation that the Ambulance site be removed from the Planning Proposal. It also recommended that the height of buildings map be amended to provide a transition between the low density residential along Henry Kendall Crescent (3 storeys/11m) and Coward Street in the west (4 storeys/14m) to Botany Road in the east (8 storeys/28m) in accordance with the concept design lodged with the Planning Proposal.

This revised Planning Proposal addresses the recommendations of the Sydney Eastern City Planning Panel.

Subject site

The site has a total area of 4,878sqm and has frontages to Henry Kendall Crescent to the west, Coward Street to the south and Botany Road to the east.

It comprises 25 social housing dwellings owned by NSW Land and Housing Corporation (LACHC) within five two storey brick buildings including three walkup apartment buildings and two townhouse style buildings which were constructed in the 1950s.

The site fronts Botany Road and is to the north of the Mascot local centre. Mascot Train Station and Mascot town centre is located 800m to the west.

The site is zoned E1 Local Centre under the *Bayside Local Environmental Plan 2021* (Bayside LEP) which replaced the former Botany LEP. The zone allows a range of uses including shop top housing and commercial premises. Residential flat building is a prohibited use and accordingly, residential apartments can only be developed as part of a mixed-use development with ground floor commercial uses.

The following built form controls apply under the Bayside LEP:

- Floor space ratio: 2:1
- Height of buildings: 14m.

An active street frontage provision also applies to the site which requires ground floor premises facing Botany Road to be active uses such as retail premises, business premises or food and drink premises.

The proposal

An Urban Design Study (dated 14 October 2021) has been prepared by SJB which includes a indicative concept scheme for the site responding to the surrounding built form and landscape character. 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. All existing dwellings will be replaced with new more sustainable fit for purpose social dwellings and additional new social dwellings will be provided as viable up to 30% of the maximum yield on the site consistent with NSW government social housing policy Future Directions.

Car parking would be provided within a basement in accordance with the rates in the RMS Guide to Traffic Generating Development, which is consistent the Botany DCP and the Apartment Design Guide.

Noting the DPHI's recommendation to remove the Ambulance site, an updated concept scheme was prepared by SJB which is included at Appendix M, which shows how the site could be developed on the Homes NSW owned land without the Ambulance site. The updated concept scheme would deliver 127 dwellings.

The Planning Proposal seeks to make the following amendments to the Bayside LEP:

- Rezone the site from E1 Local Centre to R4 High Density Residential
- Amend the permissible height of buildings from 14m to 11m, 14m and 28m by amending the Height of Buildings Map
- Remove the requirement for active street frontages to be located along Botany Road by amending the Active Street Frontages Map

The existing maximum FSR of 2:1 would be retained. Accordingly, the proposal seeks no additional floor space potential compared to the current controls.

The Planning Proposal is supported by an amendment to the Botany DCP which outlines site specific development controls, including:

- Indicative layout, building heights and setbacks
- Guidance on building design
- Requirement for a through site link
- Landscaping controls including:
  - Minimum deep soil 28%
  - Minimum ground floor communal open space 25%
  - Minimum canopy cover of 30% of the site and surrounding streets (measured to the midline)
  - Retention of all significant street trees.

Strategic merit

The proposal aligns with key objectives and actions in the Bayside Local Housing Strategy and Local Strategic Planning Statement (LSPS) particularly in relation to housing supply, housing choice, affordable housing and planning for growth within centres and in proximity of public transport including the following:

- Local Housing Strategy Objective 2: New housing will be located in and around existing centres with good public transport accessibility and walkability and align with the provision of transport and other infrastructure.
- Local Housing Strategy Action 4.4: Continue to engage with NSW Land and Housing Corporation regarding the retention, upgrade and potential expansion of publicly owned social housing in Bayside.
- LSPS short term housing supply opportunity: Infill development in the existing business zoned areas of Rockdale, Mascot and Botany for residential flat buildings and shop top housing.

The Planning Proposal is consistent with the NSW Government's Future Directions for Social Housing Strategy which was released in 2016. Action 1.1 in Future Directions, is to 'Increase redevelopment of LAHC properties to renew and grow supply'. This provides a clear directive and strategic justification for the NSW Government to redevelop land to deliver increased social housing.

The proposal is also consistent with the planning priorities in the Greater Sydney Region Plan and Eastern City District Plan, particular those around aligning infrastructure with growth, delivering the 30 minute city, increasing housing supply and increasing housing affordability and delivering social housing.

On this basis the Planning Proposal is considered to have strategic merit.

Site-specific merit

The Planning Proposal is considered to have site specific merit as summarised below.

- The proposal would not impact on the natural environment noting that the site has no significant biodiversity values and all significant street trees would be retained
- There are no natural hazards associated with the site that would preclude development
- Noise impacts associated with Botany Road and Sydney Airport can be appropriately mitigated as demonstrated in the acoustic assessment prepared by EMM
- The proposal has sought to respond to the surrounding built form and landscape character including through an appropriate built form relationship that transitions to local heritage items on Botany Road, low density residential uses to the north and west of the site and to Mascot Memorial Park to the south. In particular the proposal ensures that privacy of adjoining dwellings would be maintained and that there would be no unacceptable overshadowing of the Mascot Memorial Park or adjacent residential uses
- The proposal will deliver a stronger economic outcome than either the retention of the existing uses or redevelopment of the stie under the existing controls
- The proposal will maintain the surrounding centres hierarchy and support the ongoing success of nearby retail / commercial centres
- The proposal would not generate additional demand for services and facilities than what is currently envisaged under the Bayside LEP noting that it does not seek to increase the existing FSR
- The site is well located in close proximity to major public transport and is accessible to a range of existing services within the Mascot Station town centre and Mascot local centre.
- The site also has excellent access to social infrastructure including local primary and high schools, open space and other community facilities
- Any traffic impact will be minimal on the peak hour traffic operation of the adjacent Botany Road / Coward Street intersection.

- Traffic safety on Botany Road will improve with the existing four driveways on Botany Road proposed to be consolidated to one single driveway.

Conclusion

The revised proposal will have significant benefits in renewing ageing social housing, and providing additional social housing in a mixed tenure development creating an integrated and inclusive community, whilst responding positively to the surrounding context and public domain. As demonstrated above the proposal has strategic and site-specific merit and addresses all issues raised by Council, DPHI and the Eastern City Planning Panel.

Accordingly, it is requested that the Planning Proposal be finalised.

1 Background

Homes NSW owns and manages the Government's public housing portfolio of some 130,000 properties within New South Wales.

Homes NSW is a Public Trading Enterprise and as such does not receive funding to grow or maintain its social housing portfolio. In order to renew and grow the portfolio Homes NSW has to unlock latent value in its assets and partner with the private and community housing sector. LAHC's key objectives for renewal are:

- Increasing the portfolio
- Addressing social housing concentration
- Delivering social housing that is indistinguishable from private housing
- Realigning the portfolio to better fit the increasingly single and aging tenant profile.

The Planning Proposal relates to existing social housing owned by Homes NSW on Botany Road, Mascot.

The Planning Proposal for this site was originally lodged with Bayside Council in December 2017 and sought to amend the *Botany Local Environmental Plan 2013* (since repealed by the Bayside LEP) as follows:

- Amend the height applying to the site from 14m to 22m and 28m
- Amend the FSR applying to the site from 2:1 to 2.5:1.

The proposal sought to facilitate renewal of the site for a mixed-use residential development of up to eight storeys.

On 4 August 2020, Council staff raised a number of issues with the Planning Proposal to be addressed prior to their further consideration which included the following:

- The report outlines the proposed development as a single concept scheme, providing a comprehensive analysis of the proposed built form within its immediate context. However, further consideration as to how the built form responds to the surrounding urban fabric needs to be undertaken to ensure an appropriate and place sensitive outcome.
- The site has strategic merit to be developed as a transition site between the intensity and density of the Mascot Town Centre and the low density of the surrounding residential fabric. This being noted, the current proposal's intensification of height and density does not provide an appropriate transition.
- A traffic peer review prepared by Bitzios on behalf of Council indicates that traffic issues can addressed at DA stage, however Council has concerns that the Coward St/ Botany Road intersection currently operates at a level of service 'F' as noted in the submitted Transport and Movement Study and that intensification of the site as proposed may exacerbate the situation.

Homes NSW met with Council on the 27 July 2021 to present a revised proposal. Council staff subsequently provided the following comments on the 11 August 2021:

- The subject site is not in a priority area from a strategic planning standpoint, although there are general LSPS and LHS actions supporting redevelopment in principle.
- The character and future role of the surrounding area is a key consideration, including Botany Road and Coward Street. This may be part of a broader strategic exercise, which Council has not contemplated in great detail prior to this proposal, as Council has had a considerable strategic planning workload over the past few years.

- Concerns regarding the Active Street Frontage requirement are noted, and, equally, Council does not want to see marginal floorspace and overabundance of empty tenancies along Botany Road. However, the link between the surrounding area and Gardeners Road needs to be taken into consideration. Furthermore, the street level along Botany Road is not ideal for residential amenity, and the application of the E1 Local Centre zoning has clearly been a response to this significant residential amenity constraint on such a busy road corridor.
- We acknowledge that the building mass, solar access and ventilation appear improved from the previous scheme that was proposed.
- There is a Planning Proposal currently under assessment opposite the site, on the North-Eastern corner of the Botany Road / Coward Street intersection that seeks taller building heights, but seeks to retain commercial floorspace. It is clear that the Planning Proposal for that site is different in a number of ways to the proposal for the Homes NSW site, and is a significant departure from the existing controls and built form.
- Council would like to better understand how the dwelling yield has changed since the previous scheme, including whether any affordable housing units are proposed, other than social housing.
- The broader strategic planning context and framework will be a critical factor in determining strategic and site-specific merit, and Council must ensure planning recommendations are made equitably and are justifiable to the Bayside Local Planning Panel, and Council. This has also been made clear to proponent of adjacent Planning Proposal on Botany Road, as that proposal has not clearly demonstrated adequate strategic or site-specific merit.
- The timing of development is an issue to be considered. As discussed at the meeting, with the example of Eastgardens (albeit a different scale), which will likely end up being defined/planned for via two separate Planning Proposals, Council is cautious about area-wide strategic change being led by site-specific proposals, and the repercussions of trying to reign in the externalities of this, in the absence of broader strategic planning having been undertaken for the location.
- The proposal will need to consider, in detail, the impacts from traffic (among other environmental constraints like aircraft and road noise), and how the proposal complies with the Botany Bay DCP 2013, and whether a site-specific amendment is to be pursued.

An updated Planning Proposal was submitted in October 2021. Council subsequently wrote to Homes NSW on the 29 October 2021 seeking a Heritage Impact Statement and Site Specific DCP for the site. On 20 January 2022 Council sought an Economic Impact Assessment for the site. These documents have now been prepared and form part of the Planning Proposal.

On the 24 May 2023, Bayside Council resolved to defer the Planning Proposal to enable master planning of the wider Botany Road investigation area.

A rezoning review was subsequently requested and was considered by the Sydney Eastern City Planning Panel on 15 September 2023. The Panel determined that the proposal had strategic and site specific merit, but requested the following changes prior to a Gateway determination:

- The E1 Local Centre is removed and replaced with the R4 High Density Residential zone
- The reference to the proposed amendment to include residential flat building as an additional permitted use is to be removed
- An LEP provision requiring a site specific development control plan is to be included.

The Planning Proposal report was amended to address these requirements, however the Gateway decision which was subsequently issued on 15 November 2023 included a condition to remove the proposed provision which requires the preparation of a site specific Development Control Plan. Accordingly this proposed provision has been removed.

To address the other Gateway conditions the Planning Proposal report was updated to address the Section 9.1 Ministerial Direction 4.1 relating to flooding and a preliminary site investigation will be provided prior to determination to address Section 9.1 Ministerial Direction 4.4 relating to remediation of contaminated land.

A Gateway determination was issued for the Planning Proposal on 15 November 2023 and the proposal was publicly exhibited from 14 December 2023 to 8 February 2024.

On 25 June 2024 the Sydney Eastern City Planning Panel considered a post exhibition report from the Department of Planning, Housing and Infrastructure (DPHI) and determined to recommend to the Minister that the instrument be made.

The Eastern City Planning Panel supported DPHI's recommendation that the Ambulance site be removed from the Planning Proposal. It also recommended that the height of buildings map be amended to provide a transition between the low density residential along Henry Kendall Crescent (3 storeys/11m) and Coward Street in the west (4 storeys/14m) to Botany Road in the east (8 storeys/28m) in accordance with the concept design lodged with the Planning Proposal.

This revised Planning Proposal addresses the recommendations of the Sydney Eastern City Planning Panel.

2 Site description and context

2.1 Site location

The subject site is located in Mascot approximately 7km south of the Sydney CBD. It fronts Botany Road and is to the north of the Mascot local centre. The local centre extends along Botany Road and is centered around the intersection of King Street approximately 500m to the south of the site and provides a small supermarket and local shops and services within walking distance of the site.

Mascot Train Station and Mascot town centre is located 800m to the west of site. This centre has undergone significant renewal and comprises high rise mixed use residential buildings. The town centre provides access to services and facilities including a large supermarket, shops, restaurants and medical facilities. Mascot Station in on the T8 Airport and South Line which provides services to the international and domestic airports, Green Square, the Sydney CBD and Campbelltown.

The site is also located within close proximity of a number of local schools including Mascot Public School 400m to the south, Gardeners Road Public School just over 400m to the north and JJ Cahill Memorial High School approximately 600m to the east.

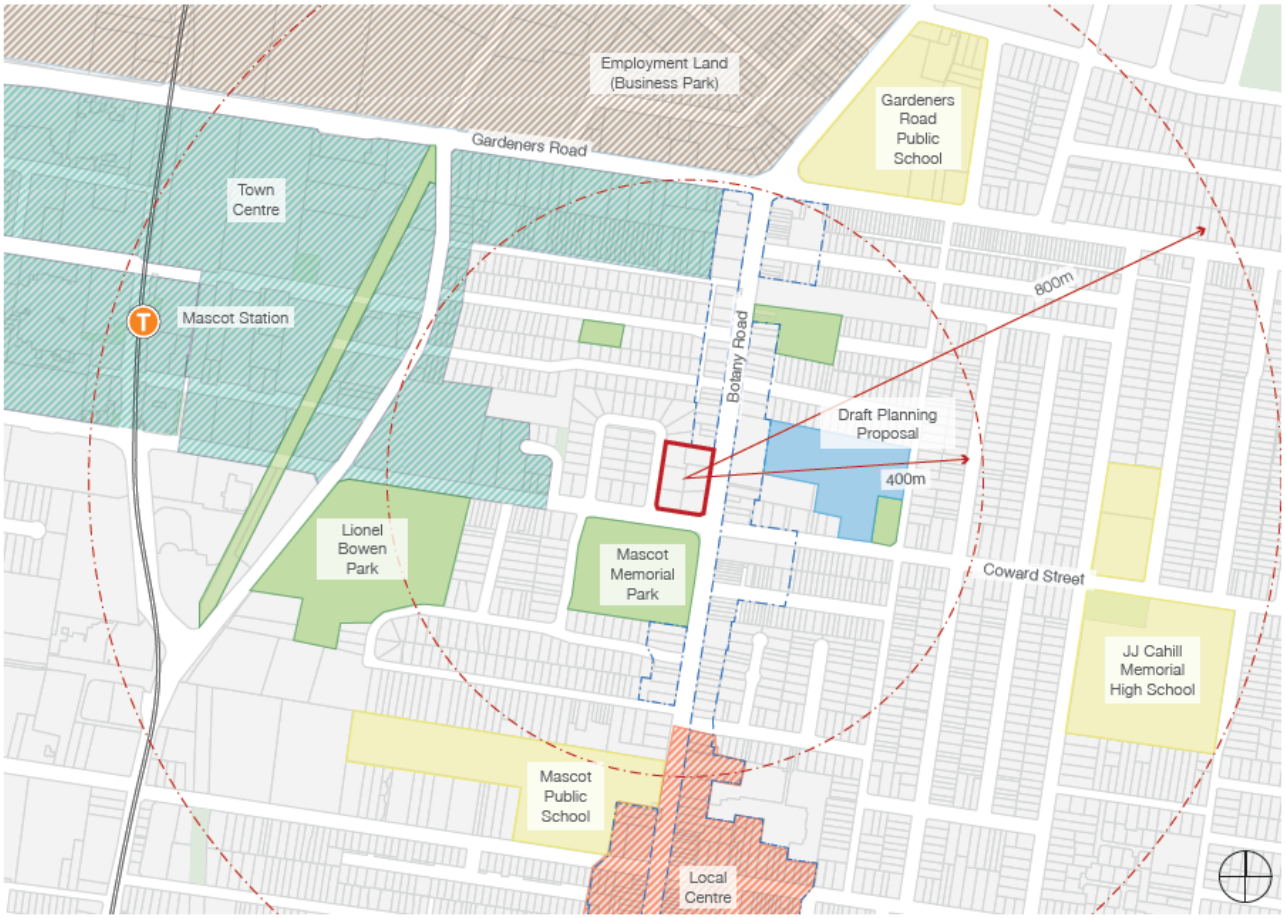


Figure 1: Site context (Source: SJB)

2.2 Site description

The site has a total area of 4,877sqm and has frontages to Henry Kendall Crescent to the west, Coward Street to the south and Botany Road to the east.

It comprises 25 social housing dwellings owned by NSW Land and Housing Corporation (LACHC) within five two storey brick buildings including three walkup apartment buildings and two town house style buildings which were constructed in the 1950s.

The social housing is legally described as Lots A, B, C, D and E of DP 36472 known as 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot.

It is noted that exhibited Planning Proposal included the Mascot Ambulance Station at 776 Botany Road (Lot 1 in DP 36486) which is outlined black at Figure 2. However this lot has been removed from the Planning Proposal as recommended by DPHI and supported by the Eastern City Planning Panel.

The social housing sites have access via driveways from Botany Road, Coward Street and Henry Kendall Crescent with on-site parking at the side and rear of the buildings. T

A number of large trees are located adjacent to the site within the front setbacks with smaller trees scattered across the social housing site both within front setbacks and to the rear of the dwellings.

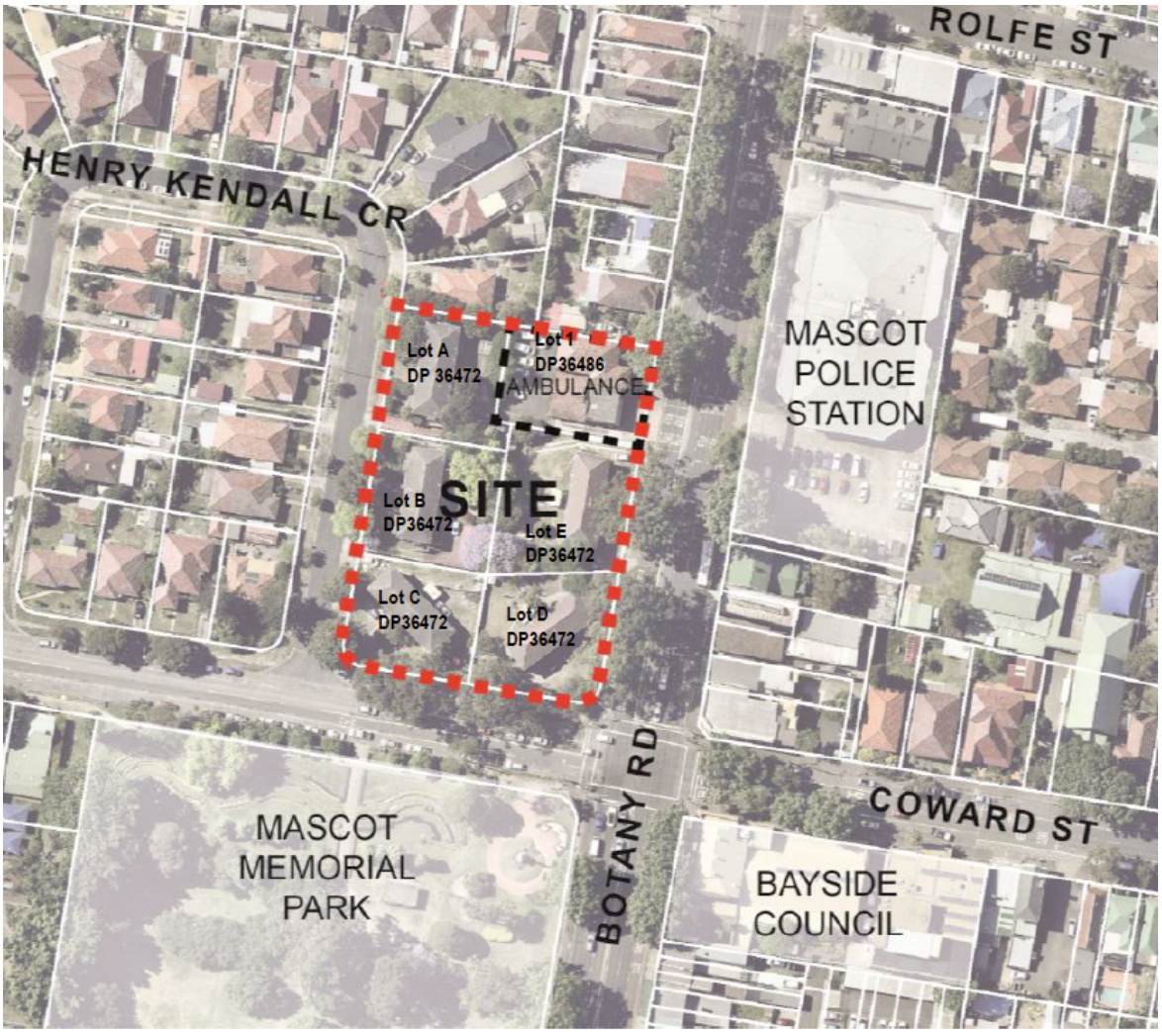


Figure 2: Subject site (Source: Homes NSW)

Figure 3: Social housing fronting Botany Road (Source: SJB)

Figure 4: View south along Henry Kendall Crescent with social housing to the left (Source: SJB)

2.3 Surrounding land uses

Th site is adjoined by single storey dwellings and an Ambulance facility to the north and a mix of single storey and two storey dwellings to the west across Henry Kendall Crescent. To the south of the site is

Mascot Memorial Park which comprises over 1.5ha of open space including passive open space, a playground, and tennis courts.

To the east of the site on the opposite side of Botany Road are a mix of two storey residential and commercial buildings in a range of styles, as well as a substation. A number of these buildings are subject of local heritage listings. The Mascot Town Hall is located diagonally opposite the site to the south east on the corner of Botany Road and Coward Street.

Figure 5: Intersection of Botany Road and Coward Street to the south east of the site (Source: SJB)

3 Strategic planning context

3.1 Greater Sydney Region Plan

The final Greater Sydney Region Plan, A Metropolis of Three Cities was released by the Greater Sydney Commission in March 2018. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities. It establishes directions, objectives and actions to achieve the 40-year vision which are focused around infrastructure and collaboration, liveability, productivity and sustainability.

The Greater Sydney Region Plan identifies the site as being with the Eastern Economic Corridor which stretches from Macquarie Park to the Sydney Airport and forming part of the Green Square-Mascot Strategic Centre.

The Plan also aims to provide ongoing housing supply and a range of housing types in the right places to create more liveable neighbourhoods and support Sydney's growing population.

A number of the objectives of the plan are relevant to the Planning Proposal, in particular:

- Objective 10: Greater housing supply
- Objective 11: Housing is more affordable and diverse
- Objective 12: Great places that bring people together
- Objective 30: Urban tree canopy cover is increased
- Objective 31: Public open space is accessible, protected and enhanced
- Objective 37: Exposure to natural and urban hazards are reduced
- Objective 38: Heatwaves and extreme heat are managed.

The aspirations of the Plan are further considered and expanded in the Eastern City District Plan which is discussed in Section 3.2 below.

3.2 Eastern City District Plan

The Eastern City District Plan has been developed to support the Greater Sydney Region Plan. The 20-year District Plan seek to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains planning priorities and actions for implementing the Greater Sydney Region Plan at the district level and is a bridge between regional and local planning.

The District Plan identifies Green Square – Mascot as a strategic centre which supports the Harbour CBD, Port Botany and Sydney Airport. The site is located within the identified strategic centre, however it appears that the extent of the strategic centre is based on the existing commercial zones. It is unlikely that the site would play a significant role in supporting the strategic centre given its peripheral location and separation from the main part of the centre by low density residential uses. Advice has also been provided by Hill PDA (Appendix F and G) confirming that commercial uses within this site would not be viable and would detract from the planned growth in the strategic centre. The location of new housing on this site is also likely to support the strategic centre by increasing housing supply accessible to jobs within the centre.

Figure 6: Green Square – Mascot Strategic Centre

The proposal is considered to align with the relevant priorities and actions of the Plan in Table 1 below.

Table 1: Consideration of the Eastern City District Plan

Action	Consideration
Planning Priority E1: Planning for a city supported by infrastructure	
Action 3: Align forecast growth with infrastructure	The proposal seeks to align growth with existing infrastructure including the T8 Airport and South Line. Similarly, the Botany Road area of Mascot is very well served by buses, with six north-south bus routes (309, 310, X09, X10, L09 and M20) travelling via Botany Road and a further two cross regional bus routes (400 and 410) travelling via Botany Road and Coward Street, immediately adjacent to the site.

Action	Consideration
Planning Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport	
Action 16: Prepare local or district housing strategies that address the following: – the delivery of five-year housing supply targets (2016-2021) for each local government area – the delivery of 6-10 year (when agreed) housing supply targets for each local government area – capacity to contribute to the longer term 20-year strategic housing target for the District the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities.	The Proposal will contribute to the 6-10 year housing supply within the local area through the provision of approximately 152 dwellings. It will also renew existing social housing and deliver new social housing.
Planning Priority E6: Creating and renewing great places and local centres and respecting the District's heritage	
Action 18: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by: • prioritising a people-friendly public realm and open spaces as a central organising design principle • recognising and balancing the dual function of streets as places for people and movement • providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres • integrating social infrastructure to support social connections and provide a community hub • recognising and celebrating the character of a place and its people.	The Urban Design Study has been prepared using a place based approach which seeks to respond to the existing built form and landscape character by providing for sensitive height transitions and retention of significant street trees. The proposal will deliver a fine grain urban form and enhance walkability through provision of a through site link and retention of street trees which provide for significant pedestrian amenity. The proposal will also enhance the built form address to the street and provide passive surveillance as result of private open space which faces the surrounding street frontages.
Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres	
Action 49. Strengthen Green-Square Mascot through approaches that: • protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre • retain and manage surrounding employment, industrial and urban services lands and their role in supporting the Harbour CBD, trade gateways and other strategic centres • continue to address road and public transport network congestion and avoid development that generates high road traffic volumes such as large-scale retail • continue reviews to remove barriers to cultural and creative uses • provide for safe walking and cycling throughout the centre and from Mascot Station to Sydney Airport • plan for the provision of social infrastructure within Mascot.	The proposal will not impact on the capacity to deliver the jobs targets for the Green-Square Mascot Strategic Centre. Whilst the site is located within the centre, this appears to be based on the extent of the existing commercial zones. It is unlikely that the site would play a significant role in supporting the strategic centre given its peripheral location and separation from the main part of the centre by low density residential uses. Advice has also been provided by Hill PDA (Appendix F and G) confirming that commercial uses within this site would not be viable and would detract from the planned growth in the strategic centre.

Action	Consideration
• Council of the City of Sydney and Bayside Council work together to strengthen and diversify the centre.	
Planning Priority E17: Increasing urban tree canopy cover and delivering green grid connections	
Action 69: Expand urban tree canopy in the public realm.	The site is surrounded be large native street trees which would retained as a result of the Planning Proposal. Overall the site would be able to deliver 30% canopy cover which exceeds the 25% target for medium and high density residential areas in the Draft Greener Places Design Guide prepared by the Government Architect NSW.
Planning Priority E18: Delivering high quality open space	
Action 71: Maximise the use of existing open space and protect, enhance and expand public open space by: – providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow. – investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space. – requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved. – planning new neighbourhoods with a sufficient quantity and quality of new open space. – delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses. – delivering or complementing the Greater Sydney Green Grid – providing walking and cycling links for transport as well as leisure and recreational trips.	The proposal seeks to locate high density housing in close proximity to open space with a large local open space located directly south of the site meaning that all residents would be easily within 200m of a substantial open space.
Planning Priority E20: Adapting to the impacts of urban and natural hazards and climate change	
Action 79: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.	The site is not subject of any natural hazards.
Action 80: Mitigate the urban heat island effect and reduce vulnerability to extreme heat	The planning proposal seeks to maximise landscape planting to mitigate the urban heat island effect. The proposed increase in height enables retention of established mature street trees and greater opportunities for deep soil zones and landscaped areas compared to the existing controls allowing for extensive landscaping.

3.3 Future Directions in Social Housing

The NSW Government's Future Directions for Social Housing Strategy was released in 2016, and sets out the vision for social housing over the next 10 years and establishes strategic priorities, including:

- Deliver more housing and a better social housing experience, with better quality social housing and improved social outcomes.
- Develop new mixed communities where social housing blends in with private and affordable housing, with better access to transport and employment, improved community facilities and open spaces.
- Partner with the private and not for profit sectors to fast track the redevelopment of sites in metropolitan Sydney and regional NSW

Supporting these objectives, Action 1.1 in Future Directions, is to 'Increase redevelopment of Homes NSW properties to renew and grow supply'. This provides a clear directive and strategic justification for the NSW Government to redevelop land to deliver increased social housing.

3.4 Bayside Local Housing Strategy 2020

The Bayside Local Housing Strategy sets the strategic framework and vision for housing for the Bayside LGA until 2036 and includes a series of priorities needed to make housing more affordable, diverse and matched to the changing needs of the local community. It sets the following housing targets to contribute to the targets identified in the Eastern City District Plan:

- 7,720 dwellings to 2026
- 8,151 dwellings to 2030.

The Strategy highlights that there is existing growth capacity within and surrounding Mascot local centre including infill capacity within the Low Density Residential zone and for shop top housing within the Local Centre zone. The proposal seeks to utilise the existing growth capacity on the site whilst allowing additional height to facilitate a better urban amenity outcome. The proposal directly aligns with Objective 2 of the housing strategy that:

> *New housing will be located in and around existing centres with good public transport accessibility and walkability and align with the provision of transport and other infrastructure.*

The Housing Strategy raises concerns about housing affordability in the LGA and particularly within the eastern parts of the LGA around Mascot. It also includes an action to continue to engage with Homes NSW regarding the retention, upgrade and potential expansion of publicly owned social housing in Bayside. The proposal directly aligns with this action of the Housing Strategy.

The Planning Proposal will contribute to the dwelling targets outlined in the strategy as well as assist in addressing housing affordability in the LGA through provision of more social housing.

Bayside Council has indicated that, whilst the site is not in a priority area from a strategic planning standpoint there are a number of actions in the Local Housing Strategy which supporting redevelopment in principle. This is further considered in Table 2 below.

Table 2: Consideration of the Bayside Local Housing Strategy

Objective	Consideration
1. Planning for housing supply will establish sufficient capacity to accommodate future (20 year) housing demand while retaining the capacity to accommodate longer term demand aligned with transport infrastructure provision.	The proposal will contribute to the 20 year housing target.
2. New housing will be located in and around existing centres with good public transport accessibility and walkability and align with the provision of transport and other infrastructure.	The proposal is located adjacent to Mascot Station Town Centre and Mascot Local Centre and within a 10 minute walking distance of Mascot Station.
3. New housing will deliver greater diversity of housing choice to meet the changing needs of the local community, including housing suitable for families and older people and adaptable housing.	The proposal will enhance diversity of housing by providing a mix of social and private housing and a range of apartment sizes.
4. Housing affordability in Bayside will be improved, with relatively affordable housing protected and additional affordable rental housing provided.	The proposal will contribute to improved housing affordability through increasing the supply of social housing in the area.
5. Advocacy and partnerships will encourage direct investment into transport by the NSW Government and ensure a collaborative approach to housing and transport provision.	The proposal represents a collaborative approach between Council and Homes NSW to deliver new social and market housing in the LGA.
6. New housing will be of high quality, well designed, responsive to local character and meet the community's needs.	The Planning Proposal has been informed by an urban design scheme which has responded to local character and seeks to maintain and enhance amenity for the local area. The new housing on site will be of a high quality and contribute to the streetscape and local character.

3.5 Bayside Local Strategic Planning Statement 2020

The Bayside Local Strategic Planning Statement (LSPS) 2020 establishes a vision and priorities to guide land use planning for the Bayside LGA. It was informed by a number of detailed studies and strategies including the Bayside Local Housing Strategy.

The Bayside LSPS was subject to extensive community consultation, and one of the key themes arising from the consultation was the community's desire for more affordable and social housing (pg56).

The LSPS notes that Mascot (along Botany Road and part of O'Riordan Street) has existing capacity without the need for rezoning, and that dwellings in this area will predominantly be apartments. In this regard, the LSPS includes the following short term action to be delivered within 1-5 years:

> *Infill development in the existing business zoned areas of Rockdale, Mascot and Botany for residential flat buildings and shop top housing*

There has been little uptake of this development potential around the Mascot local centre in contrast to the Mascot Town Centre which has undergone significant renewal.

As mentioned previously, the proposal does not seek to increase on site's existing growth capacity but seeks additional height to enable better use and configuration of the existing floor space potential to facilitate better urban amenity outcomes.

Development within and on the fringe of the local centre will support viability of existing retail and ensure access to services and facilities. The site also has good amenity and access to open space and has potential to facilitate new and better social housing.

Recent amendments to the Bayside LEP have facilitated a change in character for areas in the vicinity of the site and this proposal is consistent with the approach of concentrating growth in existing centres, and delivering growth within Mascot town centre within the existing commercial zone.

The proposal also aligns with the following LSPS objectives:

- Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors
- Provide choice in housing to meet the needs of the community
- Provide housing that is affordable
- Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm
- Increase urban tree canopy cover and enhance green grid connections.

The proposal will support these objectives by providing increased supply of high quality social and market housing. The Planning Proposal seeks to respond to local character and to enhance the adjacent public domain. The proposed approach to landscaping will also contribute to canopy cover by retaining street trees and providing for 30% canopy cover within the site and surrounding streets.

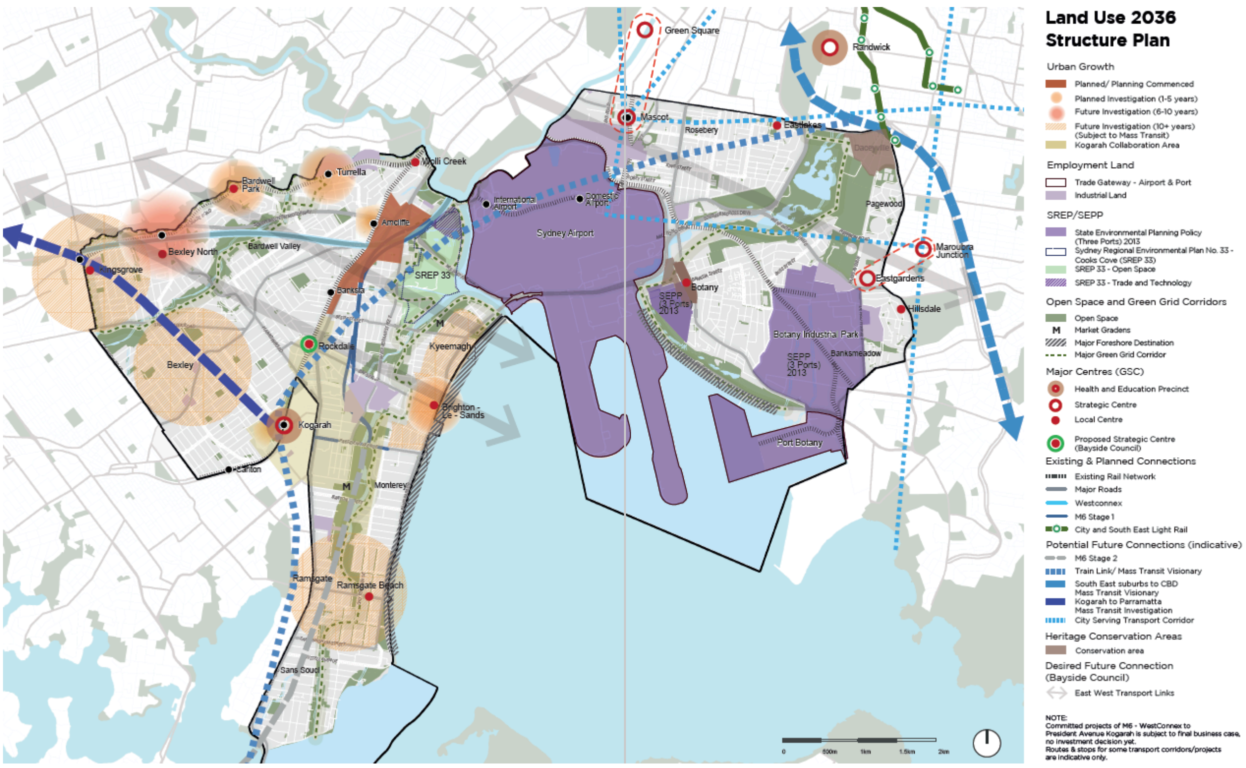


Figure* 7*: Bayside LSPS Structure Plan (Source: Bayside Council)

4 Statutory Planning Context

4.1 Bayside Local Environmental Plan 2021

The *Bayside Local Environmental Plan 2021* (Bayside LEP) is the principal planning instrument applying to the Site. The Site is zoned E1 Local Centre which allows a range of uses including shop top housing and commercial premises. Residential flat building is a prohibited use and accordingly, residential apartments can only be developed as part of a mixed-use development with ground floor commercial uses.

The following built form controls apply under the LEP:

- Floor space ratio: 2:1 (Figure 9)
- Height of buildings: 14m (Figure 10)

An active street frontage provision also applies to the site (Figure 11) which requires ground floor premises facing Botany Road to be active uses such as retail premises, business premises or food and drink premises.

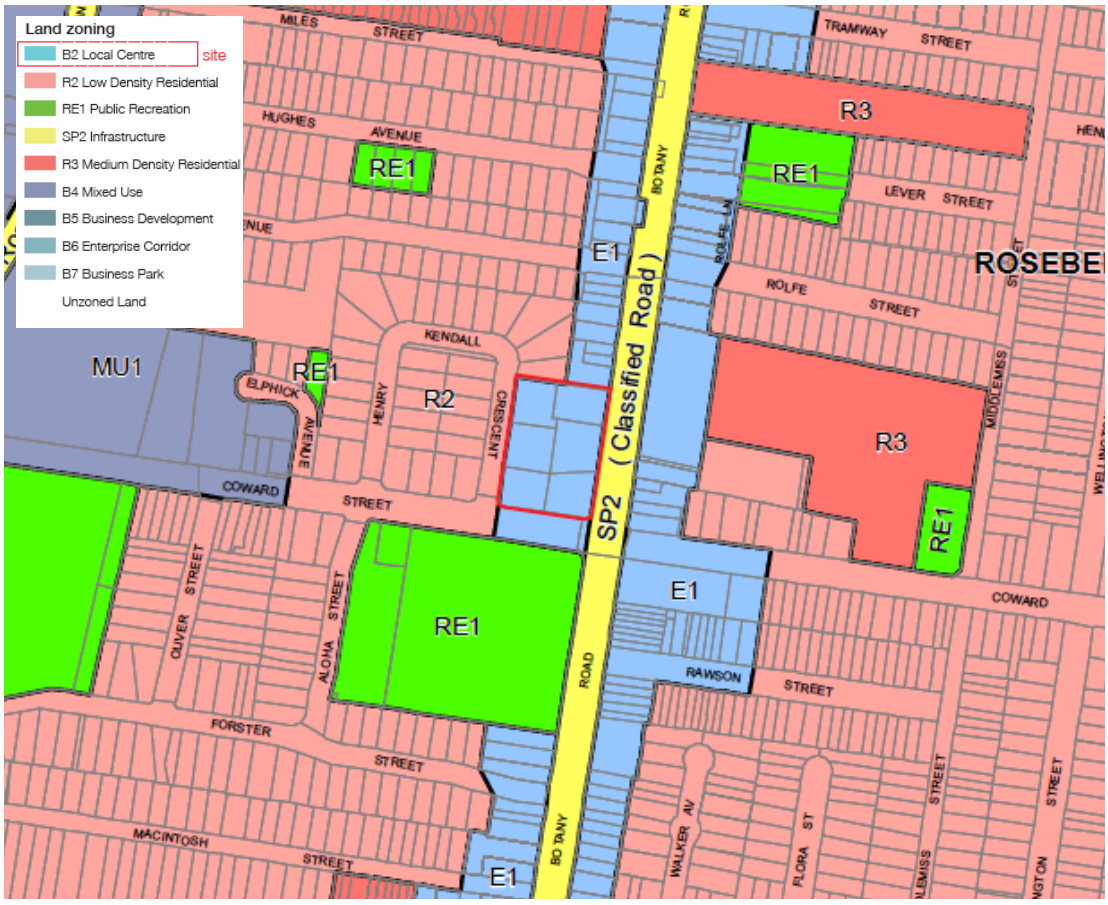


Figure 8: Bayside LEP – zoning map (Source: Bayside Council)

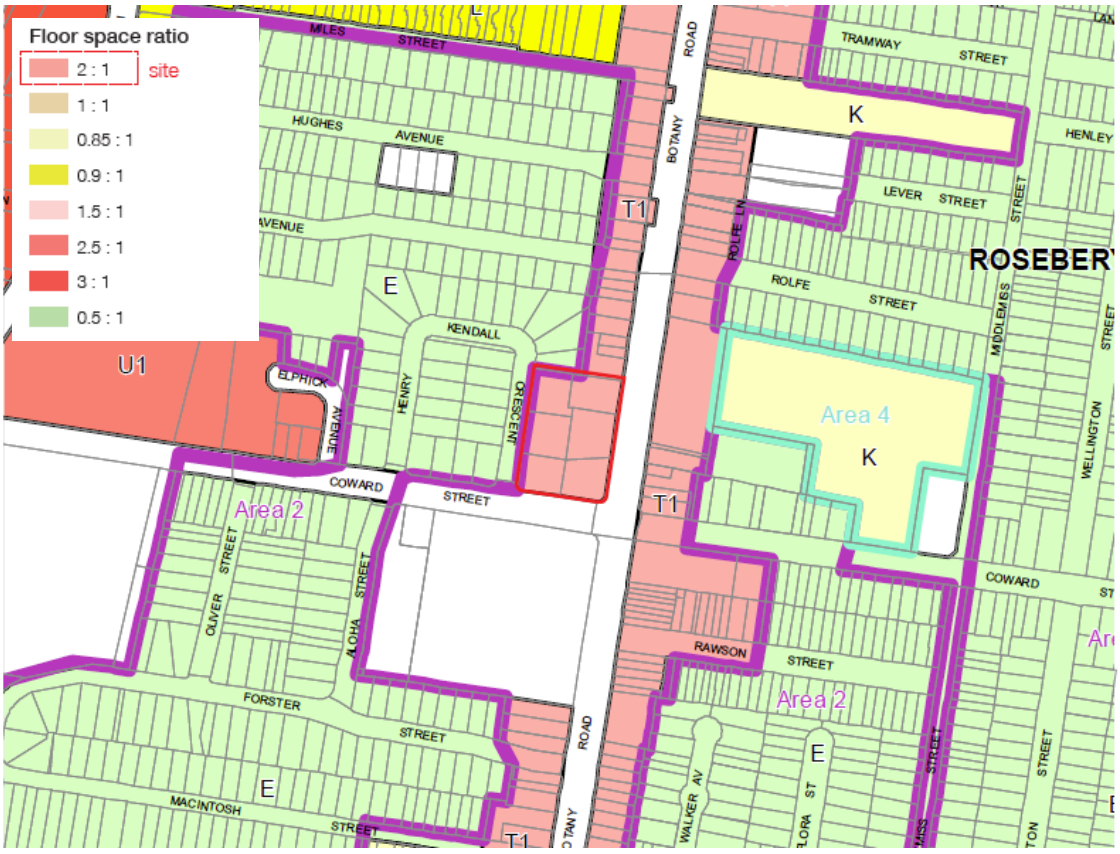


Figure 9: Bayside LEP – FSR map (Source: Bayside Council)

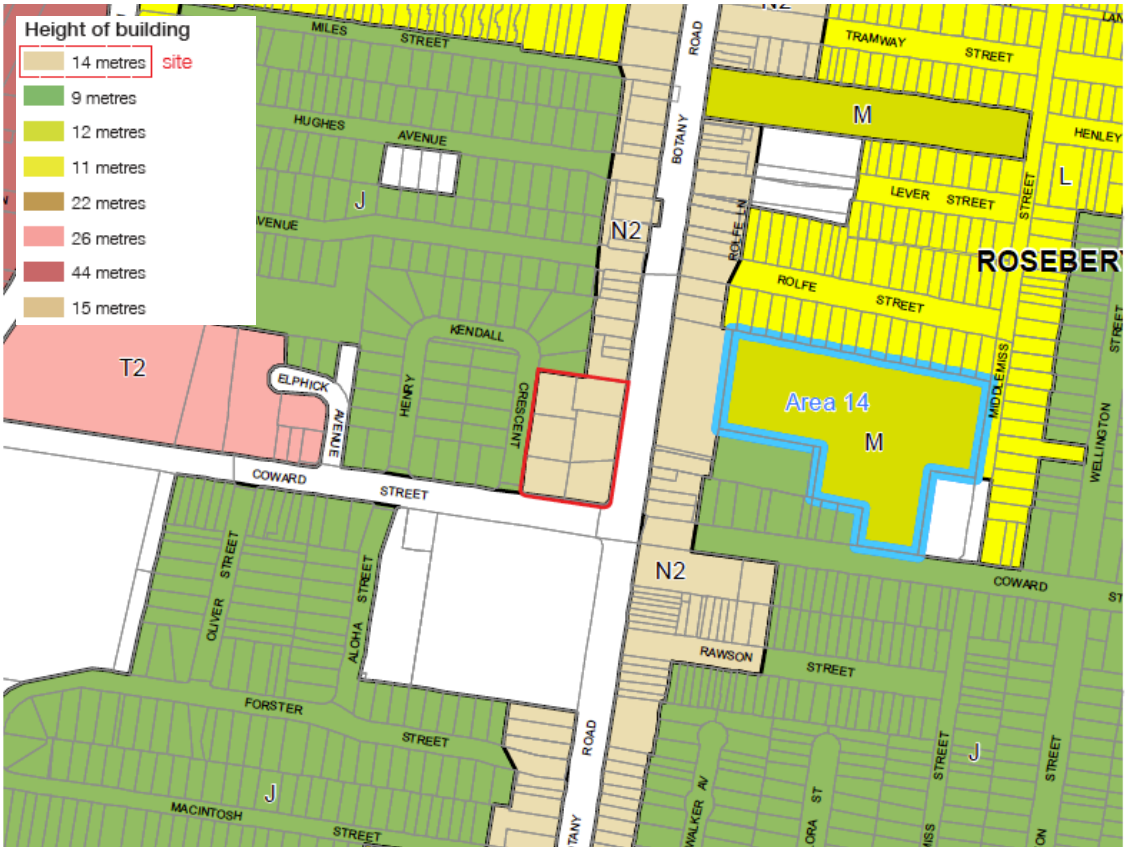


Figure 10: Bayside LEP – height of buildings map (Source: Bayside Council)

Figure 11: Bayside LEP – active street frontages map (Source: Bayside Council)

The site is not identified as having any heritage value under the LEP but a number of heritage items are located adjacent to the site including the following (see Figure 12):

- I29: House group at 999 Botany Road comprising a set of two dwelling that are two storey Victorian terraces.
- I30: Electricity Substation No 147 at 1001 Botany Road comprising a narrow art deco style warehouse, it is approximately twice the height of neighbouring heritage dwellings.
- I31: Former National Bank of Australasia at 1005 Botany Road (cnr Botany Rd and Coward St) being a Victorian era corner institutional, commercial building that is presently occupied by a law firm.
- I32: Coronation Hall at 1007 Botany Rd (cnr Coward St and Botany Rd) is a community space that was built in the 1960s or 70s. It is a modernist building with light brown bricks and a very few windows or doors onto the street.
- I33: Commercial building group at 999 Botany Rd; is a row of Victorian era shop fronts with dwellings on the upper level.
- I68: Memorial Park at 814 Botany Road and 149A Coward Street; is a local park with an ANZAC memorial in the North-East corner. There is also a playground, tennis courts and passive recreation space.

The indicative concept design in the urban design study has taken into consideration and responded to the local heritage context through the proposed distribution of building heights. A heritage assessment has been prepared which is discussed in further detail in Section 8.3.7.

Figure 12: Bayside LEP – heritage map (Source: Bayside Council)

5 The proposal

5.1 Urban design

An Urban Design Study (Appendix A) has been prepared by SJB which includes an indicative concept scheme for the site which responds to the surrounding built form and landscape character. The urban design study is based on a detailed site and contextual analysis and key design considerations which are summarised below and illustrated in the design concept at Figure 13:

- Establishment of generous building setbacks to enable for retention of significant street trees
- Response to the built form context through a street wall which takes into consideration the scale and rhythm of adjacent buildings
- Establishment of built form transition with height stepped back from the street and transitioning down to low density residential areas to the north and west, supported by visual shielding by established trees
- Provision of potential site linkages and access arrangements including to improve connectivity and break up building length
- Maintaining a high level of solar access to the park with built form minimising overshadowing
- Providing for landscaping and greening of the site by building on the existing mature street trees to be retained and bring landscaping into the site to support residential amenity, outlook and mitigate urban heat.

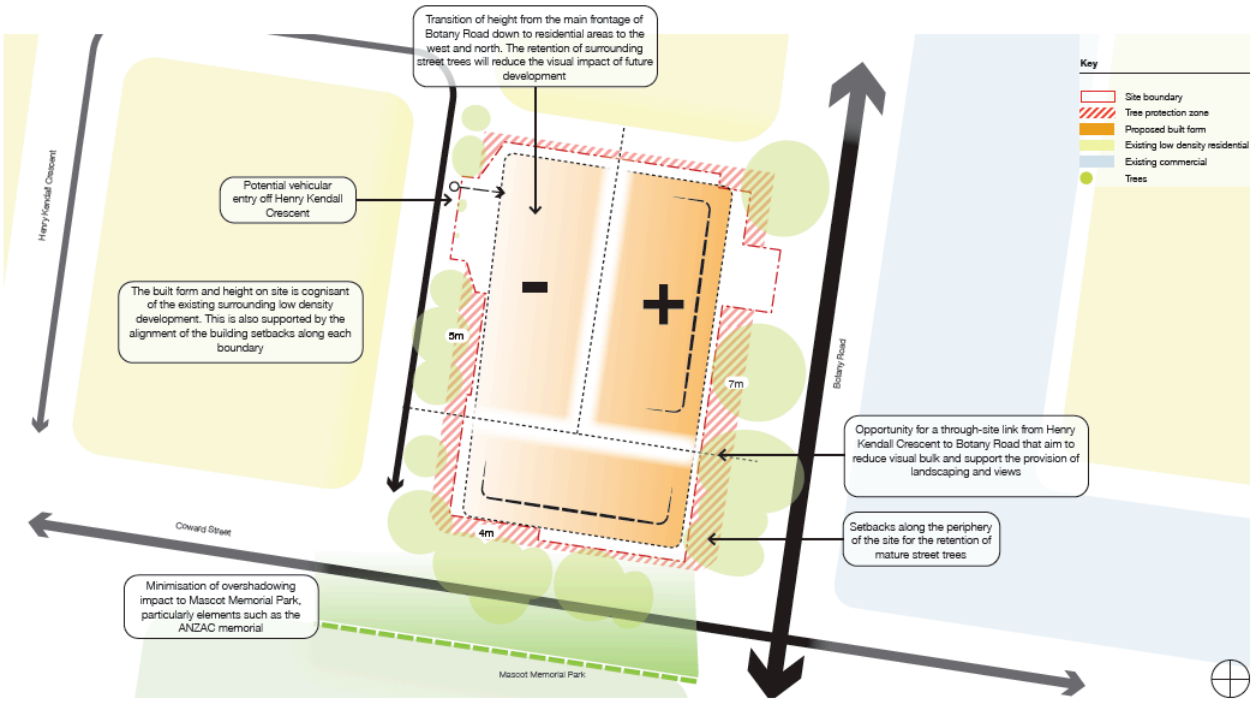


Figure 13: Design Concept (Source: SJB)

The resulting indicative concept scheme would provide for three residential apartment buildings with heights ranging from three to eight storeys as follows:

- A three storey building fronting Henry Kendall Crescent responding to the low rise context to the west
- An eight storey building fronting Coward Street marking the corner with Botany Road and stepping down to four storeys to the Henry Kendall Crescent frontage and with a predominantly four storey street wall fronting the Mascot Memorial Park
- A six story building fronting Botany Road with a four storey street wall responding to the adjacent built form and heritage context and stepping down to four storeys to the northern boundary to the adjacent low rise single dwellings.

The proposal would provide for extensive landscaping and canopy cover including:

- Retention of all significant street trees
- Deep soils zones of 1,615sqm within the generous front setbacks representing 28% of the site area
- Ground floor communal spaces comprising 1,420sqm representing 25% of the site area
- Canopy cover of approximately 30% within the site and surrounding public domain.

All existing dwellings will be replaced with new more sustainable fit for purpose social dwellings and additional new social dwellings will be provided as viable up to 30% of the maximum yield on the site consistent with NSW government social housing policy Future Directions.

Car parking would be provided within basement level car parking providing for car parking spaces consistent with the rates within the RMS Guide to Traffic Generating Development, which is consistent with the approach outlined in the Botany DCP and the Apartment Design Guide.

Noting the DPHI's recommendation to remove the Ambulance site, an updated concept scheme was prepared by SJB which is included at Appendix M, which shows how the site could be developed on the Homes NSW owned land without the Ambulance site under the proposed planning controls. The updated concept scheme would deliver around 127 dwellings.

Figure 14: Indicative concept scheme – site plan (Source: SJB)

Figure 15: Indicative concept scheme – view from south-east (Source: SJB)

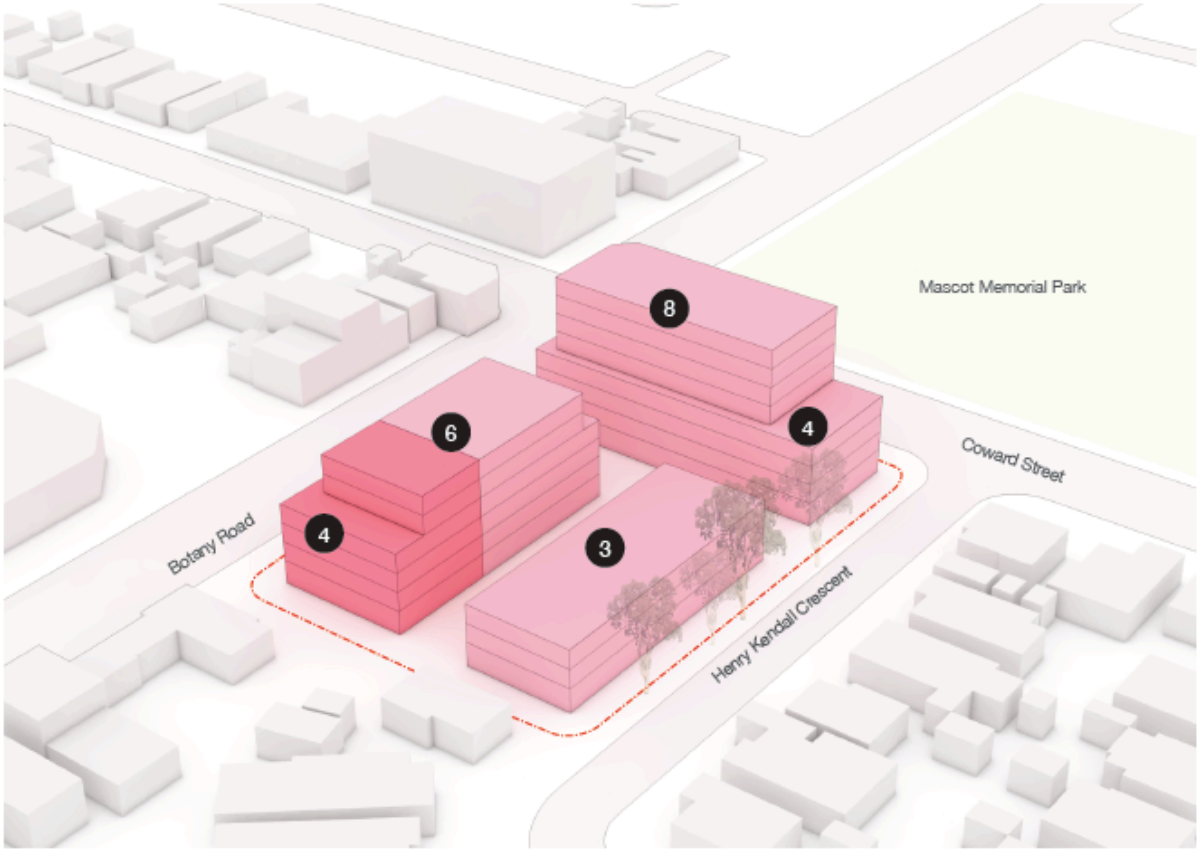


Figure 16: Indicative concept scheme – view from north-west (Source: SJB)

Figure 17: Visualisation – view along Henry Kendell Crescent (Source: SJB)

5.2 Proposed LEP Amendments

The Planning Proposal seeks to achieve the intended outcomes outlined at Section 6 by making the following amendments to the Bayside LEP.

- Rezone the site from E1 Local Centre to R4 High Density Residential
- Amend the permissible height of buildings from 14m to 11m, 14m and 28m by amending the Height of Buildings Map
- Remove the requirement for active street frontages to be located along Botany Road by amending the Active Street Frontages Map

The existing maximum FSR of 2:1 would be retained meaning that the proposal is not seeking any additional floor space than is currently permissible.

The increase in maximum permissible height of buildings from 14m to 28m will enable an improved configuration of the allowable floor space across the site allowing for a sensitive response to the surrounding character and context, retention of significant street trees, additional deep soil and communal open space and improved landscape outcomes.

The change is zone and removal of the active street frontages provision reflects the proposal which would be entirely for residential development.

A straight residential use on this site is both consistent with the existing use and will enable Homes NSW to maximise additional social housing supply in this location. The provision of retail and commercial uses at the ground floor would not be compatible with the intention to provide generous setbacks to enable the retention of significant street trees. Further, retail and commercial uses fronting Henry Kendall Avenue would not be compatible with the low density residential uses in this location.

Advice has been provided by Hill PDA which confirms that retail / commercial uses in this location would not be viable or desirable in the context of the surrounding centres hierarchy. This is discussed in Section 8.3.11.

5.3 Proposed DCP Amendments

The Planning Proposal is supported by draft Site Specific DCP controls which could be included as a new chapter in the Key Sites section of the Botany DCP (Appendix H), which includes:

- Indicative layout, building heights and setbacks generally as shown at Figure 18
- Guidance on building design
- Requirement for a through site link
- Landscaping controls including:
  - Minimum deep soil 28%
  - Minimum ground floor communal open space 25%
  - Minimum canopy cover of 30% of the site and surrounding streets (measured to the midline)
  - Retention of all significant street trees.

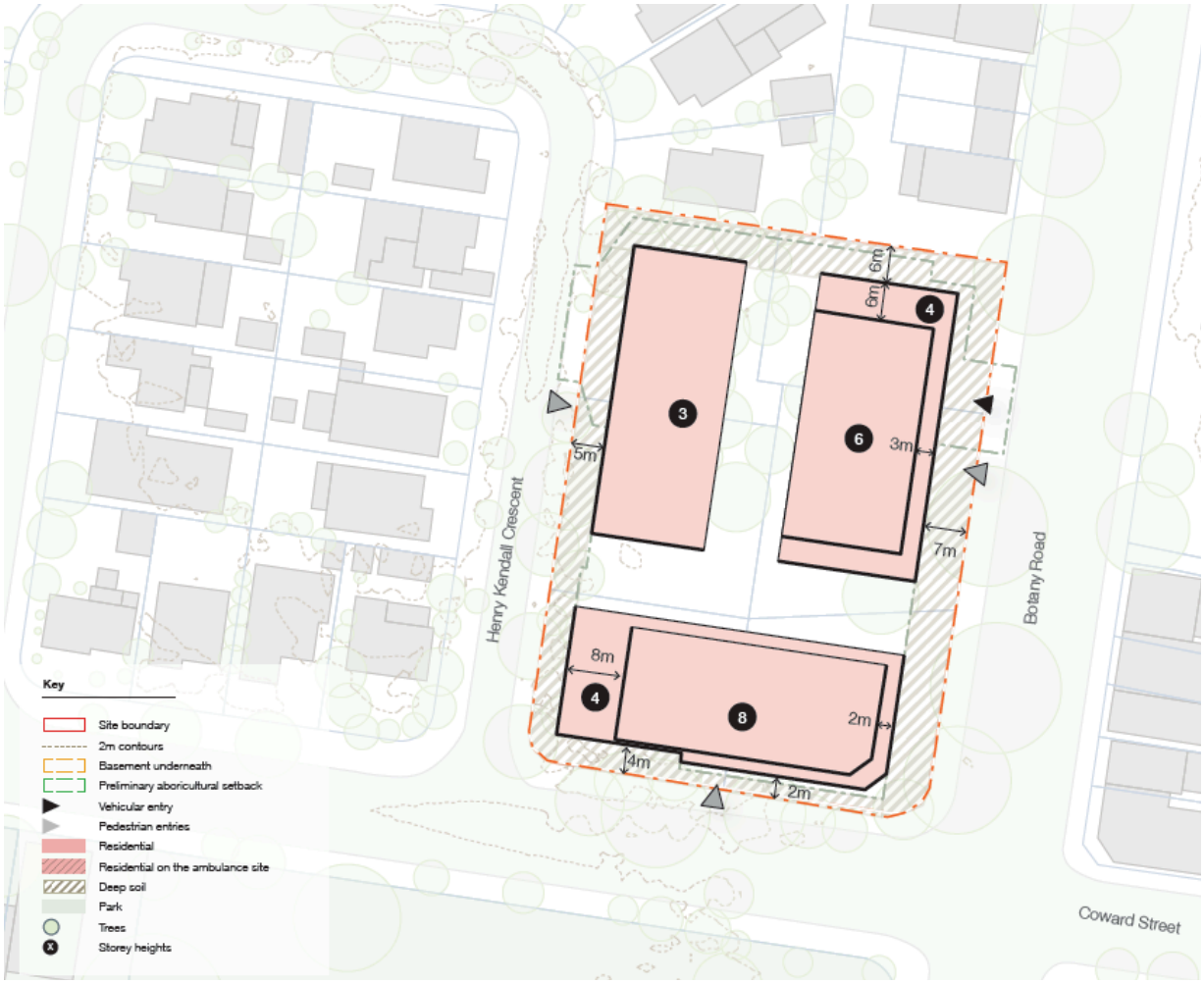


Figure 18: Proposed DCP controls (Source: SJB)

5.4 Benefits of the planning proposal

This revised Planning Proposal seeks to deliver improved built form outcomes compared to the original Planning Proposal submitted in December 2017 as well as compared to development which could be achieved under the existing planning controls. This is demonstrated in comparison provided in Table 3 and illustrated at Figure 19.

Table 3: Planning Proposal comparison

Original Planning Proposal	Existing Planning Controls	Revised Planning Proposal
• Height: 28m • FSR: 2.5:1 • Requires increased height and FSR • Street wall height 5/6 storeys to Botany Road / Coward Street • 4-8 storeys fronting Henry Kendall Parade • Limited ability to provide a through site link. • Removal of street trees due to lack of setback • Deep soil 22%	• Height: 14m • FSR: 2:1 • Maintains existing LEP controls • Four storeys with a two storey street wall to Botany Road • Four storeys with a three story street wall to Henry Kendal Crescent • Limited ability to provide a through site link. • Removal of street trees due to lack of setback • Inadequate building separation distances • High portion of commercial uses which is unlikely to be viable or desirable in this location • Deep soil 11%	• Height: 11m, 14m and 28m • FSR: 2:1 • Requires increased height but seeks no additional floor space • Height increase allows for improved configuration of existing floor space potential • Generous street setbacks allow for retention of significant street trees and improved transition to the surrounding area • Four storey street wall to Botany Road relating to adjacent built form and heritage • Three and four storeys fronting Henry Kendall Parade providing a sensitive built form transition to low density residential • Ability to provide a through site link improving connectivity and breaking up built form • Deep soil 28%.

Figure 19: Built form comparison of original proposal, existing LEP and revised proposal (Source: SJB)

6 Objectives and intended outcomes

The objectives and intended outcomes of the project are to:

- Provide additional housing in an area with high amenity and good access to public transport services, employment opportunities, recreational spaces, community facilities and commercial and retail services.
- Allow for improved configuration of the current allowable floor space on the site by increasing the maximum height of buildings.
- Remove the active street frontages requirement on a site located on the peripheries of Mascot local centre to support the success of the local centre and ensure against long term out of centre vacancies
- Respond to the surrounding local built form, heritage and landscape character.
- Retain the amenity of the surrounding residential uses by ensuring an appropriate built form transition and an adequate level of solar access and privacy is maintained.
- Maintain the amenity of adjoining public domain by ensuring street trees are protected and ensuring minimal overshadowing of the adjacent park.
- Protect the value of surrounding heritage items be providing an appropriate built form relationship across Botany Road.
- Enable Homes NSW to renew, grow and improve social housing supply in the area and deliver a mix of private and social housing on the site consistent with the Future Directions in Social Housing policy.

7 Explanation of provisions

The Planning Proposal seeks to achieve the intended outcomes outlined at Section 6 by making amendments to the Bayside LEP as follows:

- Rezone the site from E1 Local Centre to R4 High Density Residential (Figure 20)
- Amend the permissible height of buildings from 14m to 11m, 14m and 28m by amending the Height of Buildings Map (Figure 21)
- Remove the requirement for active street frontages to be located along Botany Road by amending the Active Street Frontages Map (Figure 22).

The existing maximum FSR of 2:1 would be retained.

It is noted that these amendments would only apply to the Homes NSW owned land and no change in zoning or built form controls would apply to the NSW Ambulance land.

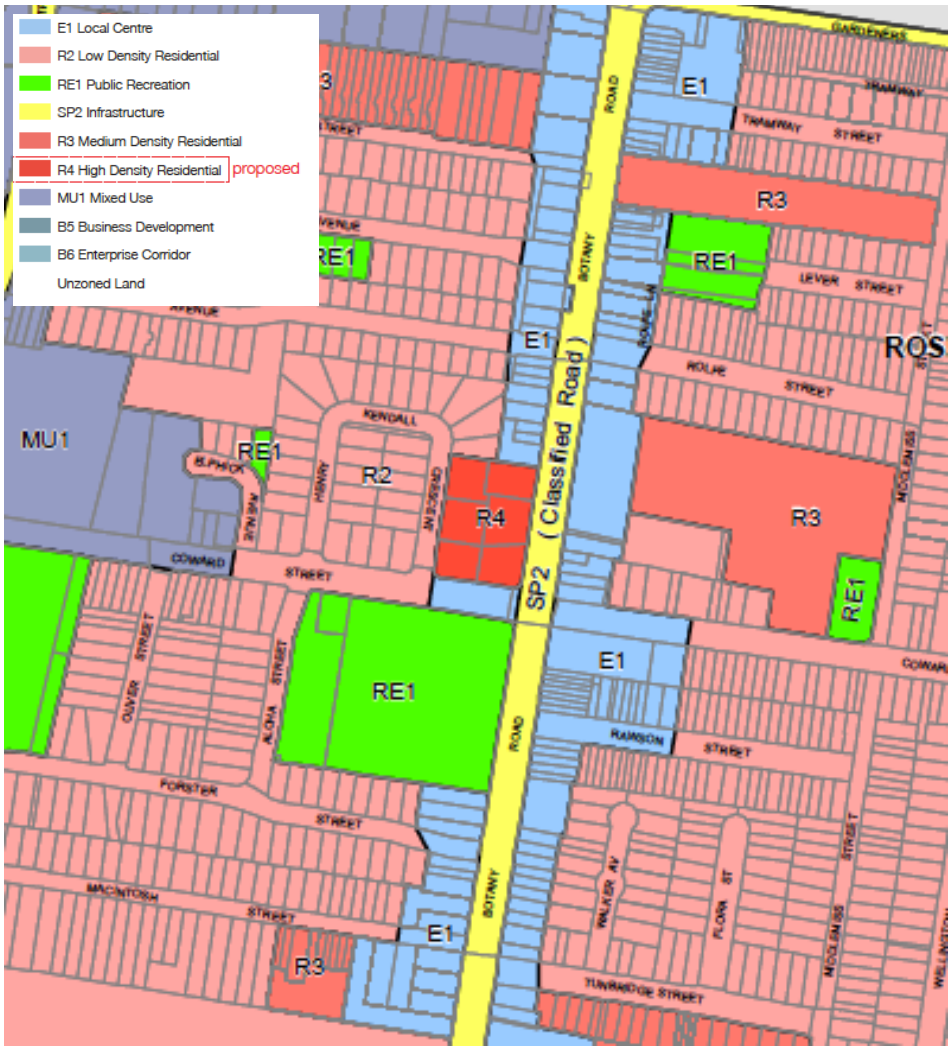


Figure 20: Proposed zoning map (Source: SJB)

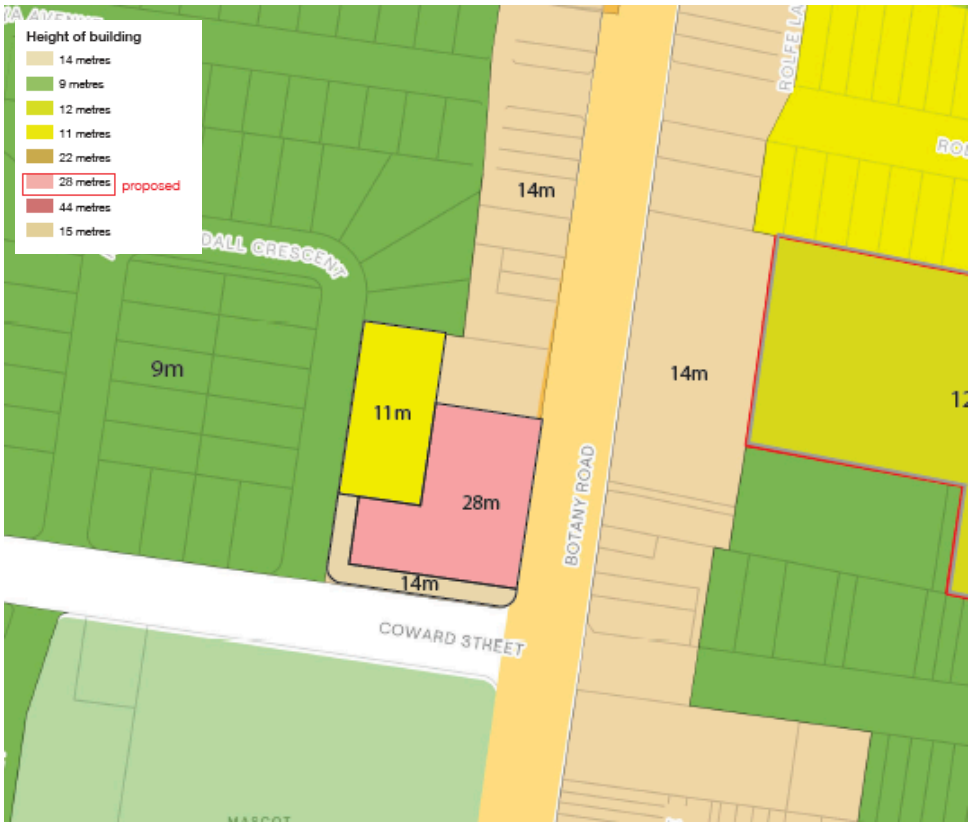


Figure 21: Proposed height of buildings map (Source: SJB)

Figure 22: Proposed active street frontages map (Source: SJB)

8 Justification of strategic merit

This section sets out the justification for the Planning Proposal and addresses key questions to consider when demonstrating the justification of strategic merit as outlined in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment 2021).

8.1 Need for the planning proposal

Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

No, however the Planning Proposal is consistent with the NSW Government's Future Directions for Social Housing Strategy which was released in 2016. Action 1.1 in Future Directions, is to 'Increase redevelopment of Homes NSW properties to renew and grow supply'. This provides a clear directive and strategic justification for the NSW Government to redevelop land to deliver increased social housing.

The proposal also supports key objectives in the Bayside LSPS and Bayside Local Housing Strategy particularly in relation to housing supply, housing choice, affordable housing and planning for growth within centres and in proximity of public transport as discussed in further detail in Section 3.

Q2. Is the Planning Proposal the best means of achieving the objective or intended outcomes or is there a better way?

Yes, the Planning Proposal is the best means of achieving the objectives and intended outcomes.

The issues covered by this Planning Proposal relate to statutory issues under Part 3 of the *Environmental Planning and Assessment Act 1979*. The Planning Proposal is the only mechanism that can achieve the objectives and intended outcomes related to the Site.

8.2 Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited drafts)?

The Planning Proposal is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as outlined in Section 3.1and 3.2 respectively.

Q4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with the Bayside Local Housing Strategy and Bayside LSPS as outlined in Section 3.4 and 3.5 respectively.

8.2.1 Consideration of SEPPs

Q5. Is the planning proposal consistent with any other applicable State or regional studies or strategies?

An analysis of the consistency of the proposed amendments with relevant State Environmental Planning Policies (SEPPs) is listed in **Table 4**.

Table 4: Analysis against State Planning Policies

Policy	Assessment
SEPP Resilience and Hazards	SEPP Resilience and Hazards introduces planning controls for the remediation of contaminated land. The policy states that the planning authority must consider whether the land is contaminated, and if so that the land is suitable in its contaminated state for the permitted uses in the zone, or that the land requires remediation before the land is developed for that purpose. The Planning Proposal does not propose to rezone the site or to increase the development potential of the site. Any future development will be subject to SEPP 55 at the development application stage.
SEPP 65 – Design Quality of Residential Apartment Buildings	SEPP 65 seeks to promote good design of apartments through the establishment of the Apartment Design Guide. The indicative concept scheme has taken into consideration the key criteria of the Apartment Design Guide, and the Urban Design Study (Appendix A) includes consideration against these criteria. Further consideration of SEPP 65 and the ADG will form part of any future DA.
SEPP (Building Sustainability Index: BASIX) 2004	SEPP BASIX requires all future residential developments to achieve mandated levels of energy and water efficiency, as well as thermal comfort. BASIX Certificates are included as part of future development applications to demonstrate compliance with SEPP BASIX requirements.

8.2.2 Consideration of Ministerial Directions

Q6. Is the Planning Proposal consistent with the applicable Ministerial Directions?

The proposal is consistent with all relevant Ministerial directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (previously Section 117).

An assessment of the proposal against the applicable Section 9.1 directions is supplied in Table 5.

Table 5: Analysis against Ministerial Directions

Ministerial Direction	Assessment
Focus Area 3 – Biodiversity and Conservation	
3.2 Heritage conservation	The direction sets out that a Planning Proposal must include provisions to facilitate heritage conservation. The site is not identified as having any heritage value and the proposal does not seek any changes to the proposed heritage listings within the surrounding area. The indicative concept scheme has been developed to respond to the heritage context of the site, and heritage impacts are considered in Section 8.3.7. This is supported by a Heritage Assessment (Appendix I).

Ministerial Direction	Assessment
Focus Area 4 – Resilience and Hazards	
4.1 Flooding	This objectives of this direction are to: a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. The requirements of the direction are considered and addressed below. A flood assessment has also been prepared which is provided at Appendix O. **Part 1** Requires that a planning proposal must include provisions that give effect to and are consistent with: a) the NSW Flood Prone Land Policy, b) the principles of the Floodplain Development Manual 2005, c) the Considering flooding in land use planning guideline 2021, and d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council. This is considered and addressed in Section 8.3.10 of this report, including consideration of the *Mascot, Rosebery and Eastlakes Flood Study* and *Mascot, Rosebery and Eastlakes Flood Risk Management Study and Plan.* **Part 2** Requires that a Planning Proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones. This site is zoned E1 Local Centre and accordingly this is not applicable. **Part 3** Requires that a Planning Proposal must not contain provisions which apply to the flood planning area which: a) permit development in floodway areas, b) permit development that will result in significant flood impacts to other properties, c) permit development for the purposes of residential accommodation in high hazard areas, d) permit a significant increase in the development and/or dwelling density of that land, e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to

Ministerial Direction	Assessment
	the provision of road infrastructure, flood mitigation infrastructure and utilities, or h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event. The Planning Proposal is consistent with these requirements. In particular it: • Does not relate to land identified as a floodway or a high hazard area • Does not permit additional floor space or development which would have the potential to result in flood impacts to other properties • The specified sensitive uses are already permissible either under the Bayside LEP, Housing SEPP or Transport and Infrastructure SEPP. **Part 4** Requires that a Planning Proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which: a) permit development in floodway areas, b) permit development that will result in significant flood impacts to other properties, c) permit a significant increase in the dwelling density of that land, d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, e) are likely to affect the safe occupation of and efficient evacuation of the lot, or f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities. Special Flood Considerations are defined by *Considering flooding in land use planning guideline* (DPE July 2021) as flood risk considerations that a consent authority must be satisfied with before granting consent to certain types of development that have been identified as having a higher risk to life and warranting the consideration of the impacts of flood levels outside the flood planning area. Special Flood Consideration are applied through an optional clause in the Standard Instrument. The Special Flood Considerations clause has not been adopted in the Bayside LEP and accordingly these requirements are not appliable. Notwithstanding, whilst the site is affected by the PMF flood event it is identified by the Mascot, Rosebery and Eastlakes Floodplain Risk Management Study and Plan as being within Hazard Category H1, being 'no constraints' during the PMF flood events, with parts of the adjacent road reserve of Botany Road and Henry Kendell Parade as category H2 Unsafe for Small Vehicles. A flood evacuation plan will need to be prepared at DA stage to consider safe evacuation during flood events up to the PMF.

Ministerial Direction	Assessment
	Further, the site already permits residential uses and does not seek to increase the floor space potential of the site. The specified sensitive uses are already permissible either under the Bayside LEP, Housing SEPP or Transport and Infrastructure SEPP. **Part 5** Requires that in preparing a Planning Proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council. This Planning Proposal does not seek any change to the flood planning area adopted by Council. **Conclusion** The Planning Proposal is consistent with all aspects of Direction 4.1 Flooding.
4.4 Contaminated land	This direction requires consideration of contamination where a Planning Proposal seeks to include land in a particular zone, that would constitute a change of use and requires a preliminary site assessment to assist the planning proposal authority in satisfying the following tests: • if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and • if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. The site is proposed to be rezoned from B2 Local Centre to R4 High Density Residential. Whilst the B2 zone already allows for residential uses and the majority of the site is already used for residential purposes a preliminary site assessment is required to be provided prior to determination of the Planning Proposal. A Preliminary Site Investigation (Appendix N) has been prepared which identified the potential for land contamination to be present and concluded that the site can be made suitable for the proposed use. A detailed site investigation and were required a remediation action plan will be prepared at DA stage.
4.5 Acid Sulfate soils	This direction requires the consideration of acid sulphates soils risk where a Planning Proposal proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils. The site is identified as Class 4 Acid Sulphate Soils and is subject to the provisions of Clause 6.1 of the Bayside LEP. Management of acid sulphate soils can be addressed at the DA stage in accordance with these provisions.
Focus Area 5 – Transport and infrastructure	

Ministerial Direction	Assessment
5.1 Integrating land use and transport	The direction requires the RPA to ensure that the Planning Proposal includes provisions consistent with the principles of Integrating Land Use and Transport as outlined in key polies and guidelines. The proposal meets these principles by providing housing in an area with good access to public transport and accessible to services and facilities within a nearby local centre and town centre. The site is also easily accessible from bicycle connections on Coward Street and Gardeners Road.
5.3 Development near regulated airfields	This direction requires a planning proposal to include provisions to ensure that development meets Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25. The site is located between the 20 and 25 ANEF contours and therefore future development will be subject of Clause 6.8 of the Bayside LEP which meets the requirements of the direction. An acoustic assessment has been prepared to accompany this Planning Proposal which demonstrates that aircraft noise can be appropriately mitigated (Appendix D and Appendix E).
Focus Area 6 - Housing	
3.1 Residential zones	The direction requires the relevant planning authority (RPA) to ensure that a Planning Proposal relating to residential land must include provisions to: – broaden the choice of building types and locations available in the housing market – make more efficient use of existing infrastructure and services – reduce the consumption of land for housing and associated urban development on the urban fringe, and – be of good design. The proposal will provide a greater range of housing options, including social and private housing, within close proximity to existing infrastructure and services. A detailed Urban Design Study has also been prepared outlining appropriate built form to ensure good design which is discussed in Section 5.1.
Focus Area 7 – Industry and Employment	
7.1 Business and industrial zones	The objectives of this direction are to: • encourage employment growth in suitable locations, protect employment land in business and industrial zones, and • support the viability of identified centres. The direction applies to a Planning Proposal which will affect land within an existing or proposed business or industrial zone. It requires that a Planning Proposal must not reduce the total potential floor space area for employment uses and related public services in business zones. The Planning Proposal seeks to rezone the site from E1 Local Centre to R4 High Density Residential and will remove the requirement for active street frontages facing Botany Road, thereby removing the requirement for retail / commercial uses to be accommodated on the site.

Ministerial Direction	Assessment
	The Direction allows for inconsistency with the above requirements where justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction The approach is considered appropriate given that the site is located on the fringe of the Mascot local centre where retail / commercial uses would not be commercially viable or desirable in the context of the centre hierarchy. This is supported by advice from Hill PDA (Appendix F and G). This approach also supports the retention of the street trees to be retained through an increased setback to Botany Road which would not be suitable for a retail or commercial use.

8.3 Environmental, social and economic impacts

Q7. Is there any likelihood that critical habit or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal is contained a highlight urbanised environment. A number of existing trees are located on the site and within the surrounding streets, however these are associated with landscape planting and are not considered to have any biodiversity value. Therefore no critical habitat or threatened species will be affected as a result of this proposal.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed.

8.3.1 Local character

The proposal seeks to respond to the landscape and built form character of the surrounding area.

To retain the strong landscape character of the site, which comprises substantial mature street trees along all street frontages, arborist advice was sought to inform the built form setbacks that would enable these trees to be protected. These trees will maintain the pedestrian amenity surrounding the site and also screen the visual impacts of the proposed development. The resulting front setbacks will minimise the building bulk and scale from the street and surrounding area.

The built form has also sought to respond to the surrounding scale and character with lower rise three and four storey buildings to the north and west of the site adjacent to the low rise residential areas and a predominantly four storey street wall on Botany Road and Coward Street providing for a human scale at the street level and responding to the adjacent build form and heritage context on Botany Road.

The proposed building height increase will allow for greater deep soil zones particularly focused around the building setbacks allowing for landscaping within the site to compliment the existing landscape character within the surrounding streets and adjacent Mascot Memorial Park.

On this basis, it is considered the proposal will provide a positive contribution to the local character.

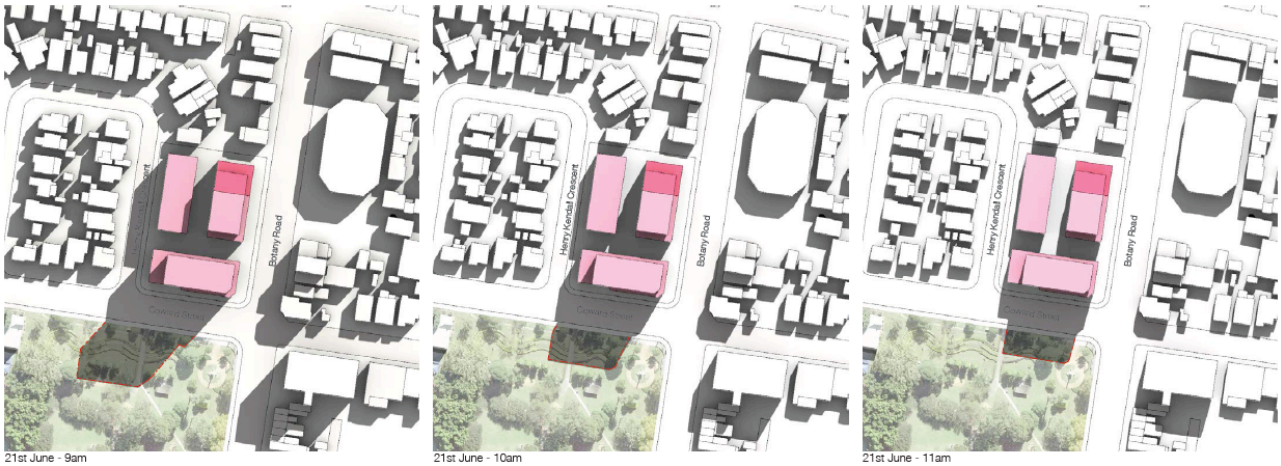
8.3.2 Overshadowing

The indicative concept scheme has been configured to minimise overshadowing impacts on the surrounding area.

There would be no overshadowing the adjacent residential properties to the north and west of the site, noting the lower rise forms located to these frontages.

Minimising overshadowing of Mascot Memorial Park has also been a key consideration of the proposal. As a result any overshadowing of the park would be restricted to a small portion of the northern frontage of the park with the maximum impact being 9% of the park area at 9am with this reducing gradually throughout the day. This is considered to be an acceptable impact and does not effect any of the key recreation spaces within the park.

The proposal would result in some minor overshadowing to the street frontages of buildings on the eastern side of Botany Road, however this is limited to 2pm onward in midwinter which is considered to maintain an appropriate level of solar access.



21st June - 9am

Park Area	19,326m²
Area of park in shade at this time	1,731m²
% of park in shade at this time	8.96%

21st June - 10am

Park Area	19,326m²
Area of park in shade at this time	939m²
% of park in shade at this time	4.86%

21st June - 11am

Park Area	19,326m²
Area of park in shade at this time	620m²
% of park in shade at this time	3.21%

21st June - 12pm

Park Area	19,326m²
Area of park in shade at this time	502m²
% of park in shade at this time	2.6%

21st June - 1pm

Park Area	19,326m²
Area of park in shade at this time	385m²
% of park in shade at this time	1.99%

21st June - 2pm

Park Area	19,326m²
Area of park in shade at this time	275m²
% of park in shade at this time	1.42%

21st June - 3pm

Park Area	19,326m²
Area of park in shade at this time	64m²
% of park in shade at this time	0.33%

Figure 23: Shadow diagrams (Source: SJB)

8.3.3 Visual impacts

The proposed height and built form distribution which sets taller building elements back from the street and away from sensitive interfaces will ensure that visual impacts are acceptable. Further, the future built form will be screened by the street trees to be retained as well as tree planting and landscaping within the generous front setbacks. A visual impact analysis from key viewpoints around the site has been prepared to support the planning proposal (Figure 24) demonstrating the impacts would be acceptable.

View north along Botany Road.

View south along Botany Road.

View south along Henry Kendall Crescent.

View south-west on the corner of Coward Street and Henry Kendall Crescent.

Figure 24: Visual impact assessment (Source: SJB)

8.3.4 Residential amenity

The proposal has been developed with a view to maintaining the amenity and visual privacy for the surrounding area and providing a high level of residential amenity for the future residents of the development.

The proposal provides for generous building separation distances to surrounding low rise dwellings. This includes a six metre side boundary setback to the north which will allow for deep soil landscaping between the development and existing low rise dwellings to the north. The built form will be setback 5m from the Henry Kendall Crescent frontage providing for building separation of around 23m to the existing low-rise dwellings to the west (see Figure 25). This interface will also be screened by retained street trees and landscape planting within the front setback.

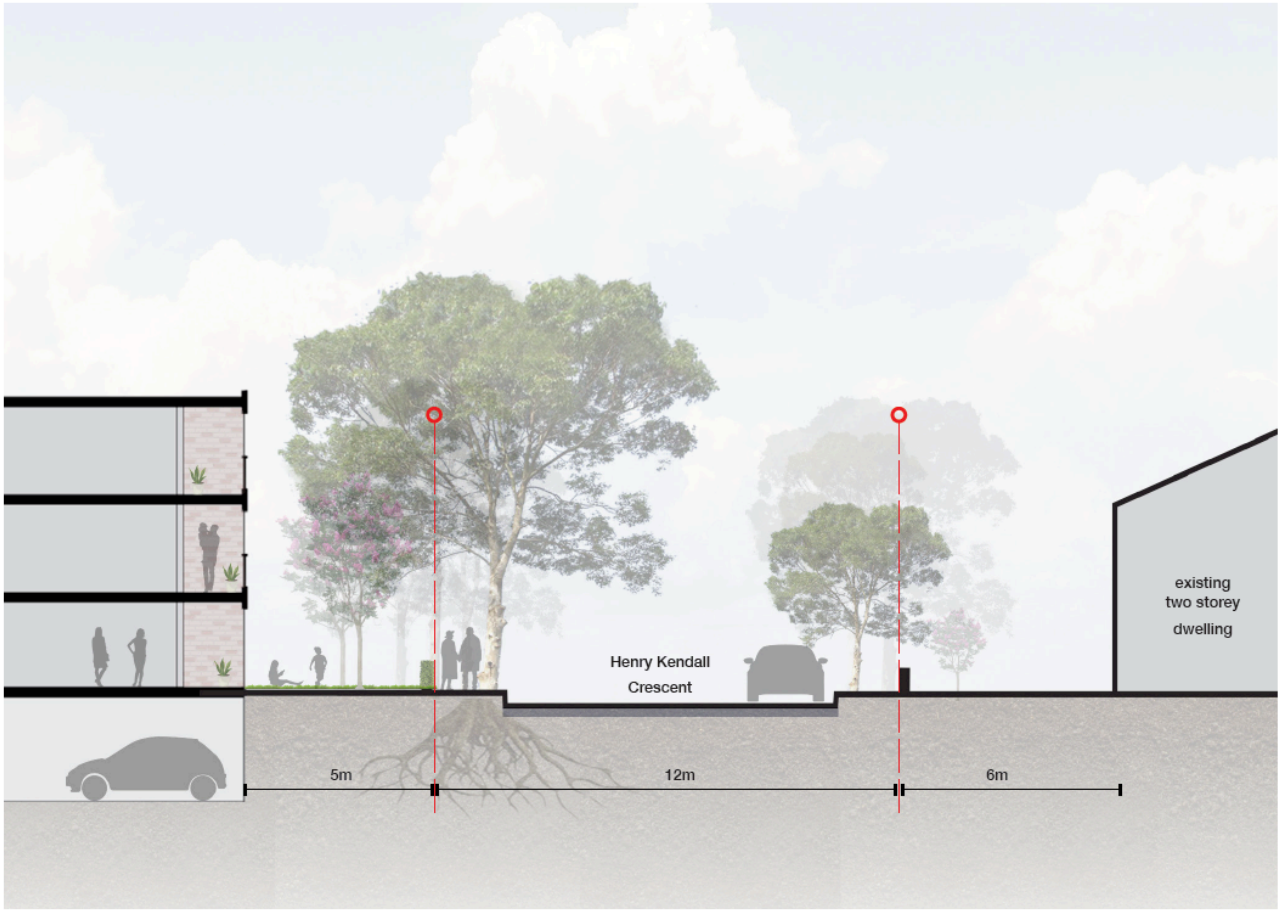


Figure 25: Built form interface – Henry Kendall Parade (Source: SJB)

The proposal has been developed with consideration of the Apartment Design Guide (ADG) and can comply with ADG key criteria as outlined in the Urban Design Study, including these relating to solar access, cross ventilation, building separation, communal open space and deep soil. A full assessment against the ADG would be provided at DA stage.

The proposal seeks to provide a high level of residential amenity for apartments fronting Botany Road, particularly for those at the ground level. This is supported by the generous front setback of 7m allowing for landscape planting screening views to Botany Road along supported by the retention of existing street trees.

Overall the verge and footpath combined with the front setback would result in apartments being located at least 11m from the Botany Road carriage way (see Figure 26). This will provide for a high level of residential amenity and privacy for these apartments. A noise impact assessment has also confirmed that noise impacts to apartments fronting Botany Road can be appropriately mitigated (see 0).

Figure 26: Botany Road frontage (Source: SJB)

8.3.5 Landscaping and canopy cover

Maximising landscaping and canopy cover has been a key guiding principle of the planning proposal. The generous front and side setbacks provide for retention of significant street trees and extensive deep soil zones within the site provide for tree planting and landscaping.

The proposed increase in the maximum height of buildings will allow for configuration of the built form that maximises both deep soil zones and ground floor communal open space with the proposal able to achieve:

- Deep soils zone: 1,615sqm / 28% of the site area
- Ground floor communal space: 1,420sqm / 25% of the site area.

This approach allows for a high level of green cover to be provided with the proposal able to achieve 30% canopy cover within the site and surrounding public domain. This exceeds the recommended canopy cover target for medium and height density residential areas outlined in the draft Green Places Design Guide prepared by the Government Architect NSW.

A detailed landscape plan will be prepared with any future DA to detail the landscape design and demonstrate compliance with the 30% canopy cover target.

8.3.6 Arboricultural

Preliminary arboricultural advice was sought from Arterra (Appendix H) to understand the species, scale and value of surrounding street trees. To inform design testing, they provided some preliminary guidance around potential built form setbacks to support the retention of key street trees surrounding the site.

This is informed by an analysis of potential encroachments to the largest tree protection zones (TPZ) of the following surrounding trees:

- Tree 6 (Henry Kendall Crescent): Broad Leafed Paperbark
- Tree 10 (Coward Street): Broad Leafed Paperbark
- Tree 18 (Botany Road): Flooded Gum

As noted within the arboricultural report: “Encroachments of up to 10% of the TPZ area may be normally accepted within the TPZ as long as it is outside of the Structural Root Zone (SRZ). This is known as a “minor encroachment”. Encroachments greater than this, known as “major encroachments” will only be accepted with additional specific evidence that the tree will not be unduly impacted.” All significant street trees are to be retained in proposed scheme.

The tree retention along with tree planting within the site would provide for 30% tree canopy cover within the site and surrounding public domain.

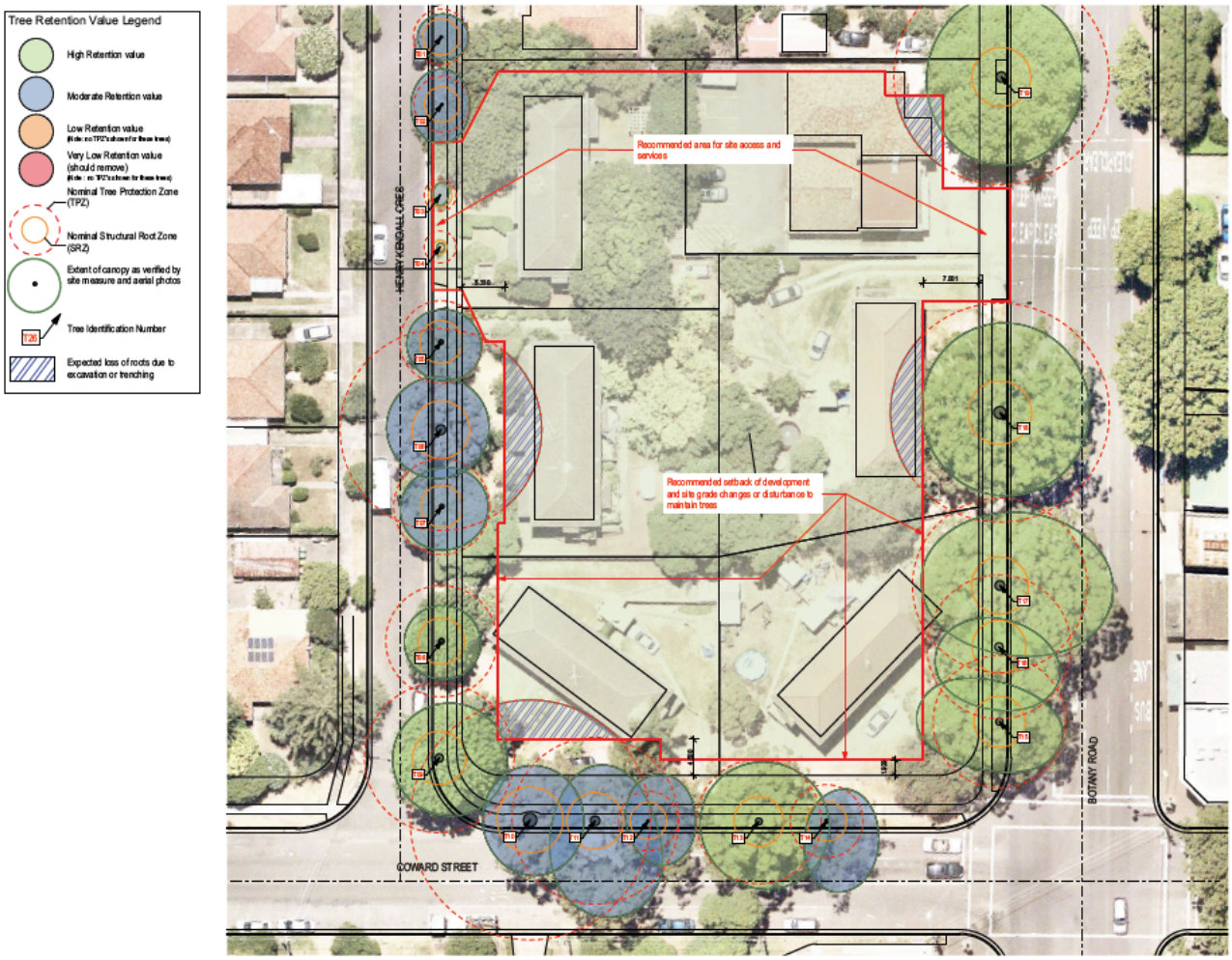


Figure 27: Tree retention value (Source: SJB)

8.3.7 Heritage

The indicative concept scheme has been developed to respond to the built form context of the surrounding area. In particular a number of local heritage items are located directly adjacent to the site on the eastern side of Botany Road as follows:

- I29: House group at 999 Botany Road comprising a set of two dwelling that are two storey Victorian terraces.
- I30: Electricity Substation No 147 at 1001 Botany Road comprising a narrow art deco style warehouse, it is approximately twice the height of neighbouring heritage dwellings.
- I31: Former National Bank of Australasia at 1005 Botany Road (cnr Botany Rd and Coward St) being a Victorian era corner institutional, commercial building that is presently occupied by a law firm.

The proposed built form responds to the scale of the heritage items through provision of a four story street wall to Botany Road with a further 3m setback to the levels above. The generous front setbacks also maximise the separation to the heritage items and allow for retention of street trees and landscape planting which will minimise building bulk in the context of the heritage items.

A Heritage Impact Assessment (Appendix I) 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 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.

The proposed setbacks and indicative building layout and heights are included in the site specific DCP to ensure that these significant views are retained in future detailed design.

8.3.8 Traffic and transport

A Traffic Study was prepared in 2017 by EMM Consulting to support the original Planning Proposal (Appendix B). Updated traffic advice has been provided by EMM Consulting in October 2021 and September 2022 in relation to the revised Planning Proposal (Appendix C).

Updated traffic counts were carried out in August 2022 which demonstrated a 6% decrease in traffic volumes since 2017 when the previous traffic counts were undertaken which can be attributed to the M8 opening on 5 July 2020.

EMM noted that the following further major road projects will be opened ahead of the anticipated completion date of this project and will be part of any cumulative scenario:

- M4-M5 link and the Rozelle interchange planned for completion in 2023
- Sydney Gateway planning for completion in Q4 2023
- M6 Stage 1 planned for completion in Q4 2024
- Western Harbour Tunnel planned for completion in Q1 2026

EMM notes that the combination of these projects is expected to significantly drop traffic on Botany Road by up to 30%.

EMM has undertaken updated SIDRA modelling based on the August 2022 traffic counts. Given traffic volumes near the Botany Road/Coward Street intersection are expected to drop EMM note that the usual method of applying a growth rate to background traffic does not apply however, however to perform a conservative SIDRA analysis, the development scenarios maintain the existing 2022 levels of traffic.

The modelling demonstrates that the Level of Service at the Botany Road / Coward Street intersection would remain unchanged at a level of service D both under the exiting scenario and under the development option.

As such, it is unreasonable to consider any upgrade of this intersection as part of this development for such a minor increase of traffic. It is understood that TfNSW has long term plan to upgrade this intersection, however the details are unknown at this stage.

EMM also considered the suitability of the proposed location of the main vehicular access to the site and confirmed that this is the preferred access location including on the basis that:

- The proposal will consolidate existing driveways on Botany Road within the site into a single residential driveway which will improve traffic safety on Botany Road.
- The traffic speed along Botany Road at the site frontage have been restricted to 50 km/h in recent years ensuring vehicles would be able to safely enter and exit the site.
- 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 and queuing observed on Coward Street would be exacerbated resulting in significant access difficulty for residents of Henry Kendall Crescent.

It is also noted that vehicular access from Henry Kendell Crescent will have significant amenity impacts on exiting residents on this street. Accordingly, access via Botany Road is the most logical solution for the site. However the most appropriate access point can be determined at DA stage.

EMM confirmed that the following car parking rates identified in The Guide to Traffic Generating Developments requires the following car parking rates for residential flat buildings:

- 0.6 space per one bedroom dwelling
- 0.7 spaces per two bedrooms dwelling
- 1.4 spaces per 3 bedroom dwelling
- 1 designated visitor space per 5 dwellings.

Future social housing would be subject of the lower car parking rates within the *State Environmental Planning Policy (Affordable Rental Housing) 2009,* however the higher rates have been used for the purposes of the informing the indicative concept scheme.

On this basis 135 car parking spaces would be required to support the indicative concept scheme:

- 1 bedroom apartments: 64 spaces
- 2 bedroom apartments: 41 spaces
- Visitor parking: 30 spaces.

This level of car parking has been indicated in the indicative concept scheme.

Further consideration will be given to the traffic impacts, access arrangements and car parking requirements at the DA stage.

8.3.9 Acoustic impacts

An acoustic study was prepared by EMM in 2017 to support the original Planning Proposal, and updated advice has been provided to confirm that the revised Planning Proposal can maintain an acceptable level of noise attenuation.

The original acoustic study identified that the site is impacted by traffic noise on Botany Road and Coward Street and aircraft noise being within the 20-25 ANEF contour associated with the Sydney Airport. The assessment considered noise criteria including those outlined in the Botany DCP and in the *Development Near Rail Corridors and Busy Roads – Interim Guideline.*

The assessment concluded that subject to appropriate noise attenuation measures that all relevant noise criteria could be met.

The updated advice provided by EMM to support the revised proposal considered the key changes to the proposed scheme including the increased setback on Botany Road and change of use of the ground floor to residential.

The advice concluded that:

- The increased set-back from Botany Road will result in road traffic noise levels at the fronting building facades which are marginally less than those presented in the 2017 Acoustic Assessment, resulting in an overall benefit.
- The 2017 Acoustic Assessment assumed that the ground floor could be occupied by residential use. Therefore, there is no change in outcome in this respect, apart from the increased set-back and the marginally lower noise levels as explained above.

It is also noted that other ground floor residential uses currently front Botany Road both within the site and the surrounding area, and the proposed development is likely to provide better residential amenity that these uses as result of more generous setbacks, landscape planting and appropriate noise attenuation.

A detailed acoustic assessment will be prepared at DA stage which will identify specific construction specifications to address the relevant noise criteria.

8.3.10 Flood impacts

Management of flood risk in NSW is guided by the Flood Risk Management Manual and Flood Prone Land Policy. The Flood Risk Management Manual was updated in 2023 following the 2022 Flood Enquiry.

A key recommendation of the enquiry was to apply a risk based approach to calculating the flood planning levels. In particular it recommended:

> *That, to take account of greater knowledge of climate change, Government reinforce its adoption of a risk-based approach to calculating the flood planning level for planning purposes and, through the NSW Reconstruction Authority, immediately start a process of revising all flood planning level calculations in the state's high-risk catchments.*

The Flood Plain Risk Management Manual was updated in 2023. It sets out the NSW Flood Prone Land Policy which sets out that a merit based approach should be applied to selection of risk base flood planning levels (FPLs) which recognises the need to consider the risks associated with the full range of flooding, up to and including the probable maximum flood (PMF).

The Bayside LEP does not include flood mapping but sets out that the flood planning area has the same meaning as the Flood Risk Management Manual. The Flood Risk Management Manual defines the Flood Planning Area as the area of land below the Flood Planning Level. The Flood Planning Level is defined as the combination of the flood level from the defined flood event and freeboard selected for flood risk management purposes. It notes that different FPLs may apply to different types of development and that determining the flood planning level for typical residential development should generally start with a defined flood event of the 1% AEP flood plus an appropriate freeboard.

The Botany Bay Development Control Plan 2010 (Botany Bay DCP) Stormwater Management Technical Guidelines sets out the following controls relating to flood prone land including flood planning levels and will need to be addressed at the DA stage through preparation of a flood study.

- For a site within Council's identified flood area or within the vicinity of Council or Sydney Water drainage easement/reserve or stormwater drainage system (including open/covered channel, watercourse and underground drainage pipes/culverts), the finished floor levels shall be minimum 500mm (habitable buildings/structures) and 300mm (non-habitable buildings/structures, such as garages, ramps to the basement car parking area) above the estimated 1% AEP flood level.
- For site with belowground basement, the crest levels of ramps and steps at the entry points shall be minimum of 300mm above the following:
  - 1% AEP flood level where such is known; or
  - top of kerb adjacent to the layback; or
  - overflow RL from any on-site stormwater systems; and
- The raising of floor levels, or any site levels, shall not create or exacerbate flooding on any other private or public properties, including public roads and open space.

The Mascot, Rosebery and Eastlakes Flood Study (Bayside Council March 2019) identifies that the subject site is affected by low hazard flooding during the 1% annual exceedance probability event (100 year flood – see Figure 28) and during the probable maximum flood (see Figure 29).

The Mascot, Rosebery and Eastlakes Floodplain Risk Management (FRM) Study and Plan (Bayside Council December 2018) identifies that during the 1% AEP flood event the site and surrounding roads are within Hazard Category H1, being 'no constraints' (see Figure 30). During the PMF it identifies the site as also being within Hazard Category H1, being 'no constraints', with parts of the adjacent road reserve of Botany Road and Henry Kendell Parade as category H2 Unsafe for Small Vehicles (see Figure 31).

Given the minimal depth of any flooding of the site and the lack of vulnerability constraints it is considered that floor levels and basement access will be able to be designed to meet the flood planning level at DA stage.

A Flood Assessment (Appendix O) has been prepared which confirms that adequate flood information is available to confirm within reasonable confidence that a detailed building scheme can be developed for the subject site which complies with Council's relevant flood controls, flood related guidelines and standards and key recommendations from relevant authorities and stakeholders.

A flood evacuation plan will also need to be prepared at DA stage to consider safe evacuation during flood events up to the PMF. Given the low flood risk associated with the site these requirements can be readily accommodated at the DA stage.

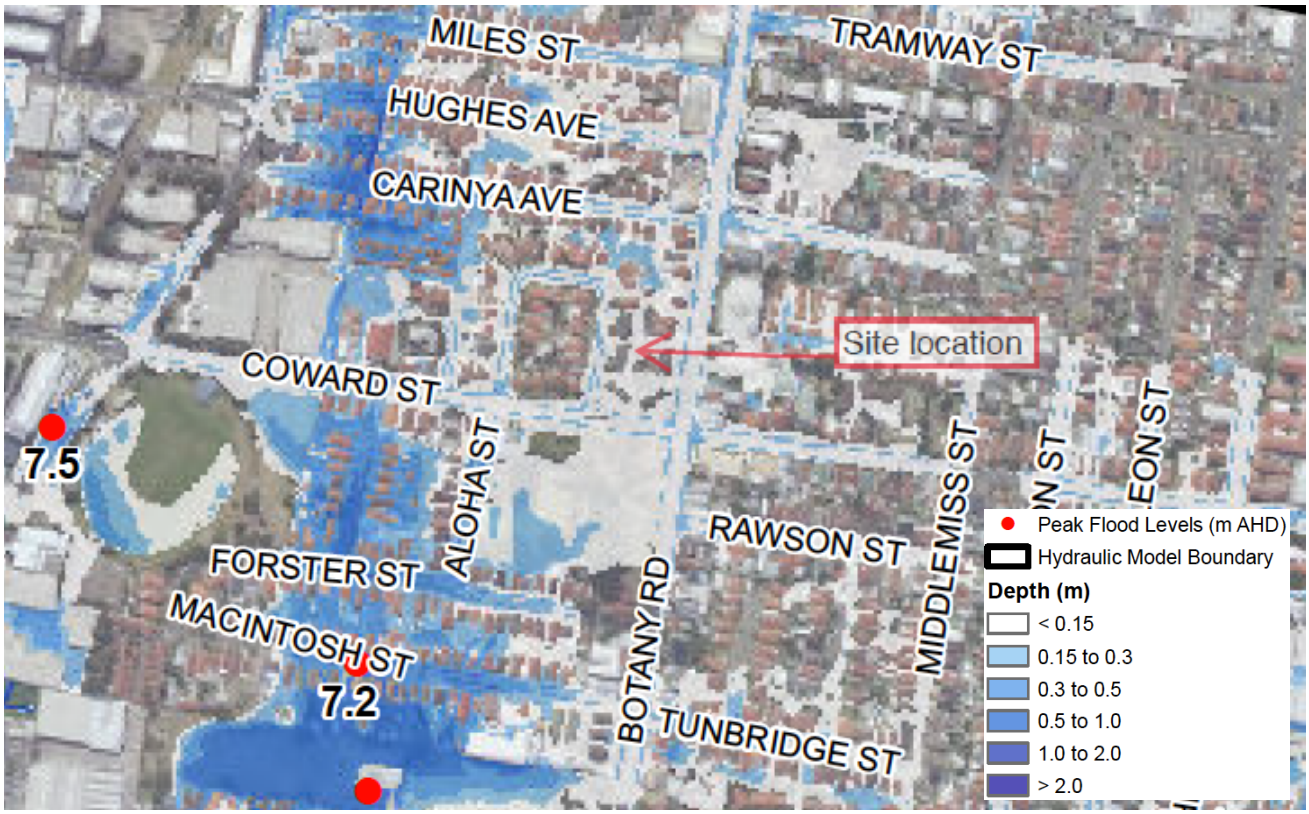


Figure 28: Mascot, Rosebery and Eastlakes Flood Study – 1% AEP event (Source: Bayside Council)

Figure 29: Mascot, Rosebery and Eastlakes Flood Study – PMF event (Source: Bayside Council)

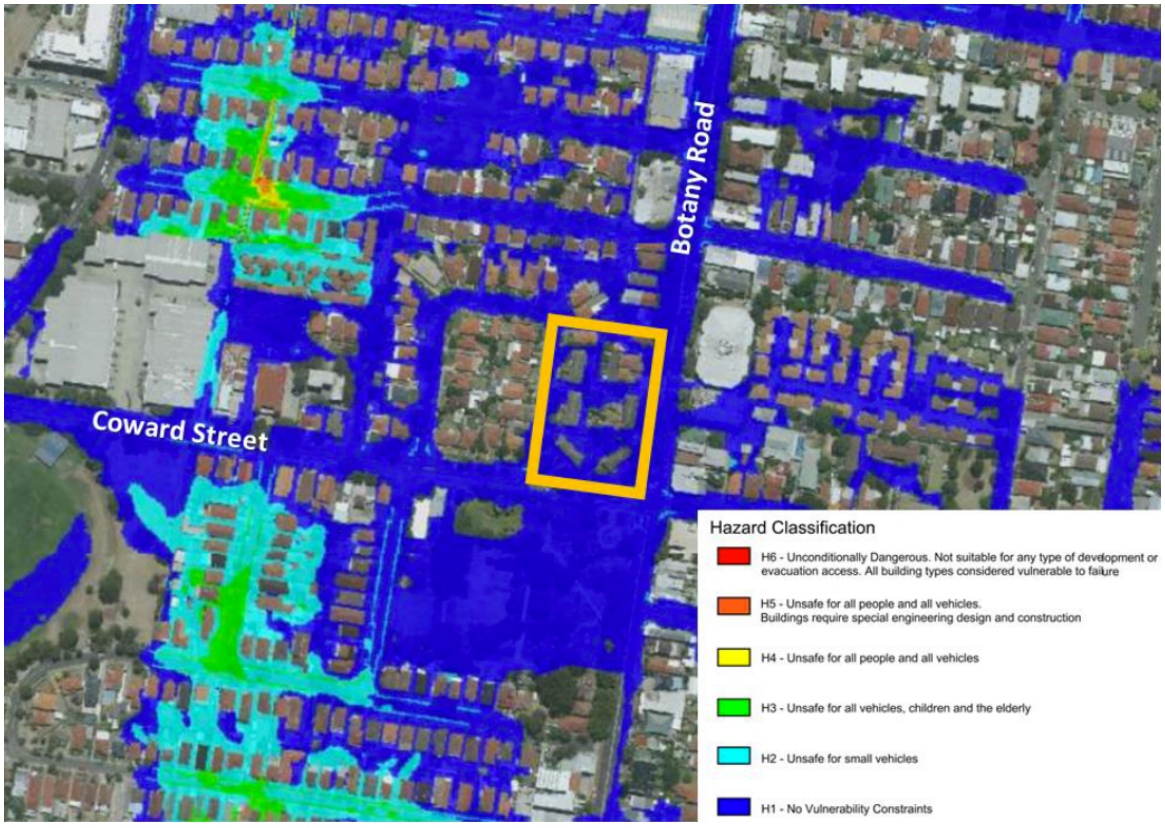


Figure 30: Mascot, Rosebery and Eastlakes FRM Study – 1% AEP event (Source: Bayside Council)

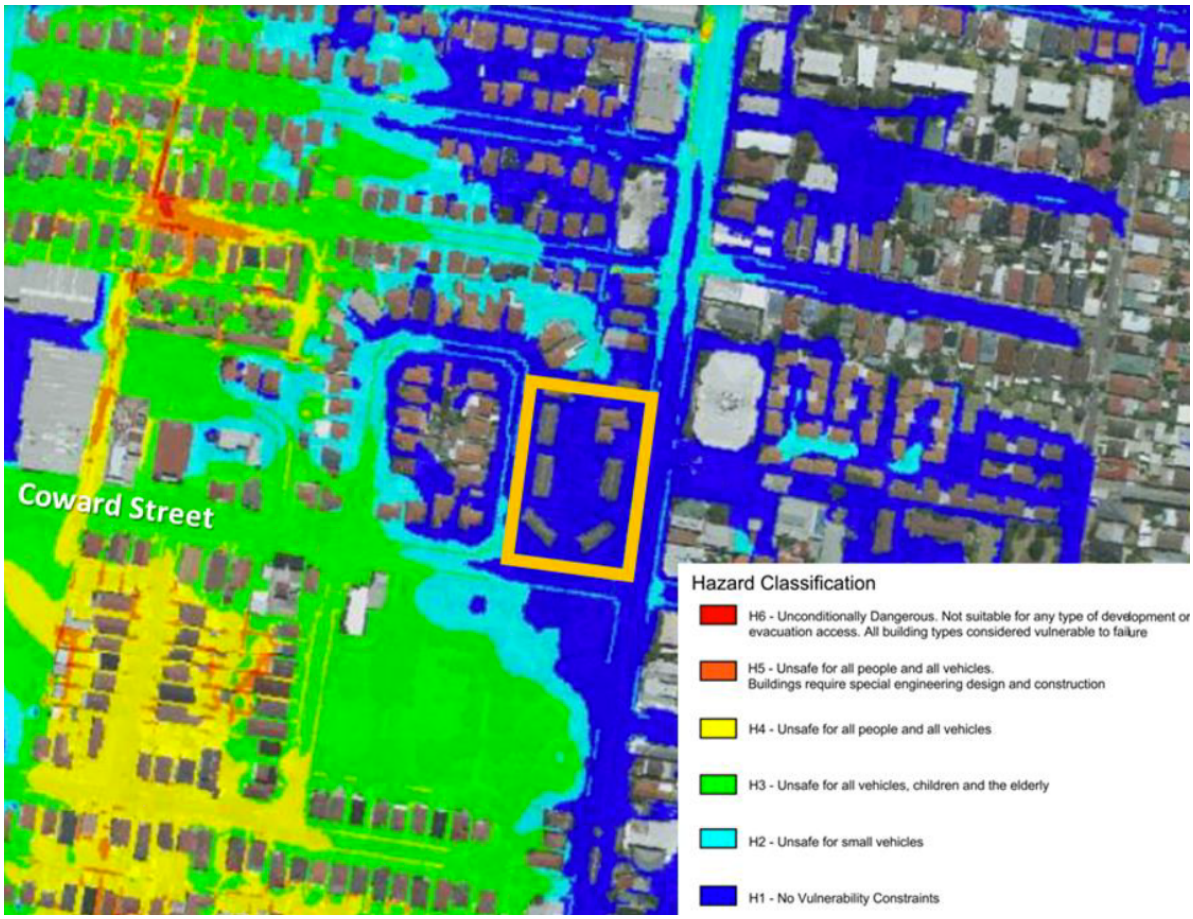


Figure 31: Mascot, Rosebery and Eastlakes FRM Study – PMF event (Source: Bayside Council)

Q9. Has the Planning Proposal adequately addressed any social or economic effects?

8.3.11 Economic impact

Extensive investigation has been carried out to demonstrate the economic benefits of the proposal and to justify removing the requirement for ground floor retail and commercial uses including through a Commercial Market Assessment (September 2021), Economic Impact Assessment (April 2022) and Market Needs Assessment (September 2022) which have been prepared by Hill PDA.

The Commercial Market Assessment (Appendix G) 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. This was on the basis of:

- A lack of demand in the locality for such uses as demonstrated by the prevalence of smaller ground-floor retail tenancies along Botany Road and other strip retail in the local area and the high number of vacancies in out of centre locations
- A lack of convenience parking and the inability to stop on Botany Road given the 'no stopping' zones and bus lanes / clearways immediately adjacent to the subject site and across the road.
- Low levels of footfall past the subject site which reflects the particularities of it as a traffic peninsula at the confluence of two major vehicular routes which adversely impact upon pedestrian amenity
- Competition from established centres in the locality which can offer more desirable attributes to potential operators such as proximity to a rail node, a retail anchor and/or car parking.

The Economic Impact Assessment (Appendix F) assessed the extent to which the proposed development would impact on the sustainability of the local retail network and 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. It concluded that the proposal would deliver a stronger outcome than the alternative options considered as it:

- Generates greater economic activity and supports more jobs during the construction phase than re-developing the site to comply with the current controls
- Supports more jobs on site than the base case (being retention of the exiting uses) or where the site is re-developed to comply with the current controls and the ground floor tenancies perform poorly or remain vacant
- Reduces the risk of long- term vacancies and urban blight and associated issues (i.e. lower health outcome and increased government healthcare costs, increased crime and vandalism, negative impacts on housing process, lower investment in the locality)
- Provides more housing stock which is more affordable, diverse and aligned to the changing needs of the local community
- Provides more and better-quality social housing dwellings
- Incentivises re-development, on a site which is currently under-utilised and over time will become obsolete.

The Economic Impact Assessment also concluded that were the site able to support destination retail on the ground floor, to be successful, it will need to draw trade away from local retail centres. The modelling analysis carried out identified that impacts to Mascot Village would be significant and moderate for Mascot Station and Rosebery, suggesting that destination retail on the subject site would adversely impact the performance (and potentially the viability) of the local retail network.

The Market Needs Assessment (Appendix K) was prepared to provide quantitative justification for the removal of the requirement to provide ground floor retail / commercial uses.

The Market Needs Assessment estimated retail demand within a main trade area which is generally confined to the area within 600 to 800 metres of the subject site due to competition at Eastgardens to the east, Mascot Village to the south, and Mascot Central to the west. The retail demand within the main trade area was based on an aspirational capture rate of retail expenditure in this area of around 10%, which is in line with a strongly performing neighbourhood centre.

The analysis estimated a retail demand of 1,150sqm by 2026 and 1,340sqm by 2036. There is currently 3,220sqm of occupied retail floorspace in the trade area which would suggest there is currently an over-supply of retail floorspace in trade area which will continue to beyond 2036. The analysis did not take into account the additional vacant shopfront floorspace in the trade area of around 4,000sqm.

Hill PDA concluded that any additional retail floorspace provided on the subject site will only exacerbate the oversupply of retail and that the trade area cannot sustainably support additional retail on site, with the local residents adequately serviced by the existing retail along Botany Road and Gardeners Road, Rosebery to 2036 and beyond.

Hill PDA are of the view that the vacant shopfront space 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, particularly given the poor accessibility, parking constrains, low levels of pedestrianisation and its location removed from the core local centre (i.e. Botany Road south of the Mascot Public School. Hill PDA also highlight that the Planning Proposal will yield a substantially stronger outcome

for the retail network as it will not only reduce the risk of long-term commercial vacancies, but it supports rather than undermines the sustainability of the local retail network through increased resident population.

The extensive analysis undertaken by Hill PDA to consider the economic implications of the proposal demonstrates the proposal will have an overall economic benefit and that there is strong economic justification for the proposed changes to the planning controls.

8.3.12 Social impact

The Planning Proposal is expected to provide a positive social impact, through the delivery of a high quality contemporary development providing increased housing supply, including new and additional social housing, within an accessible location. Housing projects delivered through the Future Directions in Social Housing policy will have a target of 30% social housing, creating integrated and inclusive communities with more opportunities to move beyond social housing.

Q10. Is there adequate public infrastructure for the Planning Proposal

8.3.13 Social infrastructure

The site is accessible to a range of existing services and facilities within the existing Mascot Station town centre and Mascot local centre. The site also has excellent access to social infrastructure including local primary and high schools, open space and other community facilities.

The proposal would not generate additional demand for social infrastructure than already envisaged under the Bayside LEP controls, noting that it does not seek to allow for additional floor space potential.

Local infrastructure contributions payable would be payable for future private development which will also generate funding towards local infrastructure within the LGA.

9 Consultation

The applicant met with Council on the 27 July 2021 to present the revised proposal. Council subsequently provided comments on the 11 August 2021 which are considered and addressed in Table 6.

Council also wrote to Homes NSW on the 29 October 2021 seeking a Heritage Impact Statement and Site Specific DCP for the site. On 20 January 2022 Council further sought an Economic Impact Assessment for the site and on 23 June 2023 Council requested a Market Needs Assessment as well as traffic and heritage advice. These documents have now been prepared and form part of the Planning Proposal.

Table 6: Consideration of council comments

Comment	Consideration
The subject site is not in a priority area from a strategic planning standpoint, although there are general LSPS and Local Housing Strategy actions supporting redevelopment in principle.	Noted. The consistency of the proposal with the Local Housing Strategy and LSPS and are considered in 3.4 and 3.5 respectively.
The character and future role of the surrounding area is a key consideration, including Botany Road and Coward Street. This may be part of a broader strategic exercise, which Council has not contemplated in great detail prior to this proposal, as Council has had a considerable strategic planning workload over the past few years.	Noted. The proposal has given consideration of the existing and likely future role of the surrounding area noting other recent and current planning proposals within the surrounding area, and the position presented in the Bayside Local Housing Strategy that this area is not considered to be major housing renewal area. Council has also indicated that the site has strategic merit to be developed as a transition site between the intensity and density of the Mascot Town Centre and the low density of the surrounding residential fabric. This has been taken into consideration in developing the proposal for the site.
Homes NSW's concerns regarding the Active Street Frontage requirement are noted, and, equally, Council does not want to see marginal floorspace and overabundance of empty tenancies along Botany Road. However, the link between the surrounding area and Gardeners Road needs to be taken into consideration. Furthermore, the street level along Botany Road is not ideal for residential amenity, and the application of the Local Centre zoning has clearly been a response to this significant residential amenity constraint on such a busy road corridor.	Advice has been provided by Hill PDA which confirms that the site is not viable or desirable for ground floor retail / commercial uses as discussed in Section 8.3.11. Further, careful consideration has been given to the amenity of dwellings fronting Botany Road noting the generous setbacks, retention of street trees and deep soil landscaping within the site. This is discussed in further detail in Section 8.3.4.
We acknowledge that the building mass, solar access and ventilation appear improved from the previous scheme that was proposed.	Noted. The proposal demonstrates compliance with key ADG criteria as outlined in the Urban Design Study.
There is a Planning Proposal currently under assessment opposite the site, on the North-Eastern corner of the Botany Road / Coward Street intersection that seeks taller building heights, but seeks to retain commercial floorspace. It is clear that the Planning Proposal for that site is different in a number of ways to the proposal for the S Homes NSW	Noted, the revised proposal has been developed based on consideration of the site and its surrounding context including the existing purely residential use, the existing generous street setbacks, the landscape character associated with the site and adjacent public domain and park, and the desire to retain existing significant street trees.

Comment	Consideration
site, and is a significant departure from the existing controls and built form.	Consideration of these matters indicate the significant benefits of retaining the site's residential use. This is further supported by the advice from Hill PDA which confirms that retail / commercial uses on the site would not be desirable or viable.
Council would like to better understand how the dwelling yield has changed since the previous scheme, including whether any affordable housing units are proposed, other than social housing.	The original Planning Proposal envisaged a dwelling yield of approximately 155 dwellings compared to 127 under the revised Planning Proposal (excluding the Ambulance site). The original Planning Proposal also included ground floor retail / commercial uses. The dwelling mix would be determined at DA stage but would be delivered under the Future Directions in Social Housing policy which aims to deliver integrated communities with social and private housing. On this basis it is not envisaged that additional affordable housing would be provided.
The broader strategic planning context and framework will be a critical factor in determining strategic and site-specific merit, and Council must ensure planning recommendations are made equitably and are justifiable to the Bayside Local Planning Panel, and Council. This has also been made clear to proponent of adjacent Planning Proposal on Botany Road, as that proposal has not clearly demonstrated adequate strategic or site-specific merit.	Council has acknowledged that the proposal has strategic merits in supporting the local strategic framework as outlined in the Local Housing Strategy and LSPS. This is discussed in further detail in Sections 3.4 and 3.5 respectively. Further, the proposal aligns with the NSW Government's Future Directions in Social Housing Policy as outlined in Section 3.3 and supports key principles and actions of the Greater Sydney Region Plan and Eastern City District Plan as outlined in Sections 3.1 and 3.2.
The timing of development is an issue to be considered. As discussed at the meeting, with the example of Eastgardens (albeit a different scale), which will likely end up being defined/planned for via two separate Planning Proposals, Council is cautious about area-wide strategic change being led by site-specific proposals, and the repercussions of trying to reign in the externalities of this, in the absence of broader strategic planning having been undertaken for the location.	Noted. The progression of this site as a stand alone Planning Proposal would have significant public benefits through the renewal of ageing social housing and the delivery of new social housing. Further, it is important to note that the proposal does not seek additional floor space potential but is essentially to allow a reconfiguration of existing permissible floor space, and on this basis is unlikely to create a precedent for other stand alone Planning Proposals.
The proposal will need to consider, in detail, the impacts from traffic (among other environmental constraints like aircraft and road noise), and how the proposal complies with the Botany Bay DCP 2013, and whether a site-specific amendment is to be pursued.	Updated traffic and acoustic advice has been prepared to support the proposal. The proposal has been developed to generally meet the requirements of the Botany DCP. However, a site specific DCP has been prepared to ensure that key aspects of the design would be secured at the DA stage. This is discussed in Section 5.3.

9.1 State and Commonwealth Government agency consultation

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination

Consultation has been carried out with Transport for NSW in relation to the site's location adjacent to a classified road. TfNSW's comments are considered in Table 7 below.

Table 7: Consideration of Transport for NSW comments

Comment	Consideration
TfNSW advised that it is planning to commence investigations into the provision of a priority bus lane on Botany Road, immediately adjacent to this development site which would not require acquisition.	Noted. This is likely to improve public transport access to the site.
TfNSW is progressing investigations early next year for a dedicated left turning land from Coward Street into Botany Road to be accommodated in the existing footway area along Coward Street and may require acquisition of some of the site.	We understand that these investigations are yet to formally commence and therefore they have not been considered in the proposal. TfNSW will have the opportunity to review the proposal and provide further comment during the public exhibition.
TfNSW raised concern about vehicular access between Botany Road, with preference for access from Henry Kendall Crescent.	• The draft site specific DCP has been amended to show access from Henry Kendell Crescent.
TfNSW strongly supports permeability within the site linking Henry Kendall Crescent and Botany Road to support active transport.	Noted. Opportunity for a through site link forms part of the proposal.
TfNSW and Bayside Council are considering a potential cycling connection along Coward Street, however the investigations are in the early stages and impact on the site is unknown at this stage.	Noted. This will be subject of further consultation with TfNSW following a Gateway decision.
An increase in pedestrian generation will likely require improvements to pedestrian facilities at the Botany Road / Coward Street intersection.	Noted. This will be subject of further consultation with TfNSW following a Gateway decision.
In light of the site's accessibility to public transport services, car parking provision should be minimised to increase mode share to public and active transport through the use of restricted maximum car parking rates.	Noted. The proposal applies the reduced car parking rates outlined in the Guide to Traffic Generating Development. Lower car parking rates would also apply to the social housing component.

Consultation has been carried out with relevant public authorities during the public notification and addressed through a separate response to submissions.

10 Project timeline

An indicative project timeframe is set out in Table 8 below.

Table 8: Anticipated project timeline

Task	Timing
Receive Gateway determination	November 2023
Completion of public exhibition and public authority consultation	January / February 2024
Completion of review of submissions received during public exhibition and public authority consultation	March 2024
Finalisation	July 2024
Drafting of instrument and finalisation of mapping	July 2024
Amendment to Bayside LEP notified	July2024

11 Conclusion

The revised Planning Proposal will have significant benefits in renewing ageing social housing, and providing additional social housing along with private housing creating an integrated and inclusive community, whilst responding positively to the surrounding context and public domain.

The revised Planning Proposal demonstrates strategic merit as outlined below:

- The proposal aligns with key objectives and actions in the Bayside Local Housing Strategy and Local Strategic Planning Statement (LSPS) particularly in relation to housing supply, housing choice, affordable housing and planning for growth within centres and in proximity of public transport including the following:
  - Local Housing Strategy Objective 2: New housing will be located in and around existing centres with good public transport accessibility and walkability and align with the provision of transport and other infrastructure.
  - Local Housing Strategy Action 4.4: Continue to engage with NSW Land and Housing Corporation regarding the retention, upgrade and potential expansion of publicly owned social housing in Bayside.
  - LSPS short term housing supply opportunity: Infill development in the existing business zoned areas of Rockdale, Mascot and Botany for residential flat buildings and shop top housing.
- The Planning Proposal is consistent with the NSW Government's Future Directions for Social Housing Strategy which was released in 2016. Action 1.1 in Future Directions, is to 'Increase redevelopment of Homes NSW properties to renew and grow supply'. This provides a clear directive and strategic justification for the NSW Government to redevelop land to deliver increased social housing.
- The proposal is also consistent with the planning priorities in the Greater Sydney Region Plan and Eastern City District Plan, particular those around aligning infrastructure with growth, delivering the 30 minute city, increasing housing supply and increasing housing affordability and delivering social housing.

The proposal has also been developed based on a detailed analysis of the site and its context demonstrating that it has site specific merit as summarised below.

- The proposal would not impact on the natural environment noting that the site has no significant biodiversity values and all significant street trees would be retained
- There are no natural hazards associated with the site that would preclude development
- Noise impacts associated with Botany Road and Sydney Airport can be appropriately mitigated as demonstrated in the acoustic assessment prepared by EMM
- The proposal has sought to respond to the surrounding built form and landscape character including through an appropriate built form relationship that transitions to local heritage items on Botany Road, low density residential uses to the north and west of the site and to Mascot Memorial Park to the south. The proposal ensures that privacy of adjoining dwellings would be maintained and that there would be no unacceptable overshadowing of the Mascot Memorial Park or adjacent residential uses
- The proposal will deliver a stronger economic outcome than either the retention of the existing uses or redevelopment of the stie under the existing controls
- The proposal will maintain the surrounding centres hierarchy and support the ongoing success of nearby retail / commercial centres
- The proposal would not generate additional demand for services and facilities than what is currently envisaged under the Bayside LEP noting that it does not seek to increase the existing FSR

- The site is well located in close proximity to major public transport and is accessible to a range of existing services within the Mascot Station town centre and Mascot local centre.
- The site also has excellent access to social infrastructure including local primary and high schools, open space and other community facilities
- Any traffic impact will be minimal on the peak hour traffic operation of the adjacent Botany Road / Coward Street intersection.
- Traffic safety on Botany Road will improve with the existing four driveways on Botany Road proposed to be consolidated to one single driveway.

Accordingly, it is requested that the Planning Proposal be finalised.

Appendix A Urban Design Study

Appendix B Traffic and transport assessment

Appendix C Addendum traffic and transport advice

Appendix D Acoustic assessment

Appendix E Further acoustic advice

Appendix F Economic Impact Assessment

Appendix G Commercial market study

Appendix H Arboricultural advice

Appendix I Heritage assessment

Appendix J Draft site specific DCP

Appendix K Market Needs Assessment

Appendix L NSW Health letter

Appendix M Concept Scheme excluding Ambulance site

Appendix N Preliminary site assessment

Appendix O Flood assessment