



IRF24/820

## Gateway determination report – PP-2023-999

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263, 273 & 273A Coward Street, Mascot

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Survey Plan, prepared by Land Partners, 8 October 2018
Stormwater Survey, prepared by Lacoste Stevenson, 26 October 2023
Stormwater Drainage Plan, prepared by Lacoste Stevenson, April 2023
Architectural Plans, prepared by Lacoste Stevenson, 10 May 2023
Urban Design Report, prepared by Lacoste Stevenson, October 2023
Transport Report, prepared Colston Budd Rogers & Kafes Pty Ltd, October 2023
Visual Impact Assessment, prepared by Paddock Landscape Architects, 13 October 2023
Heritage Impact Statement, prepared by Urbis, 6 October 2023
Aboriginal Objects Due Diligence Assessment, prepared by Urbis, 21 April 2023
Landscape Concept Plan, prepared by Lacoste Stevenson, 11 May 2023
Economic Impact Assessment, prepared by Urbis, October 2023
Civil Engineering Report, prepared by Costin Roe Consulting, 27 October 2023
Arborist Report, prepared by Canopy Consulting, 6 October 2023
Preliminary Site Investigation, prepared by Reditus Consulting, 5 May 2023
Detailed Site Investigation, prepared by Environmental Resources Management, 8 May 2023
Acoustic Assessment, prepared by Renzo Tonin & Associates, 5 October 2023
Aeronautical Impact Assessment Report, prepared by Landrum & Brown Worldwide, May 2023
Pipeline Hazard Analysis, prepared by Riskcon Engineering, 18 April 2023
Service Infrastructure Assessment, prepared by Land Partners, September 2023
ESD Report, prepared by E-Lab Consulting, 6 October 2023
Curatorial Vision Framework, prepared by Cultural Capital, 2023
Connecting with Country Framework, prepared by Cox Inall, 2023
Solar Glint and Glare Assessment, prepared by Landrum & Brown Worldwide, October 2023
RFI Response, prepared by Urbis, 16 October 2023
Letter of Offer to enter into Voluntary Planning Agreement, 26 October 2023

Bayside Local Planning Panel Report, 12 December 2023

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Bayside Local Planning Panel Minutes, 12 December 2023

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Bayside City Planning and Environmental Committee Report, 13 March 2024

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Bayside City Planning and Environmental Committee Minutes, 13 March 2024

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Bayside Council Resolution, 27 March 2024

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Bayside
<b>PPA</b>	Bayside Council
<b>NAME</b>	263, 273 & 273A Coward Street, Mascot (0 homes, 1,358 jobs)
<b>NUMBER</b>	PP-2023-999
<b>LEP TO BE AMENDED</b>	Bayside Local Environmental Plan 2021 (BLEP 2021)
<b>ADDRESS</b>	263, 273 & 273A Coward Street, Mascot
<b>DESCRIPTION</b>	Lots 100 and 101 in DP 1277278, Lot 5 in DP 1194564 and Lot 3 in DP 230355
<b>RECEIVED</b>	5/04/2024
<b>FILE NO.</b>	IRF24/820
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes to explain the intent of the proposal.

The objectives of the planning proposal are to amend the floor space ratio (FSR) controls in the BLEP 2021 to deliver industrial floor space close to Sydney Central Business District (CBD) and international trade gateways (Sydney Airport and Port Botany) and provide for office and food-related uses which will enhance the appearance and amenity of the site.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Bayside LEP 2021 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	E4 General Industrial	No change
Maximum height of the building	44m	No change
Floor space ratio	1.2:1 (Area 3 is eligible for 1.5:1 for development for a purpose listed in Schedule 1 Clause 14)	<ul style="list-style-type: none"> <li>2:1</li> <li>Remove site from Area 3 on FSR map.</li> </ul>
Additional Permitted Use	Clause 14 of Schedule 1 Additional permitted uses permits uses for purpose relating to Sydney Airport including commercial premises, function centres, information and education facilities, passenger transport facilities, and tourist and visitor accommodation.	<ul style="list-style-type: none"> <li>Remove the site from Clause 14 in Schedule 1</li> <li>Insert a new local provision to permit office premises (maximum 5% of GFA) and restaurant or café.</li> </ul>
Number of jobs	No data provided.	1,358 direct jobs

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

### 1.3.1 Concept scheme

A concept scheme (see **Figures 1 and 2**) has been prepared in support of the proposal by Lacoste and Stevenson (2023). It demonstrates that the proposal could facilitate the redevelopment of the site for multi-storey warehouse and distribution centre, including:

- Four levels of warehouse or distribution centre tenancies with ancillary offices and associated loading and manoeuvring areas (178,435m<sup>2</sup>).
- Office premises (8,047m<sup>2</sup>), café/ restaurant and take-away food premises (1,300m<sup>2</sup>) and a neighbourhood shop (100m<sup>2</sup>) along the Coward Street frontage.
- Ancillary floorspace including end-of-trip facilities and lobby areas (1,250m<sup>2</sup>).
- Ancillary car parking in multiple locations across the site (822 spaces).

The proposal will facilitate jobs during construction (194 direct and 277 indirect) and 1,358 direct jobs when completed, with potential for a further 943 indirect jobs.

### 1.3.2 Planning agreement

The planning proposal is supported by a letter of offer to enter into a Voluntary Planning Agreement (VPA) which includes public art and stormwater works. Council will consider any VPA offer separately to the planning proposal process.

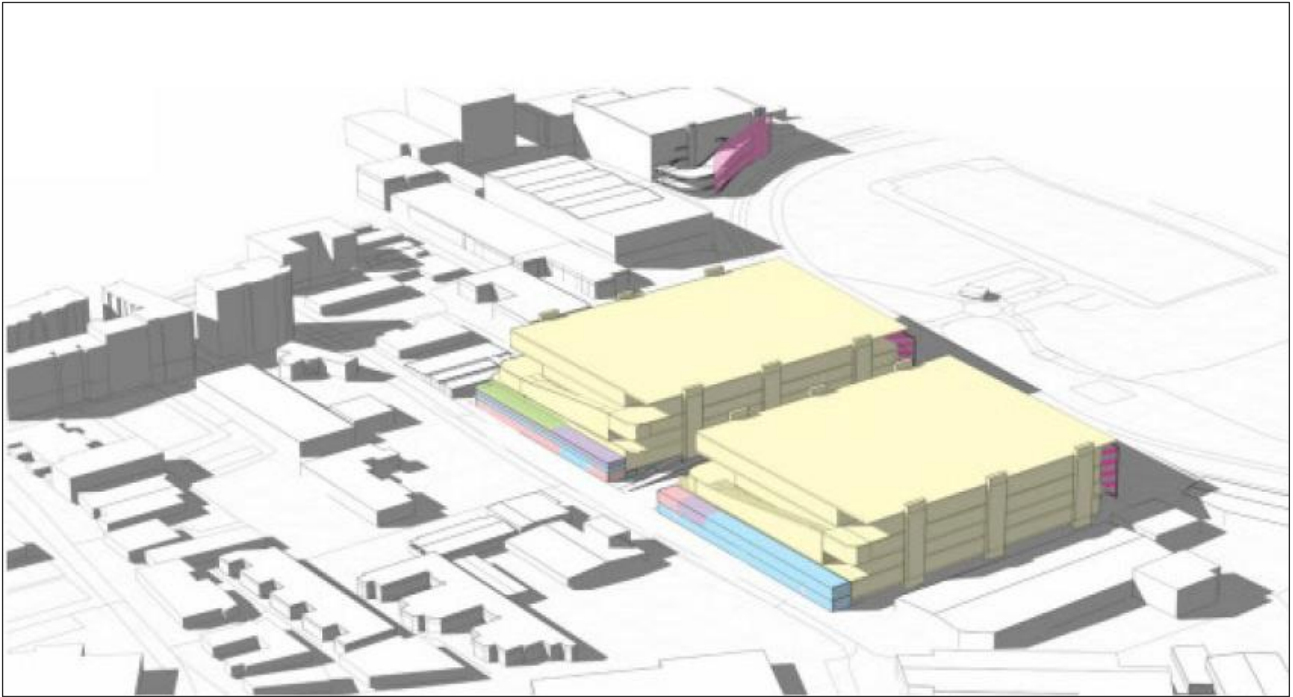


Figure 1 Development Concept – indicative massing (source: Planning proposal, 2023)

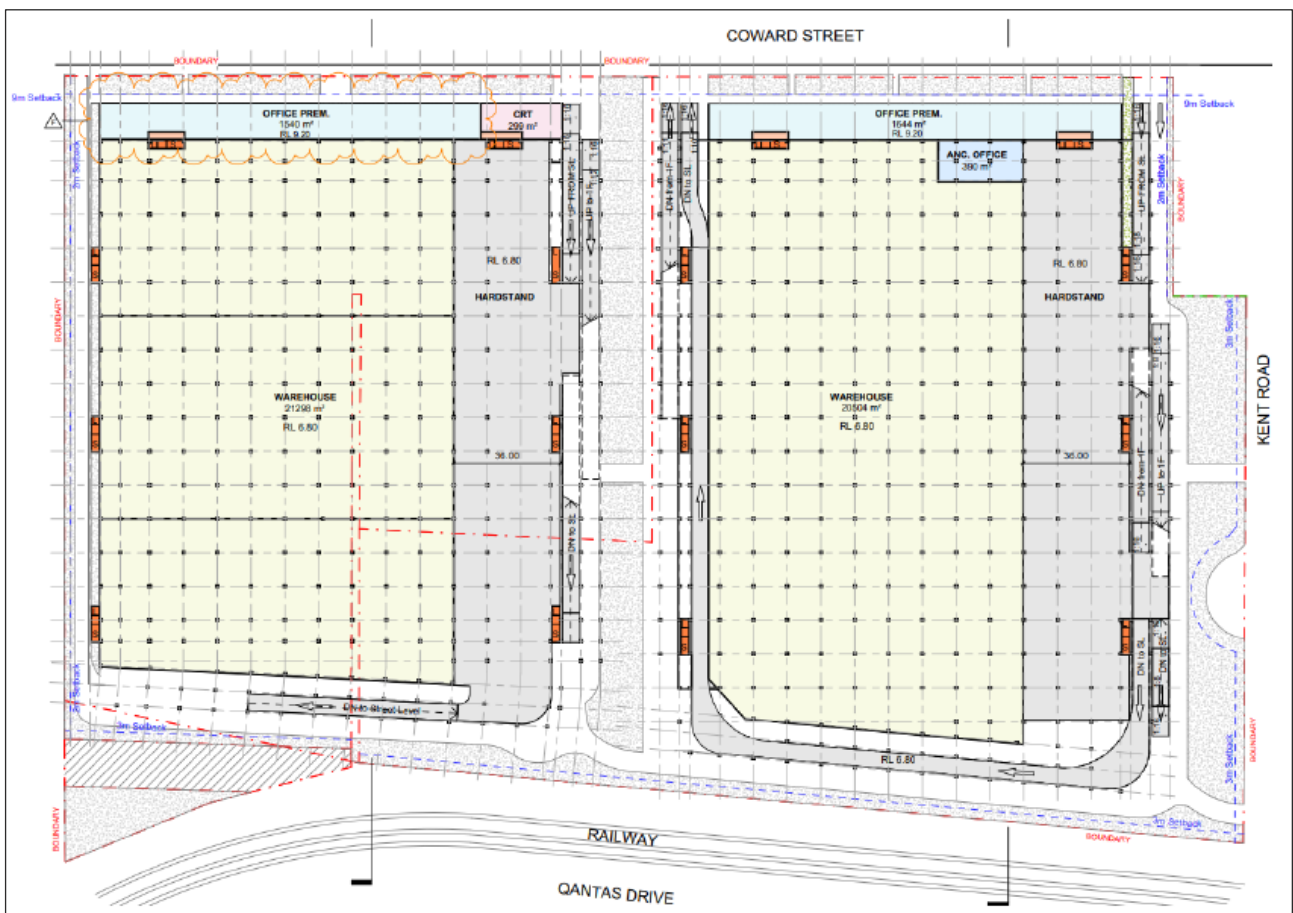


Figure 2 Development Concept – ground floor plan (source: Planning proposal, 2023)



## 1.4 Site description and surrounding area

The site comprises 4 lots with a total area of approximately 94,500m<sup>2</sup>. It is subject to a number of easements for drainage, electricity, and access. The site adjoins a high-pressure gas pipeline to the south and is approximately 100m from the Alexandra Canal, a tidal waterway connected to Botany Bay.

The site is in the Mascot West Employment Land Precinct and is approximately 700m from Mascot Train Station. The site is approximately 5km from the Sydney CBD.

Existing development on the site includes a large warehouses and buildings, hardstand areas, vehicle access to Coward Street (including approximately 650 car spaces) and landscaping along the northern and western boundaries.

Surrounding development includes:

- Airgate Business Park to the west
- Industrial uses to the north and east
- The Port Botany freight line and Sydney airport to the south.

The subject site is not a listed heritage item or within a heritage conservation area. Nearby heritage items include part of the Sydney Airport, the Alexandra Canal, and pumping stations.



**Figure 4 Subject site outlined in red (source: Nearmap, 2024)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps of the Bayside LEP 2021, which is suitable for community consultation:

- Floor Space Ratio Map: Sheet FSR\_008
- Additional Permitted Uses Map: Sheet APU\_008.



**Figure 5 Current zoning map (Source: Planning proposal, 2023)**

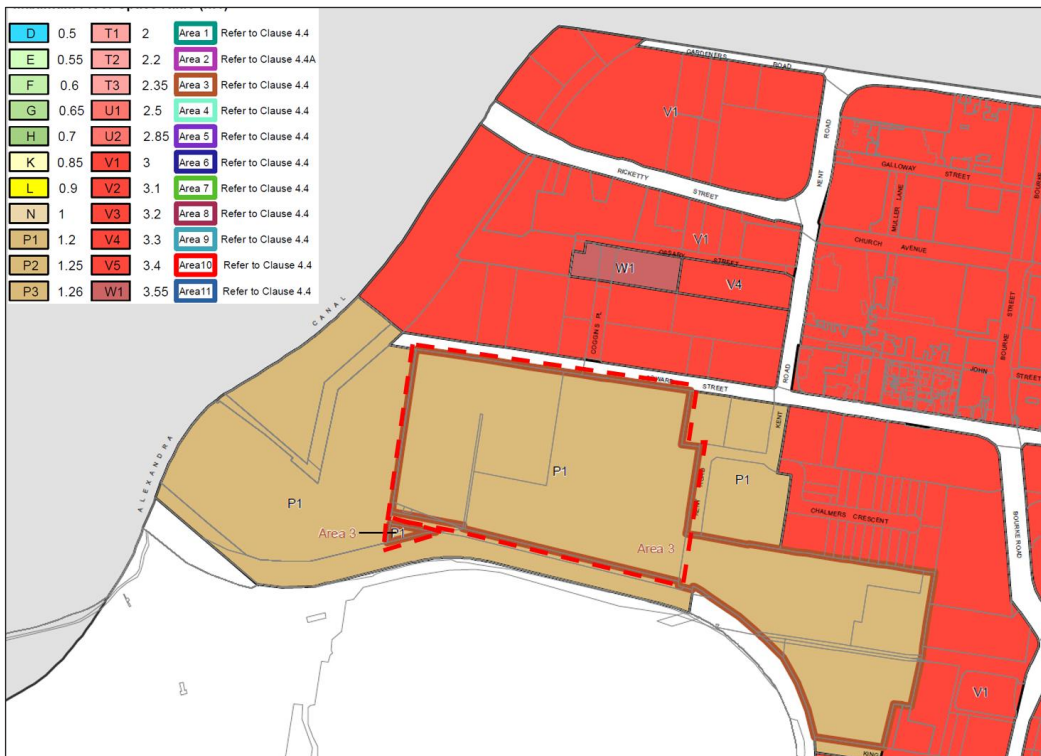


Figure 8 Current floor space ratio map (Source: Planning proposal, 2023)

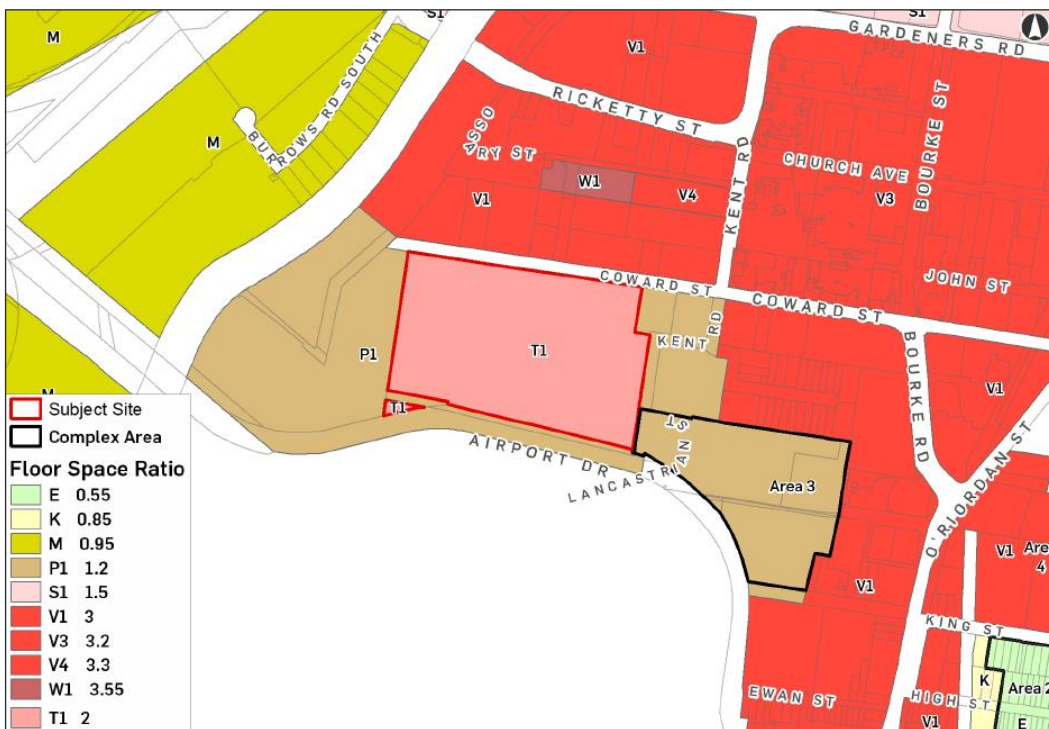


Figure 9 Proposed floor space ratio map (Source: Planning proposal, 2023)



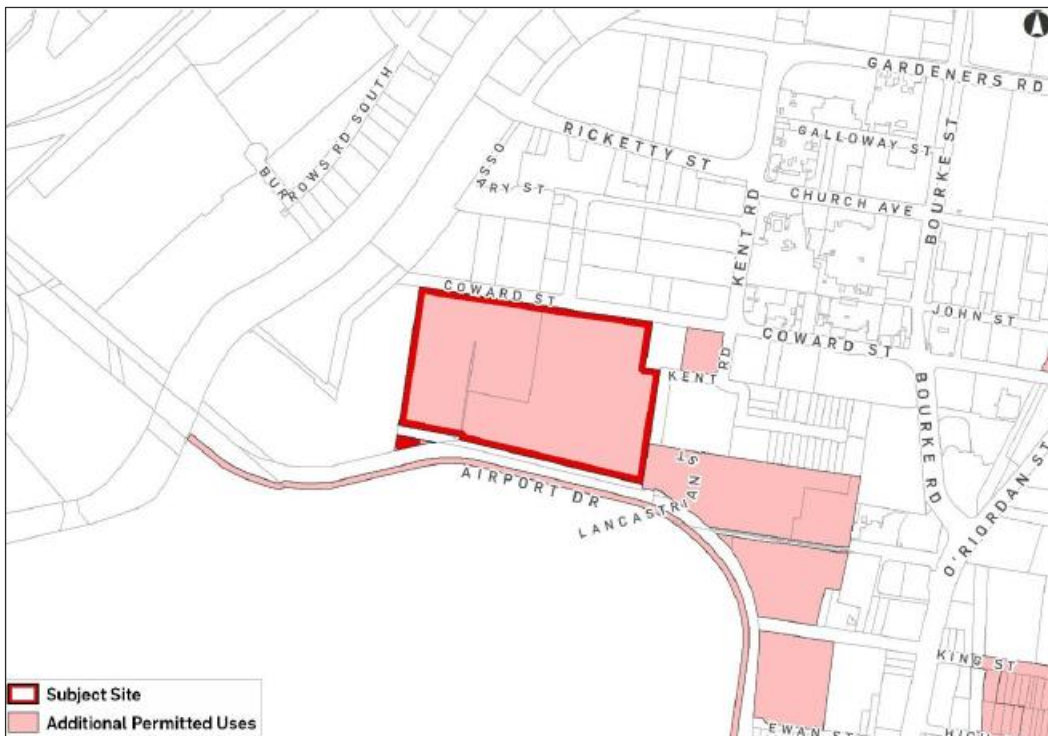


Figure 10 Current Additional Permitted Uses map (Source: Planning proposal, 2023)

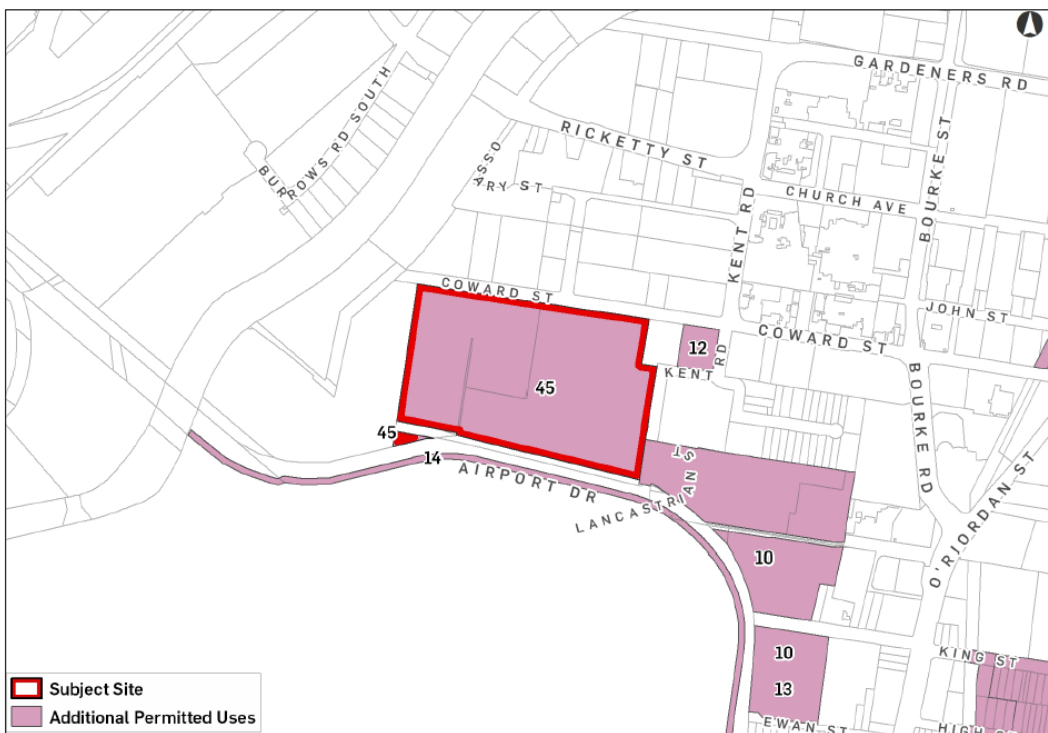


Figure 11 Proposed Additional Permitted Uses map (Source: Planning proposal, 2023)

## 1.6 Background

The following table provides a background of the planning proposal.

**Table 3 Background of planning proposal**

Date	Event
12 May 2023	Planning proposal submitted to Council
12 December 2023	Bayside Local Planning Panel advised that the planning proposal has strategic merit and should proceed to Gateway determination and public exhibition.
13 March 2024	Bayside City Planning and Environment Committee recommended that the planning proposal be forwarded for a Gateway determination.
27 March 2024	Council resolved to forward the planning proposal for a Gateway determination and to request LPMA.
5 April 2024	Planning proposal submitted for Gateway assessment

## 2 Need for the planning proposal

The planning proposal is not the result of a strategy or report. The planning proposal was initiated by the proponent to facilitate redevelopment of the site to support ongoing employment related uses.

The proposed FSR and additional land uses are not permitted under the current Bayside LEP 2021. A planning proposal is the best mechanism to amend the LEP for local planning matters.

The site is zoned E4 General Industrial, *office premises* and *restaurant or café* are prohibited in the zone. The E4 zone objectives seek to encourage employment opportunities and enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

The planning proposal seeks to remove the existing APU and alternate FSR for uses associated with the operations of Sydney Airport and seeks increase the FSR of 2:1 for the entire site and apply a new APU to permit development for:

- *office premises* with a cap of less than 5% of the gross floor area of the development. The 5% cap is intended to ensure it is not a dominant use on the site which could potentially impact on the objectives of the industrial zone or nearby centres.
- *restaurant or café*. There is no cap proposed on the size of these uses. This use is intended to provide amenity and food services for workers on site and in the area.

The planning proposal will retain existing employment land and encourage employment growth in a suitable location.

A planning proposal is considered the best means of achieving the objectives and intended outcomes for the site.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

### 3.2 District Plan

The site is within the Eastern City District and the (former) Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability. In particular, the planning proposal is consistent with the following planning priorities:

- Planning Priority E9: Growing international trade gateways
- Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres
- Planning Priority E12: Retaining and managing industrial and urban services land.

The site is industrial land located near Sydney Airport and Port Botany. The District Plan seeks to ensure retention of industrial land to support the functions of these important trade gateways. The planning proposal seeks to facilitate redevelopment of the site to create additional industrial floor space. It also seeks to permit office and food-related uses to support worker amenity.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the EP&A Act.

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The Bayside LSPS was endorsed by the former Greater Sydney Commission in 2020. The LSPS seeks to provide a strategic land use vision for Bayside and aligns local planning with the objectives and priorities of the Region and District Plans.</p> <p>The planning proposal is consistent with the relevant priorities and actions of the LSPS, including:</p> <ul style="list-style-type: none"> <li>• <i>Planning priority 14: Protect and grow the international trade gateways.</i></li> <li>• <i>Planning priority 15: Growing investment, business opportunities and jobs in Bayside's strategic centres and centres.</i></li> <li>• <i>Planning priority 17: Retain and manage industrial and urban services lands.</i></li> <li>• <i>Planning priority 18: Support the growth of targeted industry sectors.</i></li> </ul> <p>The proposal will support the ongoing use of industrial land in Botany consistent with Council's priorities to retain industrial zoned land and support international trade gateways. It will generate additional jobs during both its construction and operational phases.</p> <p>The proposal is consistent with the LSPS.</p>
Community Strategic Plan	<p>Bayside 2032: Community Strategic Plan (CSP) 2018-2032 sets the strategic direction for Council's Delivery Program and Operational Plans. It identifies the priorities for the future and objectives and strategies to achieve the community vision.</p> <p>The proposed amendment will facilitate redevelopment of the site to create additional employment floor space and jobs in an existing industrial zone.</p> <p>The planning proposal is consistent with Bayside 2032.</p>

### 3.4 Local planning panel (LPP) recommendation

On 12 December 2023, the Bayside LPP advised Council that:

- 1 *That the Bayside Local Planning Panel recommend to Council that, pursuant to s3.33 of the Environmental Planning and Assessment act 1979 (EP&A Act), the draft Planning Proposal for land known as 263 and 273 Coward Street, Mascot be submitted to the Department of Planning and Environment for a Gateway Determination;*
- 2 *That, should a Gateway Determination be issued to proceed to public exhibition, a further report be presented to Council following the exhibition period addressing any submissions received throughout that process; and*
- 3 *That Bayside DCP 2022 be reviewed and updated concurrently with the draft PP post-Gateway, to ensure consistency with the concept scheme and the controls contained in these documents and the draft PP.*

*That the PP include a requirement for the preparation of a site specific development control plan within the relevant clause of the Bayside LEP 2021.*

On 27 March 2024, Council considered the advice of the LPP and resolved to support the planning proposal proceeding to Gateway.

## 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 5 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Inconsistent	<p>The Direction seeks to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The site is zoned E4 General Industrial and Clause 14 of Schedule 1 permits commercial premises, function centres, information and education facilities, passenger transport facilities, and tourist and visitor accommodation relating to Sydney Airport as APUs.</p> <p>The existing provisions in Clause 14 of Schedule 1 are directly linked to the former ownership of the site by Qantas Airways Ltd (Qantas). This clause links an alternate FSR of 1.2:1 with additional uses in for the purpose of supporting airport operations.</p> <p>The planning proposal seeks to facilitate redevelopment of the site to support and expand continued use for industrial and urban services purposes.</p> <p>The new local provision will allow a FSR across the whole site, removing the alternate FSR and will apply a new APU for office and food uses. This will simplify the site-specific provision applying to the land and allow development for industrial land uses that will support Port Botany and Sydney Airport whilst also encouraging other employment opportunities.</p> <p>Inconsistency with this direction is considered justified in accordance with the terms of the direction.</p>
3.2 Heritage conservation	Consistent	<p>The Direction seeks to conserve items, areas, objects and places of environmental and indigenous heritage significance.</p> <p>The site is not a heritage item or within a heritage conservation area. There are several heritage items nearby, including the Alexandra Canal, pumping stations, and Sydney (Kingsford Smooth) Airport group.</p> <p>The planning proposal is supported by a Heritage Impact Statement and an Aboriginal Objects Due Diligence Assessment, both prepared by Urbis. These reports found that the proposal will not adversely impact on heritage items and that further archaeological assessment of the subject area is not required at this stage.</p> <p>The planning proposal does not seek to reduce existing heritage provisions in the LEP. Clause 5.10 of the LEP ensures heritage impacts are considered as part of development applications.</p> <p>The planning proposal is consistent with the terms of the Direction.</p>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Consistent	<p>This Direction seeks to ensure that development of flood prone land is consistent with the Government's Flood Planning Framework and ensure LEP provisions are commensurate with the flood behaviour and consider the potential impacts on and off the land.</p> <p>The site is identified as being flood affected in the 1% AEP and PMF events on Council's flood maps. It is in the Mascot, Rosebery and Eastlakes catchment and in close proximity to the Alexandra Canal to the west and a Sydney Water stormwater channel adjoins the south property boundary.</p> <p>Council's floodplain risk management study and plan (2018) shows that the site is not in a flood way but is mapped as flood fringe and adjacent to a floodway. With regard to emergency response planning mapping, it shows that the area is located in a high flood island in the PMF event.</p> <p>The planning proposal is supported by a Civil Engineering Report prepared by Costin Roe Consulting which considers flood impacts and the NSW Floodplain Development Manual 2023. It finds that the proposal will not change flood behaviours, significantly increase flood risk or result in significant flood impacts upstream, downstream or to other properties. The report shows existing overland flow paths across the site can be largely maintained at a H1 categorisation in the 1% AEP and H1 with some areas of H3 in the PMF event (see <b>Figures 12 and 13</b>) and flood storage can be provided on site in larger rainfall events. H1 is generally safe for people, buildings and vehicles and H3 is generally unsafe for small vehicles.</p> <p>The planning proposal applies to an existing industrial site and does not seek to rezone the land. It does not contain provisions that will hinder the application of existing flood management planning controls.</p> <p>Council's assessment report states that it is satisfied that the planning proposal is consistent with the terms of the Direction and has recommended that flooding be further addressed in a future site-specific DCP to be prepared if a Gateway determination is issued. A detailed Flood Impact Assessment would be required in support of any future development application on the site.</p> <p>Notwithstanding the above, given the proposal will intensify the use of the site, consultation is recommended with agencies, including the NSW State Emergency Service.</p>

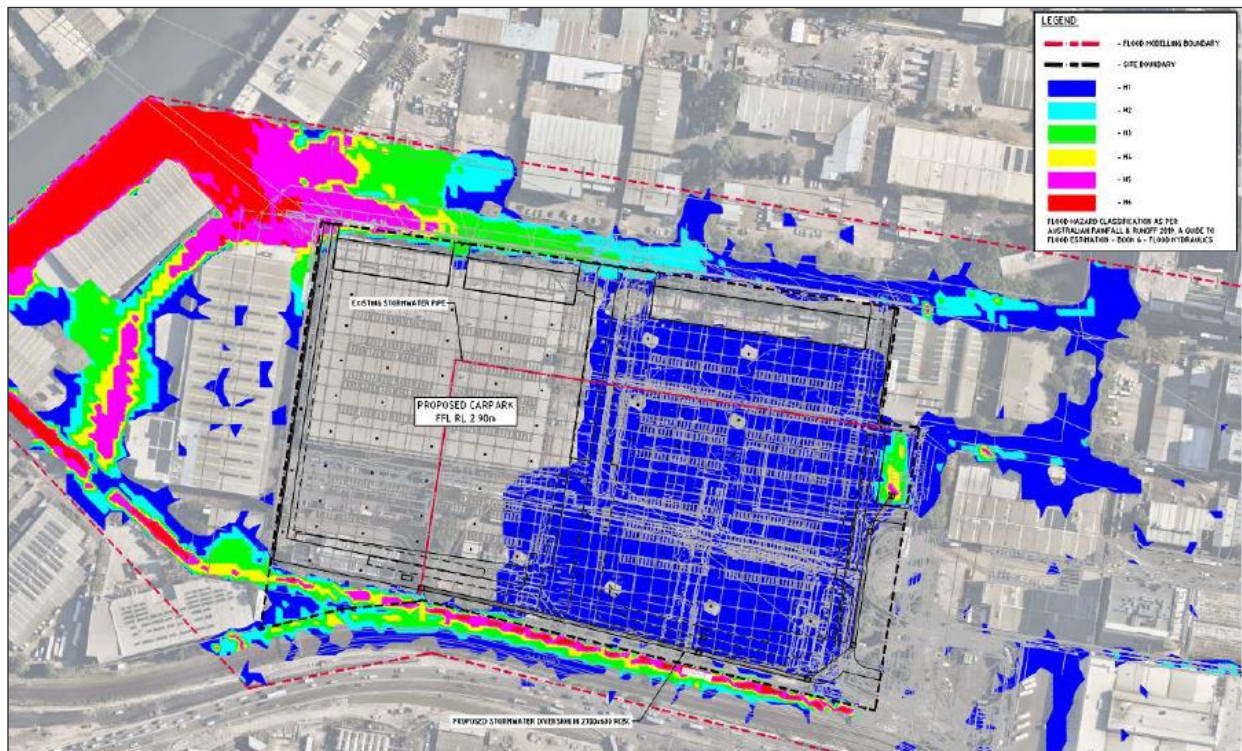


Figure 12: Post Development Flood Hazard Categorisation in 1% AEP event (Planning proposal 2023)

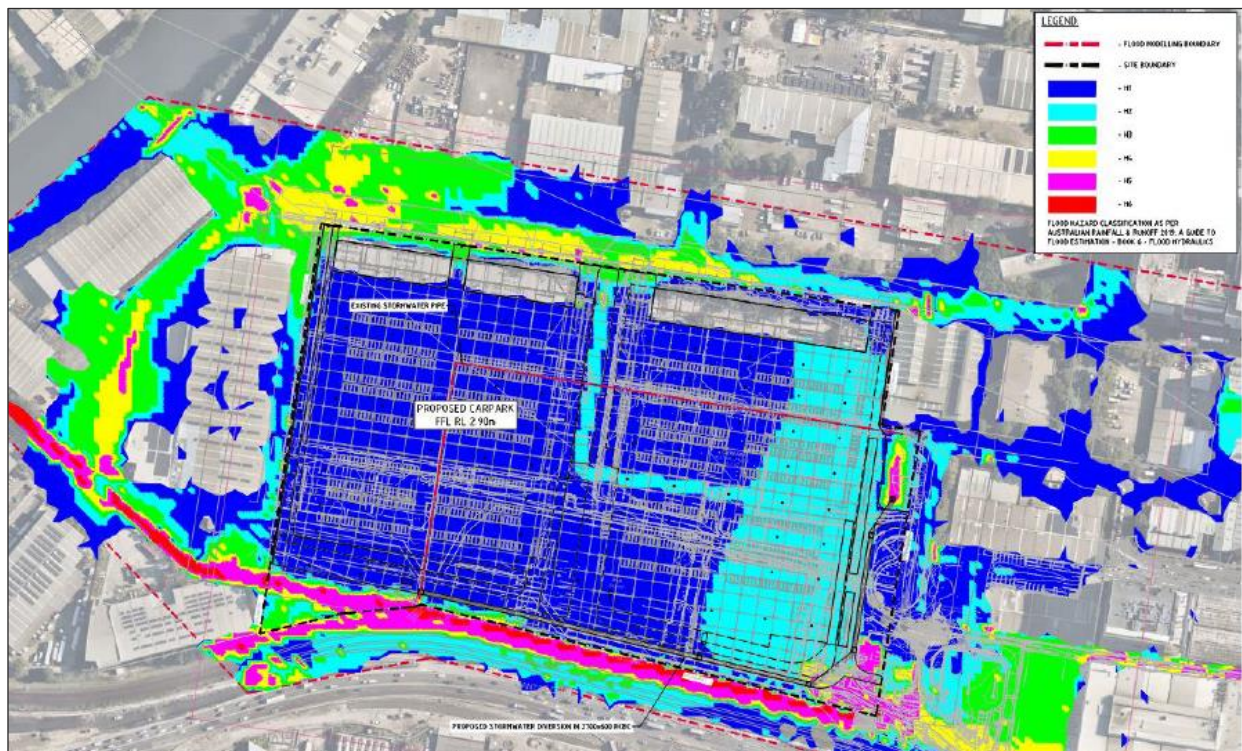


Figure 13: Post Development Flood Hazard Categorisation in PMF event (Planning proposal 2023)



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Remediation of contaminated land	Consistent	<p>This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered.</p> <p>The planning proposal does not seek to change the E4 General Industrial zone. The planning proposal is supported by technical studies which conclude that the environmental quality of soil and groundwater at the site does not preclude it for continued commercial/industrial land uses and contamination can be suitably assessed and managed at the development application and construction stages.</p> <p>The planning proposal is consistent with the terms of the Direction.</p>
4.5 Acid Sulfate Soils	Inconsistent	<p>This direction seeks to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate.</p> <p>The site is identified in the Bayside LEP 2021 as potentially affected by Class 2 acid sulfate soils. An acid sulfates soil study has not been provided.</p> <p>The planning proposal does not seek to change the E4 General Industrial zone. Clause 6.1 of the LEP contains suitable provisions to ensure that acid sulfate soils can be appropriately considered and addressed as part of any future development application involving any excavation of the site. This includes a requirement for an Acid Sulfate Management Plan.</p> <p>The planning proposal is justifiably inconsistent with this Direction.</p>
5.3 Development near regulated airports and defence airfields	Unresolved	<p>The direction aims to ensure the effective and safe operation of regulated airports and defence airfields and to ensure surrounding development incorporates appropriate measures to mitigate aircraft noise.</p> <p>The planning proposal does not seek to change the maximum height of building controls or change the existing E4 General Industrial zoning. The site is adjacent to the airport and is located beneath the inner horizontal surface with lowest height of 51.0 m AHD and largely within the 25 - 30 ANEF contour.</p> <p>The planning proposal is supported by technical studies that address impacts on the airport and mitigation of aircraft noise inside the proposed development, including an Aeronautical Impact Assessment Report (Landrum &amp; Brown Worldwide Australia Pty Ltd, 2023).</p> <p>Clause 2 of the direction requires consultation with the relevant Commonwealth Department and the lessee/operator of the airport. As the proposal constitutes a controlled activity under s.182 of the <i>Airports Act 1996</i>, consultation and approval from the Civil Aviation Authority is required. This is included as a condition in the Gateway determination.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		Consistency with this direction remains unresolved until the required consultation is completed.
7.1 Employment zones	Consistent	<p>This direction seeks to encourage employment growth in suitable locations, protect employment land in employment zones, and support the viability of identified centres.</p> <p>The planning proposal is consistent with the terms of this direction as it seeks to retain existing industrial land and will increase the permissible employment floorspace on the site.</p>

## 3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 6 Assessment of planning proposal against relevant SEPPs**

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP Transport and Infrastructure 2021	Consistent	<p>The SEPP plans for the provision of infrastructure and services across NSW and sets consultation requirements with relevant public authorities during the development assessment process.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>
SEPP (Biodiversity and Conservation) 2021	Consistent	<p>Chapter 2 of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve amenity of non-rural areas.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 7 Environmental impact assessment**

Environmental Impact	Assessment
Natural hazards	The site has been identified as flood prone and is affected by class 5 acid sulfate soils. An assessment against the provisions of Section 9.1 Directions 4.1 Flooding and 4.5 Acid Sulfate Soils is in Section 3.5 of this report.

Transport, traffic and parking	<p>The planning proposal seeks to increase the amount of industrial floorspace in a location close to international trade gateways – Port Botany and Sydney Airport. The site is also within 700m of Mascot Train Station and town centre.</p> <p>The planning proposal is supported by a Traffic Report prepared by Colston Budd Rogers &amp; Kafes Pty Ltd. which considers the potential traffic impacts of the proposed intensification on the site. It also identifies that 822 parking spaces would be provided on site (650 existing). The report notes that the impacts could be managed through local upgrades.</p> <p>A further detailed assessment of the potential impacts will be required at the DA stage to confirm the preliminary findings based on the final detailed design.</p> <p>Whilst early engagement with Transport for NSW (TfNSW) has already occurred, as the planning proposal seeks to intensify development on the site further consultation is recommended. A Gateway condition is included to this effect.</p>
Bulk and scale	<p>The proposal seeks to increase the maximum permitted FSR from 1.2:1 to 2:1 on a site in an industrial area. It does not seek to change the zoning or permissible maximum height.</p> <p>The Urban Design / Context Report prepared by Lacoste + Stevenson and Paddock Landscape Architects. It compares indicative schemes at the existing and proposed FSRs.</p> <p>The documentation supporting the proposal indicative scheme shows development with the same building footprint and height, with the additional FSR facilitating an additional level of warehousing within this envelope. This would have negligible impact on the overall bulk and scale of future development at the site.</p> <p>The Department considers that the bulk and scale impacts of the proposed increase FSR have been adequately considered.</p>
Visual impact	<p>The Visual Impact Assessment (VIA) prepared by Paddock Landscape Architects provides a detailed assessment of the impact of the proposed FSR changes from a range of public and private viewpoints, including from Qantas Drive and the ground plane.</p> <p>The VIA states that visual impact at Qantas Drive is considered moderate given the introduction of the scale and height of the likely future development. The VIA includes mitigation measures which have been incorporated into the concept schemes. The Department also notes that the public benefit offer made by the proponent to Council includes a public art screen facing Qantas Drive.</p> <p>The visual impacts are acceptable and can be mitigated in the future detailed design at the development assessment stage.</p>
Acoustic impacts	<p>The planning proposal is supported by an Acoustic Assessment prepared by Renzo Tonin and Associates.</p> <p>A detailed acoustic assessment of migration of airport noise and a specific assessment of day and night road traffic generated and potential road traffic noise increases as a result of future site operations is expected to be prepared as part of any future development application.</p> <p>The Department is satisfied that acoustic impacts can be suitably addressed at development application stage.</p>

Stormwater management and water sensitive urban design	The planning proposal is supported by technical documents that demonstrate stormwater management and WSUD is capable of being addressed at development application stage.
Biodiversity and tree retention	<p>The site is located within an established urban area and is not known to contain any critical habitat or threatened species, populations or ecological communities.</p> <p>The proposal is supported by an Arboricultural Report prepared by Arterra. The development scheme demonstrates that landscaping and retention of high value trees is achievable.</p> <p>The Department is satisfied that biodiversity and tree retention can be suitably addressed through detailed design at the development application stage.</p>
Urban Hazards	<p>The planning proposal is supported by a Pipeline Hazard Assessment which finds that the additional floor space can be accommodated without resulting in additional safety risks or concerns associated with the high-pressure goods and gas pipeline within the locality.</p> <p>The proposal is located approximately 500m from a high-pressure pipeline operated by Ampol, which is licensed under the <i>NSW Pipeline Act 1967</i>. Given the site is relatively far from the Ampol pipeline and the extent of consequences from the pipeline is unlikely to affect the proposed site, a site-specific risk analysis is not required for this proposal. The potential population uplift is also unlikely to affect the societal risk profile of the Ampol pipeline.</p> <p>In addition, the site is located at approximately 100m from an existing Primary Gas Pipeline operated by Jemena under the <i>Gas Supply Act 1996</i>. In accordance with the principle set out in Clause 2.76 of Transport and Infrastructure SEPP 2021, pipelines licensed under the Gas Supply Act are not subject to risk consideration.</p> <p>Notwithstanding, consultation with Ampol and Jemena is recommended to ensure the pipeline operators do not have further requirements associated with this proposal. A Gateway condition is included to this effect.</p>

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 8 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	The planning proposal is unlikely to result in any significant adverse social impacts. The community will have an opportunity to share their views on the proposal during the consultation stage.

## Economic

The planning proposal is supported by an Economic Impact Assessment prepared by Urbis.

The EIA finds that the proposal will help meet demand for warehouses in relation to both the airport and other businesses attracted to the area due to proximity to existing businesses, and access to the city, infrastructure and workers. It is considered that the proposal has a positive net economic impact.

The proposed APU for office premises includes a cap to 5% of GFA to ensure it does not undermine the objectives of the zone or the ongoing industrial and urban services use of the site. The proposed APU for restaurant or café premise seeks to improve worker amenity in the area, local development controls and development assessment processes can adequately to ensure that land use conflict is mitigated.

The Department is satisfied that the proposal has adequately addressed economic impacts associated with the proposal.

## 4.3 Infrastructure

The site is located within an established industrial area which is serviced by water, sewer services, electricity, gas and telecommunications. The planning proposal is supported by a Service Infrastructure Assessment prepared by Land Partners (2023) which finds that there is sufficient infrastructure within the locality.

However, as the planning proposal will result in an intensification of development on the subject site, the Department recommends that the relevant utility providers, including Sydney Water and Ausgrid be consulted. This forms a condition of the Gateway.

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

### 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Civil Aviation Safety Authority
- Transport for NSW
- Sydney Airport Corporation
- NSW Department of Climate Change, Energy, Environment and Water, Environment and Heritage Group – Biodiversity and Conservation Division
- NSW State Emergency Service
- Ampol
- Jemena
- Relevant service providers, including Sydney Water and Ausgrid.

## 6 Timeframe

The planning proposal states a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 18 April 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is considered to be a local matter, the Department recommends that Council be authorised to be the local plan-making authority for this proposal. Council should seek the agreement of the Secretary that consistency with the outstanding section 9.1 direction has been resolved prior to making the LEP.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the strategic planning framework and gives effect to the District Plan and Bayside Local Strategic Planning Statement
- It is consistent with all relevant section 9.1 Directions and SEPPs, except Direction 1.4 Site Specific Provisions and Direction 4.5 Acid Sulfate Soils which is justified in accordance with the terms of the Direction.
- It will support ongoing use of industrial land for employment and trade related purposes.
- An amendment to the Bayside LEP 2021 is the best means of achieving the objectives and intended outcomes of the planning proposal.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that that the inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions and 4.5 Acid Sulfate Soils are justified.
- Note that consistency with 5.3 Development near regulated airports and defence airfields remains unresolved until consultation is completed.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities and organisations:
  - Civil Aviation Safety Authority
  - Transport for NSW
  - Sydney Airport Corporation
  - NSW Department of Climate Change, Energy, Environment and Water, Environment and Heritage Group – Biodiversity and Conservation Division
  - NSW State Emergency Service



- Ampol
- Jemena
- Relevant service providers, including Sydney Water and Ausgrid.

2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 18 April 2025



14<sup>th</sup> June 2024

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