

Request for Rezoning Review

Planning Proposal

26 Tupia Street, Botany

Submitted to Department of Planning and Environment
on behalf of Archicorp



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

Contact:

David Attwood
Associate Director – Strategic
Planning

Dattwood@ethosurban.com
0424 425 462

This document has been prepared by:

Matthew Short

18 December 2023

This document has been reviewed by:

David Attwood

18 December 2023

Version No.

1.0 (DRAFT)

Date of issue

08/11/2023

Prepared by

MS

Approved by

DA

2.0 (FINAL)

18/12/2023

MS

DA

Reproduction of this document or any part thereof is not permitted without written permission of Ethos Urban Pty Ltd. Ethos Urban operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed, it is a preliminary draft.



Ethos Urban Pty Ltd | ABN 13 615 087 931 | Sydney NSW | Melbourne VIC | Brisbane QLD | ethosurban.com

Contents

1.0	Introduction	4
2.0	Background.....	6
3.0	Site Description.....	8
4.0	The Planning Proposal.....	11
4.1	Proposed Planning Controls.....	11
4.2	Development Concept.....	12
5.0	Bayside Local Planning Panel & Council's Recommendations.....	15
6.0	Summary of strategic merit	19
7.0	Summary of Site-specific merit	25
7.1	Flooding.....	25
7.2	Coastal Hazards.....	28
7.3	Built Form Impacts.....	30
7.4	Heritage.....	31
7.5	Traffic	32
7.6	Wetland Impacts.....	33
8.0	Conclusion	34

Figures

Figure 1	Site Aerial Map.....	9
Figure 2	Site Context.....	10
Figure 3	Surrounding Residential Flat Buildings.....	10
Figure 4	Eastern perimeter vegetation viewed from Council carpark.....	10
Figure 5	South-western perimeter vegetation viewed from the off-leash dog park further south-west	10
Figure 6	Concept Design - Ground Floor Plan.....	12
Figure 7	Concept Design – 3D Model.....	13
Figure 8	Section.....	14
Figure 9	Bayside LGA Housing Supply (year to March 2023)	20
Figure 10	Location of R3 Medium Density Sites Where Residential Flat Building Will Remain Permissible.....	23
Figure 11	Existing 1% AEP Flood Levels and Depths	25
Figure 12	Existing PMF Flood Levels and Depths.....	25
Figure 13	1% AEP Peak Level – Existing Conditions vs Post-Development	26
Figure 14	1% AEP Flood Hazard Category	27
Figure 15	PMF Flood Hazard Category	28

Figure 16	Proposed Emergency Access Walkways.....	28
Figure 17	Coastal Inundation Mapping – 1 in 100 Year Storm Event.....	29
Figure 18	Proposed Emergency Access Walkways – 1 in 1 Year Storm Event.....	30
Figure 19	Section.....	31
Figure 20	Shadow Diagrams.....	31

Tables

Table 1	Planning Proposal Background	6
Table 2	Site Details.....	8
Table 3	Summary of Planning Proposal.....	11
Table 4	Numerical Information	13
Table 5	Response to the BLPP's and Council's reasons not to support the Planning Proposal.....	15
Table 6	Bayside Housing Strategy 2016 – 2036 Housing Supply and Demand	19
Table 7	Bayside LSPS and Housing Strategy's Criteria for 3-4 Storey Development.....	20
Table 8	Comparison of 26 Tupia St Against R3 Medium Density Sites Where Residential Flat Building Will Remain Permissible.....	22
Table 9	SIDRA Modelling Results – Botany Road/Tupia Street Intersection.....	32

1.0 Introduction

Ethos Urban has prepared this report on behalf of Archicorp (the Proponent) to accompany a Rezoning Review for Planning Proposal 2023-1068 for 26 Tupia Street, Botany, that was submitted to Bayside Council (Council) on 19 May 2023. The Proposal intends to facilitate the future replacement of contextually inappropriate and redundant industrial units at the site with three (3) well-designed four-storey residential flat buildings (RFBs) by seeking the following amendments to the *Bayside Local Environmental Plan 2021* (Bayside LEP 2021):

- Increase the site's maximum permissible building height from 10m to RL 18.30m (effectively 14.27m to 16.61m above ground level).
- Increase the site's maximum permissible floor space (FSR) ratio from 0.85:1 to 1.15:1.
- Amend Schedule 1 Additional Permitted Uses to allow development for the purposes of residential flat buildings on the site.

The Proponent submitted an initial Planning Proposal in early 2021 to increase the site's maximum building height to 15m and FSR to 1.35:1 and amend Schedule 1 'Additional Permitted Uses' so that the site could accommodate five-storey RFB. The Bayside Local Planning Panel (BLPP) resolved not to support that Planning Proposal for Gateway Determination based on the recommendation of the Council's Assessment Report. The BLPP reasoned that the Planning Proposal had not provided sufficient justification for the increases in uplift or satisfactorily addressed ministerial directions relating to hazards, including flooding.

In response, the Proponent prepared the subject Planning Proposal (2023-1068) to address the Council's and the BLPP's concerns by:

- Reducing the envisioned scale of RFBs at the site from five to four storeys (deleting 49 units from the scheme).
- Identifying the site's probable maximum flood level (PMF) and proposing a maximum building height that enables future finished floor levels above the PMF.
- Developing a comprehensive Flood Emergency Response Plan to manage flood risk.

Despite these revisions, Bayside Council's City Planning and Environment Committee resolved not to support the Planning Proposal at its meeting on 8 November 2023 based on the Council's Assessment Report and BLPP's recommendation. Council subsequently resolved not to support the Planning Proposal at its meeting on 22 November 2023.

The reasons for the Council's decision were largely consistent with the BLPP's reasons not to support the 2021 Planning Proposal. **Section 5.0** presents these reasons and demonstrates that they are resolvable.

Notably, the Proponent did not receive an opportunity to work with the Council to address their concerns despite demonstrating a willingness to do so through the above-described revisions between the 2021 and current Planning Proposal. The Council's concerns with the current Planning Proposal were first raised in the Council officer's Assessment Report to the BLPP. The Proponent's only opportunity to respond was through the LPP process once Council officers had their recommendation.

The Council's approach in coming to its decision is disappointing, particularly in light of the NSW Government's key priority for increasing new housing supply in suitable locations¹ and the Minister for Planning and Public Spaces correspondence to all Council Mayors on 8 August 2023 outlining the shared responsibility to address the housing crises. That letter states: "*the immediate need is for us to make sure the planning system presents no impediment to dwelling approvals and construction in appropriate locations*". This letter was followed by the NSW Government's recent release of a Fact Sheet outlining their intention to allow 3-6 storey residential flat buildings in the R3 zone within "well-located areas" as part of their 'Diverse and well-located housing reforms'.²

These priorities exist within the context of Sydney's housing crisis and the NSW Government's aspirational target to deliver 377,000 new homes over five years from 1 July 2024 under the National Accord targets.³ Currently, Sydney's five-year forecast for new housing in the city (around 119,400 to 138,550 new homes) is significantly less than the previous five years of supply (171,500 new homes)⁴.

¹ NSW Government, 2023, Housing Growth, <https://www.planning.nsw.gov.au/about-us/our-work/housing-growth>, accessed on 8 November 2023

² NSW Government, 2023, Fact Sheet – Diverse and Well-located Housing Reforms, <https://www.planning.nsw.gov.au/sites/default/files/2023-11/diverse-and-well-located-housing-reforms-fact-sheet.pdf>, accessed on 5 December 2023

³ Australian Government, 2022, National Housing Accord 2022, <https://ministers.treasury.gov.au/sites/ministers.treasury.gov.au/files/2022-10/national-housing-accord-2022.pdf>

⁴ NSW Government, 2023, Forecast Insights, <https://www.planning.nsw.gov.au/research-and-demography/sydney-housing-supply-forecast/forecast-insights>, accessed on 8 November 2023

The Planning Proposal can help contribute to these targets by facilitating 109 dwellings on a site that:

- Is a redundant industrial site
- Has a valuation for medium density development.
- Is within 230m (5 minute walk) of the Botany Road bus corridor, which provides bus services that connect commuters to Redfern Station, Port Botany, Mascot (train station) and Matraville. Botany Road also contains services, shops and restaurants within walking distance of the site.
- Is within 800m walking distance of land zoned E1 local centre and MUI mixed use to the site's north that contain an IGA express, shops, restaurants, cafes, a pub, a pharmacy and a gym.
- Is immediately adjacent to a large public open space (Sir Joseph Banks Park).
- Is appropriately shaped and sized (approximately 8,000 sqm) to accommodate a high quality medium-density development that complies with the Apartment Design Guide (ADG)
- The site features generous landscaped areas and setbacks and is well screened by established perimeter trees
- Is surrounded by park on 3 sides and a water easement on the fourth side (site's north). Beyond is a 4storey walk up RFB
- Is situated approximately 20m from the nearest sensitive residential use
- Is consistent with the character of nearby four-storey RFBs to the site's north
- Is an unfragmented, 8000sqm site, owned by a single entity.
- A planning proposal for redevelopment of the subject site for medium density is the only way to resolve the harmonising effect of BLEP 2021 which effectively removed RFBs from the R3 zoning table applying to the site.

Accordingly, the Proponent seeks a Rezoning Review as Council has notified the Proponent in writing that it does not support the Proposal. The following sections set out the Planning Proposal's background and summarise its consistency with the strategic merit and site-specific merit tests.

This report is accompanied by the following documents pursuant to the Local Environmental Plan Making Guideline (DPE August 2023) and Planning Circular PS 22-003:

- A copy of the previous 2021 BLPP decision (**Appendix A**).
- A copy of this Planning Proposal (2023-1068), including the Planning Proposal Report and accompanying supporting documents (**Appendix B**).
- A copy of the BLPP's and Council's decision for this Planning Proposal (**Appendix C**).
- A copy of Council's Assessment Report relating to this Planning Proposal (**Appendix D**).
- All correspondence that the Proponent has received from the Council relating to this Planning Proposal (**Appendix E**).

2.0 Background

The following table summarises the site's planning history leading to the Proponent preparing Planning Proposal PP-2023-1068 in its current form. It demonstrates the Proponent's commitment to refine the Planning Proposal in response to Council's concerns despite the lack of opportunities to collaboratively work with Council.

Table 1 Planning Proposal Background

Date	Description
Pre-2021	<ul style="list-style-type: none"> The now superseded Botany Bay Local Environmental Plan 2013 (Botany Bay LEP), which was in force until 26 August 2021, identified the site as 'Deferred Matter'. The Proponent and their consultant team previously met with representatives of Bayside Council over several years to remove its status as a deferred item and include it in the Botany Bay LEP 2013 with additional density provisions, including height and FSR. Subsequent to the above process, Council advanced their Bayside LEP Planning Proposal. The Bayside LEP 2021 was gazetted and commenced on 27 August 2021. It zoned the site 'R3 Medium Density Residential' and prescribed a maximum building height of 10m and FSR of 0.85:1. Item 35 in Schedule 1, 'Additional Permitted Uses' of the Bayside LEP, permits the development of RFBs on certain land in the 'R3 Medium Density Residential' zone as a legacy of the Botany Bay LEP. However, the site was excluded from item 35 due to its status as a deferred item under the Botany Bay LEP.
Proponent's First Planning Proposal (2021)	<ul style="list-style-type: none"> The Proponent submitted a Planning Proposal in early 2021 to amend the draft Bayside LEP 2021. The Proposal sought to increase the site's maximum building height to 15m and FSR to 1.35:1 and amend Schedule 1 'Additional Permitted Uses' to include RFBs as a permissible use, so that the site could accommodate five-storey RFBs. Council recommended in their Assessment Report to the Bayside Local Planning Panel (BLPP) that the Planning Proposal not proceed to Gateway Determination due to a lack of perceived strategic and site-specific merit. The BLPP, at their meeting on 20 August 2021, considered Council's recommendation and resolved not to support the Planning Proposal for Gateway Determination. They reasoned that the Planning Proposal had not provided sufficient justification for the increases in uplift or satisfactorily addressed ministerial directions and matters relating to hazards, including flooding. Notwithstanding, the BLPP acknowledged the site's unique location and proximity to facilities and services, which would assist in achieving a high-density development with limited external impacts. In their meeting minutes, the BLPP stated: <ul style="list-style-type: none"> <i>"It recognised that the site is unique in that it is surrounded by public open space, and a higher density may be achievable with limited external impacts."</i> (Bayside Local Planning Panel, 2021)
Council's Planning Proposal PP-2022-1517 (2022)	<ul style="list-style-type: none"> Council subsequently submitted and received a Gateway determination on 3 August 2022 for a Planning Proposal to delete Item 35 from Schedule 1, 'Additional Permitted Uses', and retain RFBs as an additional permitted use on six sites. These six sites were subject to a former Gateway determination for the deletion of bonus provisions under the Botany Bay LEP 2013. Through that process, the six sites underwent urban design testing, which determined they could meet planning and ADG requirements to accommodate RFBs. They are now subject to Section 4.4(2H) of the Bayside LEP, which allows bonus FSR for RFBs. Due to the site's (26 Tupia Street) historical status as 'Deferred Matter', it was not considered during this process. As demonstrated in Section 6.0, the site's characteristics are comparable or superior to the six sites nominated to retain RFBs as a permissible use based on Bayside's Local Housing Strategy's criteria for higher scale medium density housing.
Proponent's Current Planning Proposal (2023)	<ul style="list-style-type: none"> In response to the BLPP's decision and Council's recommendations, the Proponent revised their proposed scheme by: <ul style="list-style-type: none"> Reducing the envisioned scale of RFBs at the site from five to four storeys Identifying the site's probable maximum flood level (PMF) and proposing a maximum building height that enables future finished floor levels above the PMF. Developing a comprehensive Flood Emergency Response Plan to manage flood risk. The Proponent submitted their revised Planning Proposal on 19 May 2023. Council again recommended in their Assessment Report to the BLPP that the Planning Proposal not proceed to Gateway Determination largely due to the same reasons presented in their 2021 Assessment Report. Disappointedly, the Proponent was not

Date	Description
	<p>presented with an opportunity to work with the Council to address their concerns before they made their recommendation to the Panel.</p> <ul style="list-style-type: none"> • The BLPP resolved not to support the revised Planning Proposal at its meeting on 26 September 2023 based on the Council's Assessment Report. The Council's City Planning and Environment Committee also resolved not to support the Planning Proposal at its meeting on 8 November 2023. • Section 5.0 presents the BLPP's and Council's reasons not to support the Planning Proposal.

3.0 Site Description

The site is located at 26 Tupia Street, Botany, within the Bayside Local Government Area (LGA). **Table 2** below provides an overview of the site's key details, while **Figure 1** provides an aerial image of the site.

Table 2 Site Details

Aspect	Information
Address	26 Tupia Street, Botany
Legal Description	Lot X DP32914
Site Area	8,000m ²
Existing Development	The site contains three separate single-storey warehouse buildings comprising 18 industrial units. It also accommodates on-site car parking associated with each industrial unit. As shown in Figure 4 and Figure 5 , these warehouses are largely concealed from public view by perimeter tree plantings and dense low-lying shrubbery.
Site Access	One vehicular driveway services the site, accessed from the southern point of Tupia Street
Heritage	<p>The site is not identified as an item of local or State heritage, nor is it in a heritage conservation area. The site is near the following heritage items.</p> <ul style="list-style-type: none"> A local heritage item listed as 'Sir Joseph Banks Park' (I204) immediately east of the site. A State Heritage item listed as 'Sir Joseph Banks Hotel (former, circa 1840)' (I162) approximately 100m to the site's east.
Public Transport	<p>The site is within walking distance (approximately 230m or a 4-minute walk) of a bus transport corridor along Botany Road.</p> <p>Bus route 309 services the corridor, which connects commuters to Redfern Station, Port Botany, Mascot and Matraville. Services operate every 5 to 8 minutes in each direction during the weekday peak and 10 minutes throughout the day. Services generally operate every 10 minutes on Saturdays and 20 minutes on Sundays.</p>
Surrounding Context	<p>The site is within the parkland setting of Sir Joseph Banks Park, which surrounds the site's eastern, southern, and western boundaries (refer to Figure 2). A 20-metre-wide landscaped Sydney Water easement runs adjacent to the site's northern boundary.</p> <p>Nearby development to the site's north includes dwelling houses and residential flat buildings along the southern parts of Tupia Street, Anniversary Street, Livingstone Avenue and Edgehill Avenue (refer to Figure 3). These residential flat buildings' heights extend to 4 storeys and provide a reference point for the Planning Proposal.</p> <p>Botany Road is 200m to the site's north. It contains shops, restaurants, cafes, a pub, and a pharmacy, all within 500m walking distance of the site. The Pemberton IGA Express is also 600m to the site's north, and the Banksmeadow Public School is 800m walking distance to the northwest.</p>
Opportunity for Redevelopment	<p>In summary, the site's characteristics demonstrate an opportunity for redevelopment for new housing supply, as it is:</p> <ul style="list-style-type: none"> within 230m of the Botany Road bus corridor, which provides services that connect commuters to Redfern Station, Port Botany, Mascot and Matraville. Botany Road also contains services, shops and restaurants. immediately adjacent to public open space (Sir Joseph Banks Park). appropriately sized (approximately 8,000 sqm) to accommodate medium-density development that complies with the Apartment Design Guide (ADG) and features generous landscaped areas and setbacks. situated approximately 20m from the nearest sensitive residential use. consistent with the character of nearby four-storey RFBs to the site's north.

Aspect	Information
	<ul style="list-style-type: none"> • screened by established perimeter vegetation. • owned by one entity.



Figure 1 Site Aerial Map

Source: Nearmap / Ethos Urban

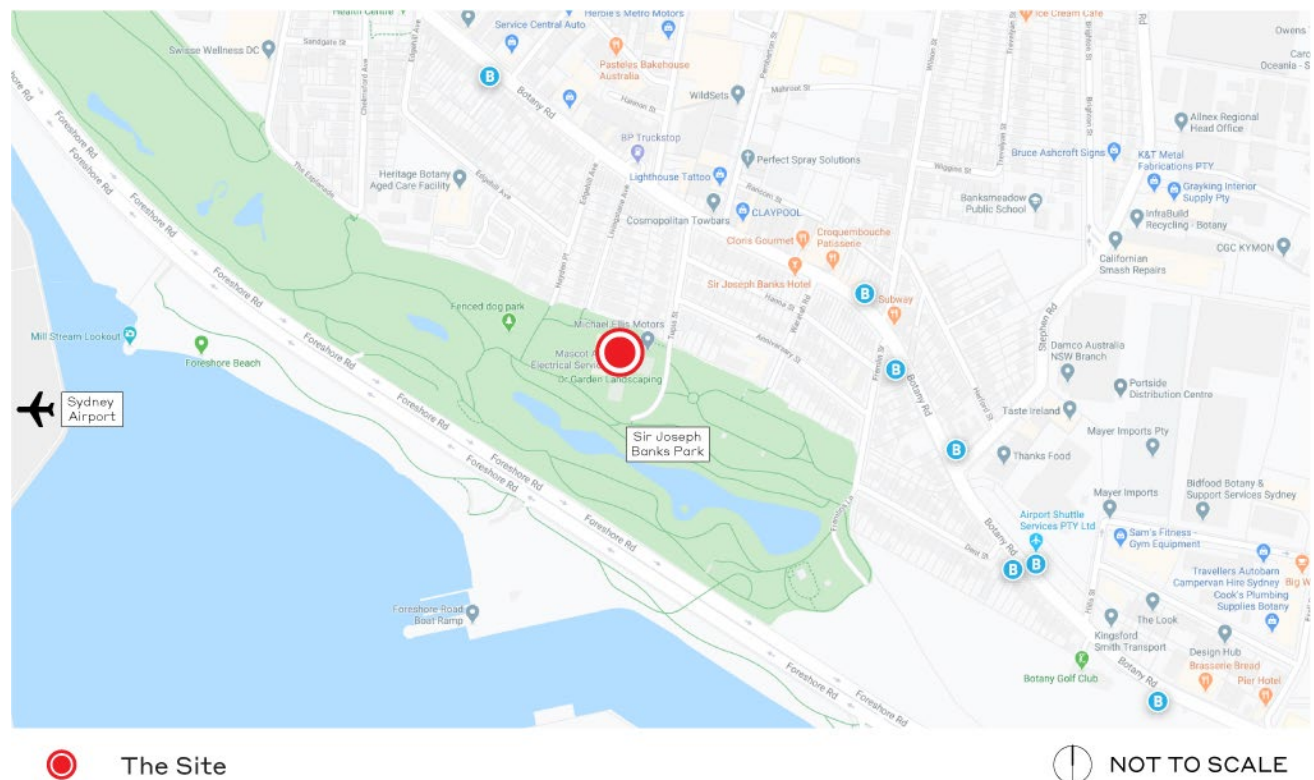


Figure 2 Site Context

Source: Google Maps / Ethos Urban

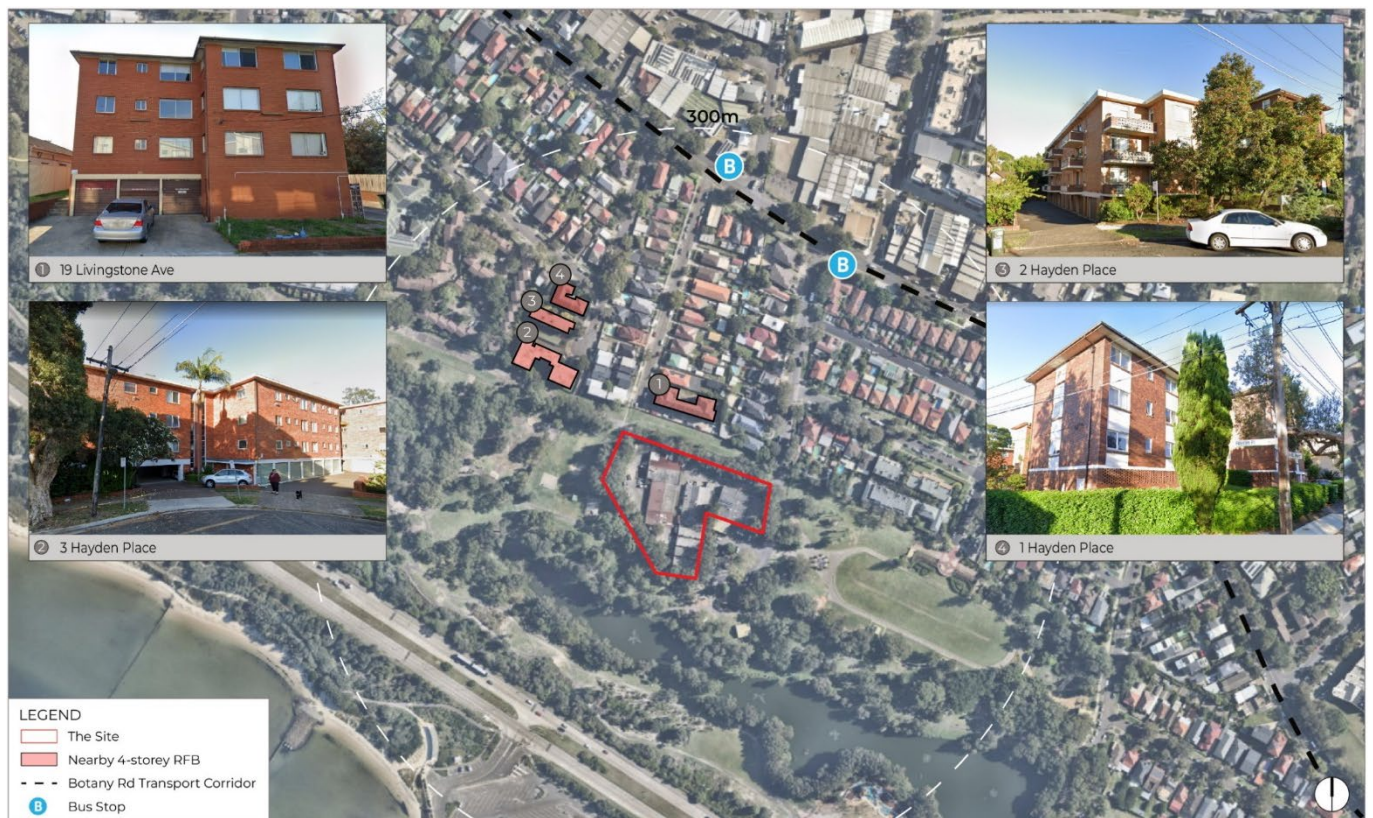


Figure 3 Surrounding Residential Flat Buildings

Source: Nearmaps/ Ethos Urban



Figure 4 Eastern perimeter vegetation viewed from Council carpark

Source: Ethos Urban



Figure 5 South-western perimeter vegetation viewed from the off-leash dog park further south-west

Source: Ethos Urban

4.0 The Planning Proposal

4.1 Proposed Planning Controls

The Planning Proposal's primary objective is to facilitate the replacement of contextually inappropriate and redundant industrial units at the site with three (3) well-designed four-storey RFBs in a parkland setting with good access to recreation facilities, public transport, services, and employment opportunities.

The Proposal intends to realise this objective by permitting additional floor space, building height and the development of residential flat buildings through amendments to the Bayside LEP. **Table 3** summarises the Planning Proposal's proposed amendments to the Bayside LEP.

The Planning Proposal Report includes proposed LEP Maps (B2. of **Appendix B**).

Table 3 Summary of Planning Proposal

Plan	Matter	Existing	Proposed
Bayside Local Environmental Plan 2021	Maximum building height	10m	RL18.30m (equating to 14.27m to 16.61m above ground level – equivalent to 4 storeys)
	Maximum floor space ratio	0.85:1	1.15:1
	Additional Permitted Use	N/A	Introduce residential flat buildings as an additional permitted use for the site under Schedule 1 of the Bayside LEP.

4.1.1 Building Height

The Planning Proposal proposes to amend the Height of Buildings Map Sheet HOB_012 to increase the site's maximum permitted height to RL 18.30m. The purpose of expressing building height as an RL measurement is to account for the site's existing levels that vary from a low point of RL 1.69m to RL 4.03m. The proposed maximum RL of 18.30m equates to 16.61m above the site's low point and 14.27m above the site's high point.

4.1.2 Floor Space Ratio

The Planning Proposal proposes to amend the Floor Space Ratio Map Sheet FSR_012 to increase the site's maximum permitted FSR to 1.15:1.

4.1.3 Additional Permitted Use

As outlined in **Section 2.0**, Council submitted and received a Gateway determination for a Planning Proposal to delete Items 34 and 35 from Schedule 1, 'Additional Permitted Uses', and retain residential flat buildings as an additional permitted use on six sites (PP-2022-1517). These six sites will be listed under Item 34 of Schedule 1 (which will supersede the current Item 34 proposed for deletion).

The Planning Proposal proposes to amend Item 34 of Schedule 1 (as proposed under PP-2022-1517) and Additional Permitted Uses Map APU_012 to include the site, thus enabling the development of **residential flat buildings** as an additional permitted use. Item 34 of Schedule 1 would read as follows.

34 Use of certain land in R3 Medium Density Residential zone for residential flat buildings

(1) This clause applies to the following land, identified as "34" on the Additional Permitted Uses Map—

- 96A Bay Street, Botany, being Lot 3 DP 629040;
 - 97 Banksia Street, Botany, being Lot 1 DP 200187;
 - 70 Macintosh Street, Mascot, being Part Lot 1 DP 668902;
 - 10-12 Middlemiss Street, Rosebery (also known as 10-12 Coward Street, Mascot), being Lot 2 DP 771111;
 - 76-80 Beauchamp Road, Hillsdale, being Lot 12 DP 736905; and
 - 68-80 Banks Avenue, Pagewood, being Lots 1-17 DP 36180 and Lot 1 in DP 527564
- g) 26 Tupia Street, Botany, being Lot X DP32914.**

(2) Development for the purposes of a residential flat building is permitted with development consent.

4.1.4 Site-specific Development Control Plan

Should the Relevant Planning Authority decide to proceed with the Planning Proposal, the Proponent will develop a site-specific Development Control Plan (DCP), subject to further refinement and negotiation with the RPA following a Gateway determination. The site-specific DCP amendment and Planning Proposal can be exhibited together to provide the community and Council with additional clarity regarding the Planning Proposal's intended outcomes.

4.2 Development Concept

The Planning Proposal Report is accompanied by a Concept Design and Urban Design Report, demonstrating that the site can accommodate high-quality RFBs under the proposed LEP amendments that are compliant with the Apartment Design Guide and have an acceptable environmental impact (as discussed further in **Section 7.0**).

As shown in **Figure 6** and **Figure 7**, the Concept Design envisions:

- Demolition of the site's existing warehouses and site preparation works.
- Construction of three (3) four-storey RFBs comprising:
 - Two shared basement levels containing 220 parking spaces, apartment storage, bicycle storage, plant rooms and waste storage room with an associated vehicular turn table.
 - A total of 109 apartments across four-storeys with the following dwelling mix:
 - 26 one-bedroom units
 - 73 two-bedroom units
 - 10 three-bedroom units
- A large central communal open space that merges with the parkland to the east.
- Site access via existing vehicular crossover off Tupia Street.
- A minimum 9m landscaped setback to all property boundaries.
- Retention of perimeter vegetation.



Figure 6 Concept Design - Ground Floor Plan

Source: Cottee Parker



Figure 7 Concept Design – 3D Model

Source: Cottee Parker

4.2.1 Numerical Overview

Table 4 below summarises the Concept Design's key numerical information.

Table 4 Numerical Information

Component	Proposal
Land Uses	<i>Residential Flat Building</i>
Site area	8,000sqm
GFA	9,200sqm
FSR	1.15:1
Maximum Height	RL 18.30 m (The proposed maximum RL of 18.30m equates to 16.61m above the site's low point and 14.27m above the site's high point.)
Minimum Boundary Setback	9m
Apartments	109 total
• One-bedroom	26
• Two-bedroom	73
• Three-bedroom	10
Car spaces	220
Landscaped Area	43%
Deep Soil Area	41%

4.2.2 Built-Form

The Concept Design's four-storey built-form and layout were designed based on the site's context and characteristics. The Concept responds to these matters by:

- Retaining the site's perimeter tree plantings and dense low-lying shrubbery and incorporating a minimum 9m landscaped setback to all property boundaries to screen the RFBs.

5.0 Bayside Local Planning Panel & Council's Recommendations

The BLPP resolved not to support the revised Planning Proposal at its meeting on 26 September 2023 based on recommendation of the Council Officer's Assessment Report. Bayside Council subsequently resolved not to support the Planning Proposal at its meeting on 22 November 2023 based on the advice of the BLPP.

Table 5 presents the reasons for the BLPP's and Council's decision and provides the Planning Proposal's response to these reasons. It demonstrates:

Table 5 *Response to the BLPP's and Council's reasons not to support the Planning Proposal.*

Reason Not to Support the PP	Stakeholder	Response
<p>The Panel acknowledges the need for additional housing in suitable locations and notes the efforts of Bayside Council in achieving its dwelling targets under the Eastern City District Plan, Planning Proposals being advanced to increase housing diversity in Bayside and strategic planning investigations in 3 specific investigation areas endorsed under Council's Local Housing Strategy in:</p> <ul style="list-style-type: none"> • Botany Road, Mascot • Bexley North • West Kogarah. 	BLPP	<p>The Panel's acknowledgement of the need for additional housing is supported by the Bayside Local Housing Strategy, recent statistics on dwelling completions in the Bayside LGA and the NSW Government's key priority for housing supply.</p> <p>As presented in Section 7.0, the Bayside Local Housing Strategy forecasts that the LGA requires 26,021 dwellings by 2036 based on the LGA's anticipated population growth from 162,900 people in 2016 to 228,000 people in 2036. It also identified that existing planning controls coupled with development constructed between July 2016 and August 2019 have the capacity to deliver only 24,721 dwellings by 2036, representing a shortfall of 1,466 dwellings (p. 27).</p> <p>Recent statistics on dwelling completions in the LGA further highlight the forecast shortfall of dwelling supply in Bayside. The Greater Sydney Urban Development Program Dashboard shows that the number of building completions (536) in Bayside over 12 months to March 2023 is 68.8% below the previous 5-year average, suggesting recent market conditions and the limited availability of suitable development sites is hampering housing supply. At this rate, Bayside will fall substantially short of its housing target of 7720 new homes between 2021 and 2036 (or 1,544 homes per year). In comparison, completions across Sydney are only 25.5% below the previous 5-year average.</p> <p>Bayside's housing shortfall exists within the context of Sydney's broader housing crises, with the five-year forecast (2022/23 -2026/27) for new housing in the city (around 119,400 to 138,550 new homes) significantly less than the previous five years of supply (171,500 new homes).⁵ In response, the NSW Government has identified increasing new housing supply in the suitable locations as a key priority.⁶ Therefore, there is a need for additional housing supply to rectify the expected shortfall in available capacity under Bayside's current planning controls, address the recent lack of housing completions in Bayside and respond to the NSW Government's key priority for new well-located housing.</p> <p>While the Council has committed to strategic planning investigations in Mascot (along Botany Road), Bexley North and West Kogarah, the following points are noted:</p> <ul style="list-style-type: none"> • There is no firm timeline for the Council to complete these strategic investigations. For instance, the Bayside Local Strategic Planning Statement (LSPS) sets a broad timeframe of 2021-2026 for the Botany Road (Mascot) and West Kogarah strategic investigations and 2026 to 2036 for the Bexley North investigation. Each investigation area would also require a Planning Proposal following the strategic investigation process, further delaying the delivery of housing. • A strategic planning investigation does not imply that there will be changes to planning controls in those areas to increase housing supply. This is noted in the Council's Housing Strategy update to its City Planning

⁵ NSW Government, 2023, Forecast Insights, <https://www.planning.nsw.gov.au/research-and-demography/sydney-housing-supply-forecast/forecast-insights>, accessed on 8 November 2023

⁶ NSW Government, 2023, Housing Growth, <https://www.planning.nsw.gov.au/about-us/our-work/housing-growth>, access on 8 November 2023

Reason Not to Support the PP	Stakeholder	Response
		<p>and Environment Committee.⁷ Thus, there is long-term uncertainty regarding the timeframes and outcomes of these strategic investigations.</p> <ul style="list-style-type: none"> Moreover, the Bayside LSPS acknowledges that additional areas outside the centres of Mascot (along Botany Road), Botany and Rockdale need to be planned and rezoned to meet housing needs by 2036 (p.19) <p>Therefore, relying solely on the three investigation areas to increase housing supply will create long-term uncertainty and significantly delay the delivery of critically needed housing in the Bayside LGA. Increasing housing supply on other sites that demonstrate sufficient site-specific and strategic merit should also be considered, as the Bayside LSPS acknowledges.</p> <p>Sections 6.0 and 7.0 demonstrate that there is substantial strategic and site-specific merit to justify additional housing supply at the site.</p>
The Planning Proposal seeks substantially greater height and floor space than is permitted in the Bayside Local Environmental Plan 2021 (BLEP 2021) but fails to provide sufficient justification for these increases.	Bayside Council & BLPP	<p>As described in Section 2.0, the Proponent has reduced the envisioned height of RFBs at the site from five to four storeys in this Planning Proposal. The Proposal seeks to increase the site's current FSR control (0.85:1) by 0.3:1 (or 35%) and maximum permitted height control to RL 18.30m, equating to 4.27m to 6.61m above the site's existing 10m control (or an increase of 43% to 66%).</p> <p>Sections 6.0 and 7.0 demonstrate that there is substantial strategic and site-specific merit to justify this development uplift.</p> <p>In summary:</p> <ul style="list-style-type: none"> The Proposal demonstrates strategic merit as: <ul style="list-style-type: none"> There is an established need for additional housing supply on well-located sites based on the Bayside Local Housing Strategy, recent statistics on dwelling completions in the Bayside LGA and the NSW Government's key priority for housing supply (discussed above). The site aligns with the Bayside LSPS' and Housing Strategy's criteria for new three to four-storey apartments in Bayside (discussed in Section 7.0). Indeed, the site's characteristics are comparable or superior to the six sites that Bayside Council has nominated to retain RFBs as a permissible use (as discussed in Section 2.0). The site demonstrates site-specific merit for development uplift as it: <ul style="list-style-type: none"> Is within 230m of the Botany Road bus corridor, which provides services that connect commuters to Redfern Station, Port Botany, Mascot and Matraville. Botany Road also contains services, shops and restaurants. Is immediately adjacent to public open space (Sir Joseph Banks Park). Is appropriately sized (approximately 8,000 sqm) to accommodate medium-density development that complies with the Apartment Design Guide (ADG) and features generous landscaped areas and setbacks. Is situated approximately 20m from the nearest residential use. Is consistent with the character of nearby four-storey RFBs to the site's north (refer to Figure 3). Is screened by established perimeter vegetation. Is owned by one entity.
The Planning Proposal would not promote orderly development of land as referred to in s1.3(c) of the	Bayside Council & BLPP	<p>The following points summarise the reasons why the BLPP and Council appear to have determined that the Proposal does not promote the orderly development of land based on the Council officer's Assessment Report:</p> <ul style="list-style-type: none"> The Planning Proposal seeks to increase density on flood-affected land.

⁷ Bayside Council. 2018, Agenda of City Planning & Environment Committee - 12 October 2022, https://infoweb.bayside.nsw.gov.au/Open/2022/10/CPE_12102022_AGN_4057_AT.PDF, p. 78, accessed on 8 November 2023

Reason Not to Support the PP	Stakeholder	Response
Environmental Planning & Assessment Act 1979.		<ul style="list-style-type: none"> The Proposal Proposal's envisioned bulk and scale will adversely impact the nearby Sir Joseph Banks Park. The site is not sufficiently serviced by public transport and services. <p>Section 7.0 provides a comprehensive response to these matters and demonstrates the following:</p> <ul style="list-style-type: none"> Flooding - The Planning Proposal effectively manages flood risk by elevating the site's central communal open area, incorporating finished flood levels above the PMF event for all buildings and including a comprehensive shelter-in-place emergency management strategy. The management strategy includes delivering a platform set above the PMF level to provide safe emergency egress if required during a flood event. Bulk and Scale - The envisioned four-storey building heights complement the scale of nearby RFBs to the site's north (refer to Figure 3). Moreover, the building forms sit below the maximum height of the site's existing perimeter tree plantings. These tree plantings, coupled with the development concept's generous 9m landscaped setbacks and open spaces, will visually integrate the envisioned development with the surrounding parkland setting. Indeed, the Proposal represents an improved visual outcome compared to the unsightly and incompatible industrial units currently occupying the site. Traffic - The site is within a 400-metre walk of a bus route (on Botany Road) accessing a metropolitan railway or equivalent node, serviced at least every 20 - 30 minutes. This aligns with the locational criteria for new housing supply in the Department of Planning's <i>Improving Transport Choice –Guidelines for Planning and Development</i>.
Given the expected increase in density that the Planning Proposal seeks, it presents increased flooding risks to a greater number of people yet fails to adequately address the risks to the residents of living on flood prone land and is not satisfied with the emergency evacuation of residents during flood events.	Bayside Council & BLPP	<p>As noted above, Section 7.0 provides a comprehensive response to flood risk. It demonstrates that flood risk can be appropriately managed through:</p> <ul style="list-style-type: none"> Finished Floor Levels - Incorporating finished floor levels above the PMF event to ensure all occupants will be above the PMF and outside potential interactions with hazardous floodwaters. Shelter-in-Place Strategy - Implementing a shelter-in-place emergency management strategy, given that all occupants will be above the PMF and outside potential interactions with hazardous floodwaters <p>The Flood Risk Assessment also recommends the inclusion of a platform set above the PMF level along the site's northeast or northwest boundary to provide safe emergency egress if required during a flood event. The intent is that in the event of an emergency, Hayden Place (which has low flood affectation with depths of less than 200 mm and broadly less than 150 mm in a PMF event), which is accessible on foot from the site, can be used as a vehicular egress point for emergency service vehicles if necessary.</p>
The current R3 zoning and planning controls for the site are noted, however, intensification is not appropriate for the site.	Bayside Council & BLPP	The Planning Proposal aligns with the objective of the 'R3 Medium Density Residential' zone by facilitating medium density housing in an accessible location that provides for the housing needs of Bayside. As described in this table and Sections 6.0 and 7.0 , there is sufficient strategic and site-specific merit to justify development uplift.
The Planning Proposal is inconsistent with a number of Ministerial directions relating to Planning Proposals made under s9.1 of the Environmental Planning & Assessment Act, 1979.	Bayside Council & BLPP	<p>The Council officer's Assessment Report to the BLPP claims that the Planning Proposal does not align with the following ministerial directions.</p> <ul style="list-style-type: none"> 1.1 Implementation of Regional Plans 3.1 Biodiversity and Conservation 3.2 Heritage conservation 3.10 Water catchment protection 4.1 Flooding 4.2 Coastal Management 5.1 Integrating Land Use and Transport 6.1 Residential Zones

Reason Not to Support the PP	Stakeholder	Response
		Consistency with each ministerial direction is addressed in Section 6.0 and 7.0 .

6.0 Summary of strategic merit

Relevant Ministerial Directions:

- 1.1 Implementation of Regional Plans
- 6.1 Residential zones

The Bayside Local Strategic Planning Statement (LSPS) identifies Bayside as a growing and diverse community, with the LGA's population anticipated to grow from 162,900 people in 2016 to 228,000 people in 2036 (an additional 65,100 people representing a 40% population growth). Accordingly, the LSPS prioritises delivering appropriately located and diverse housing sizes and options to accommodate this population growth.

Based on forecast population growth, the Bayside Local Housing Strategy states that the LGA requires 26,021 dwellings by 2036. The LSPS notes that additional areas (outside the centres of Mascot, Botany and Rockdale) will need to be planned and rezoned to meet housing needs (p. 19), with the Housing Strategy identifying that existing planning controls coupled with development constructed between July 2016 and August 2019 have the capacity to only deliver 24,721 dwellings by 2036, representing a shortfall of 1,466 dwellings (p. 27) (refer to **Table 6**).

This projected shortfall in housing supply and housing mix within the LGA highlights the need to identify new opportunities to plan and deliver homes in Bayside. If unaddressed, the projected shortfall will influence the ability of Bayside residents to access housing that is suitable for their needs, which, in turn, impacts housing affordability.

Table 6 Bayside Housing Strategy 2016 – 2036 Housing Supply and Demand

Housing Demand / Supply / Shortfall		Dwellings	Dwellings total
2036 Housing Demand			26,021
Current 2036 Housing Supply	Housing delivered between 2016 and 2019	7,946	
	Additional housing capacity under current zoning	16,609	24,555
Difference			-1,466 (shortfall)

Recent statistics on dwelling completions in the LGA further exacerbates this shortfall in forecast dwelling supply. The Greater Sydney Urban Development Program Dashboard shows that the number of building completions (536) in Bayside over 12 months to March 2023 is 68.8% below the previous 5-year average refer to **Figure 9**). This would suggest that on top of the expected shortfall in available capacity under Bayside's current planning controls, recent market conditions and limited availability of suitable development sites have further hampered dwelling supply within the LGA.

Bayside's housing shortfall exists within the context of Sydney's broader housing crises, with the five-year forecast (2022/23 -2026/27) for new housing in the city (around 119,400 to 138,550 new homes) significantly less than the previous five years of supply (171,500 new homes).⁸ In response, the NSW Government has identified increasing new housing supply in the suitable locations as a key priority.⁹

⁸ NSW Government, 2023, Forecast Insights, <https://www.planning.nsw.gov.au/research-and-demography/sydney-housing-supply-forecast/forecast-insights>, accessed on 8 November 2023

⁹NSW Government, 2023, Housing Growth, <https://www.planning.nsw.gov.au/about-us/our-work/housing-growth>, access on 8 November 2023

Latest 12 months - year to March 2023

(from available data)

Completions

536

▼ 68.8% below previous 5 years' average

Approvals

414

▼ 66.4% below previous 5 years' average

5 year housing supply forecast (2022-2023 – 2026-2027)

Medium Growth Scenario

5,805

▼ 40.4% below previous 5 years' completions

Rolling annual activity and forecast

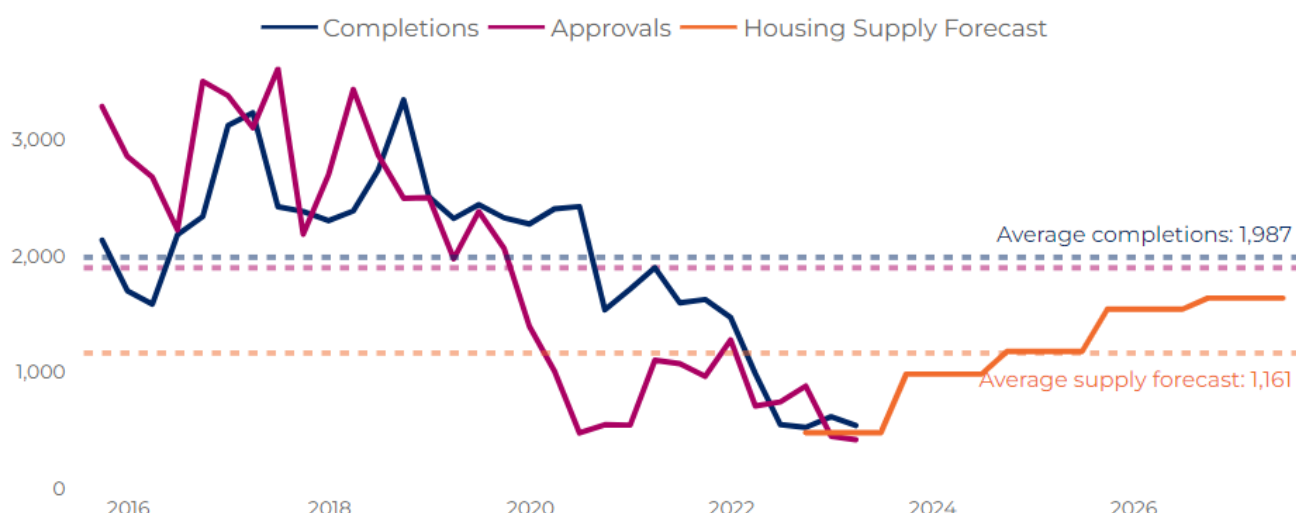


Figure 9 Bayside LGA Housing Supply (year to March 2023)

Source: Greater Sydney Urban Development Program Dashboard, 22 September 2023

Therefore, there is a strategic need to plan for new opportunities to deliver additional housing supply within Bayside. The site characteristics and location are favourable for accommodating a medium-density development to help address this slowdown in dwelling completions and meet Bayside's identified long-term demand for low to medium-rise apartments.

The LSPS includes a site criteria to guide the planning for growth within Bayside. Furthermore, the Local Housing Strategy sets out site requirements for new three to four-storey apartments to help address the gap between currently zoned and needed housing (p. 40 of the Housing Strategy & p. 56 of the LSPS). **Table 7** demonstrates the site's alignment with these criteria.

Moreover, the site's characteristics are comparable or superior to the six sites that Bayside Council has nominated RFBs as a permissible use (as discussed in **Section 2.0**) based on these criteria, as demonstrated in **Table 8** and **Figure 10**.

Table 7 Bayside LSPS and Housing Strategy's Criteria for 3-4 Storey Development

Criteria	Site's Alignment
LSPS Criteria	
Accessible to jobs and services	The site is near Port Botany and associated urban services land and Sydney Airport, which are major employment hubs in Sydney. Botany Road is approximately a 4-minute walk from the site, which features key services such as a convenience store, post office and chemist. Banksmeadow Public School is also approximately 800m from the site.
Near railway lines and other public transport services to achieve the aspiration of a 30-minute city	The site is within 230m walking distance of the Botany Road bus corridor, which provides services that connect commuters to Redfern Station, Port Botany, Mascot and Matraville.

Criteria	Site's Alignment
Pleasant to walk around, with services and shops within a reasonable walking distance	As noted, the site is within 4 minutes walking distance of Botany Road, which provides a range of services, shops and restaurants.
Have access to open space, recreational facilities and community facilities, either existing or planned	The site is situated within the natural setting of Sir Joseph Banks Park, which provides a range of recreational areas, including BBQ areas, open space, a dog park, a playground and walking tracks with views of Port Botany.
Near significant infrastructure investment which creates opportunities for housing redevelopment.	The NSW Government's Future Transport Strategy indicates that the site will have access to a new rapid bus network connection between La Perouse, Matraville, Eastgardens and Botany under its envisioned 2036 rapid bus network. The Strategy also envisions a future metro station at La Perouse. The site is well-positioned to utilise these envisioned infrastructure investments
Housing Strategy Criteria	
Within 800m walking distance to a train station (or the core of a local centre).	While the site is not within 800m walking distance of a train station, it is within 230m walking distance of the Botany Road bus corridor, which provides frequent services to E1 Local Centre, MU1 Mixed Use and E3 Productivity Support zoned land along and near Botany Road, which feature key services such as a convenience store, post office and chemist. Banksmeadow Public School is also approximately 800m from the site.
Within 200m of public open space	The site is immediately adjacent to public open space (Sir Joseph Banks Park).
A high percentage of lots in block are larger than 600sqm, creating opportunities for medium density development with only minimal amalgamation.	The site's area is approximately 8,000sqm, which is generously sized to accommodate a suitable medium density development.
No heritage constraints.	The site's existing warehouses detract from the heritage significance of Sir Joseph Banks Park. Therefore, its redevelopment presents an opportunity to improve the Park's setting by way of a suitably designed and sympathetic medium density development.
No strata constraints	There are no strata constraints. The site is owned by one entity.
Not significant slope constraints.	The site's topography is relatively flat and can accommodate RFBs.

Table 8 Comparison of 26 Tupia St Against R3 Medium Density Sites Where Residential Flat Building Will Remain Permissible

Local Housing Strategy Criteria	26 Tupia Street (the subject site)	96A Bay Street, Botany	97 Banksia Street, Botany	70 Macintosh Street, Mascot	10-12 Middlemiss Street, Rosebery	76-80 Beauchamp Road, Hillsdale	60-80 Banks Avenue, Pagewood
Within 800m walking distance to a train station (or the core of a local centre).	The site is within 230m walking distance of the Botany Road bus corridor, which provides frequent services to nearby local centres.	✗	✗	✓	✗	✓	✗
Within 200m of public open space	✓	✓	✓	✓	✓	✓	✓
Lot size greater than 600sqm	✓	✓	✓	✓	✓	✓	✓
No heritage constraints.	✓	✓	✓	✓	✓	✓	✓
No strata constraints	✓	✓	✓	✓	✓	✓	✓ However the site comprises multiple lots
Not significant slope constraints.	✓	✓	✓	✓	✓	✓	✓

Legend

✗ The site doesn't meet the corresponding Housing Strategy Criteria

✓ The site does meet the corresponding Housing Strategy Criteria

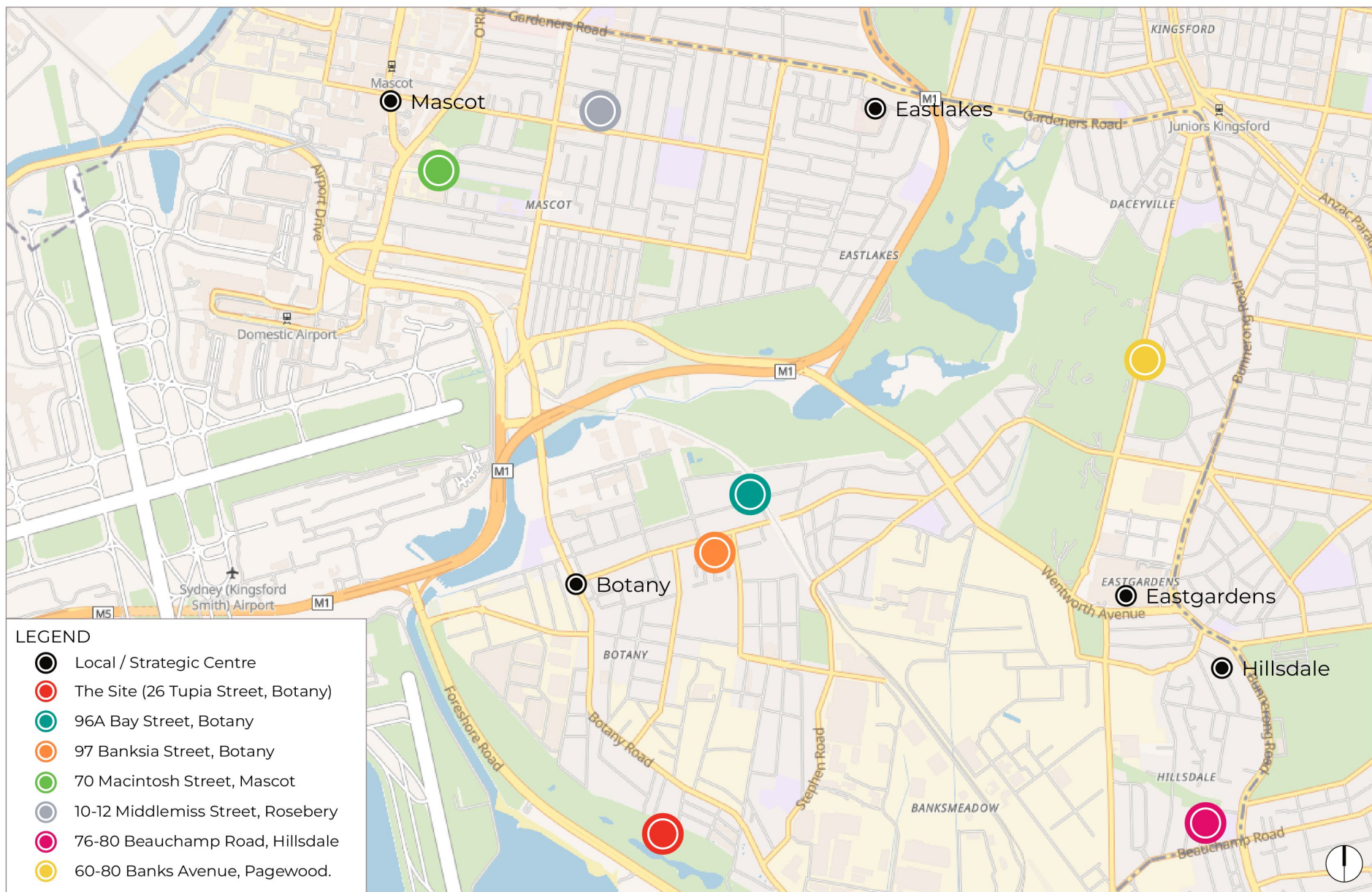


Figure 10 Location of R3 Medium Density Sites Where Residential Flat Building Will Remain Permissible

Source: Maphub, edits by Ethos Urban

Furthermore, the NSW Government recently released a Fact Sheet outlining their intention to allow 3-6 storey residential flat buildings in the R3 zone within “well-located areas” as part of their ‘Diverse and well-located housing reforms’. The site meets the criteria for a “well located area” as it is within 800m walking distance of land zoned E1 local centre and MUI mixed use to the site’s north that contain an IGA express, shops, restaurants, cafes, a pub, a pharmacy and a gym.

Therefore, the Planning Proposal, which will facilitate the development of approximately 109 dwellings, responds to the strategic need for additional housing supply on well-located sites in Bayside.

In addition to increasing the supply of diverse and well-located housing in the Bayside LGA, the Planning Proposal also demonstrates strategic alignment for the following reasons.

- The Proposal supports the Greater Sydney Regional Plan’s vision of a ‘30-minute’ city vision by delivering housing within walking distance of the Botany Road bus corridor, recreational areas, restaurants, cafes, shops, and the Banksmeadow Public School.
- The site’s proposed change of land use will enhance the Bayside LGA’s environmental heritage by replacing industrial development that is incompatible with Sir Joseph Bank Park with sympathetically designed residential accommodation. The Proposal will enhance the public domain interface with Sir Joseph Banks Park, incorporating quality landscaping to complement public open space and providing opportunities for greater passive surveillance and an improved outlook for future residents and existing users of the Park.
- The Proposal aligns with LSPS’ character description of the eastern part of Bayside (in which the site is located) “*as less suburban in character with separate dwellings, semi-detached, row or terrace dwellings and **3-4 storey walk-up flats** interspersed with large areas of industrial land*” (p. 16).
- As discussed in **Section 2.0**, the site’s characteristics are comparable or superior to the six sites nominated to retain RFBs as a permissible use (as part of PP-2022-1517) based on Bayside’s Local Housing Strategy’s criteria for higher scale medium density development.

It also aligns with Ministerial Direction 6.1 as:

- The Proposal will deliver a mix of 1-, 2- and 3-bedroom houses in a location that is adequately serviced by existing infrastructure and services (as presented in **Table 7**).
- The Proposal reduces the consumption of land by redeveloping a contextually inappropriate light industrial site.

7.0 Summary of Site-specific merit

The Planning Proposal is accompanied by technical studies confirming that key environmental issues related to the site can be appropriately managed through future stages, including the preparation of a Draft DCP Amendment and future Development Applications. The following subheadings provide a summary of key environmental considerations.

7.1 Flooding

Relevant Ministerial Directions:

• 4.1 Flooding

The site is within the Foreshore Beach catchment identified within the *Botany Bay Foreshore Beach Catchment Floodplain Risk Management Study and Plan* (the Council's Flood Study). It is subject to overland flow flooding, with inundation predicted in rare and extreme flood events.

Ministerial Direction 4.1 stipulates that a Planning Proposal must not contain provisions that permit a significant increase in dwelling density on flood-prone land unless it is supported by a Flood and Risk Impact Assessment accepted by the relevant planning authority and prepared per the *Floodplain Development Manual 2005* per consistency item (c).

In accordance with the Ministerial Direction, the Planning Proposal Report was accompanied by a Flood and Risk Impact Assessment prepared by BMT (B9 of **Appendix B**), which addresses the *Flood Risk Management Manual (June 2023)*, which supersedes the *Floodplain Development Manual 2005*.

The following subheadings summarise the Assessment's findings.

Existing Flood Conditions

The Assessment simulated the 5% Annual Exceedance Probability (AEP), 1% AEP, 0.5% AEP, 0.2% AEP and Probable Maximum Flood (PMF) events using the flood model from the Council's Flood Study. **Figure 11** and **Figure 12** illustrate the results for the 1% AEP and the PMF flood modelling.

The modelling demonstrated that the site's maximum flood depth under existing conditions is 1.14m during the 1% AEP event and 1.87m during the PMF event.

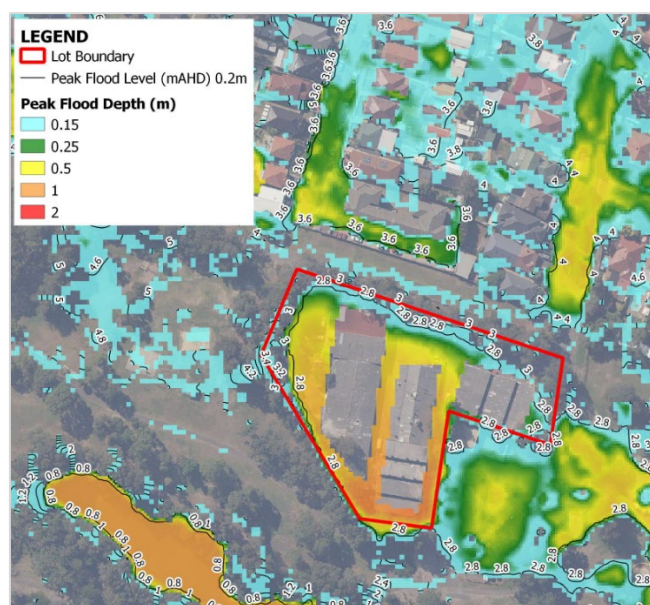


Figure 11 Existing 1% AEP Flood Levels and Depths

Source: BMT

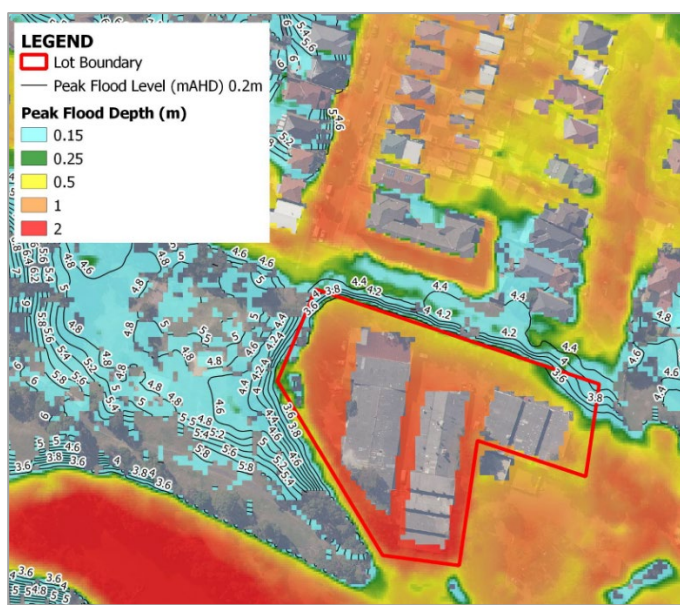


Figure 12 Existing PMF Flood Levels and Depths

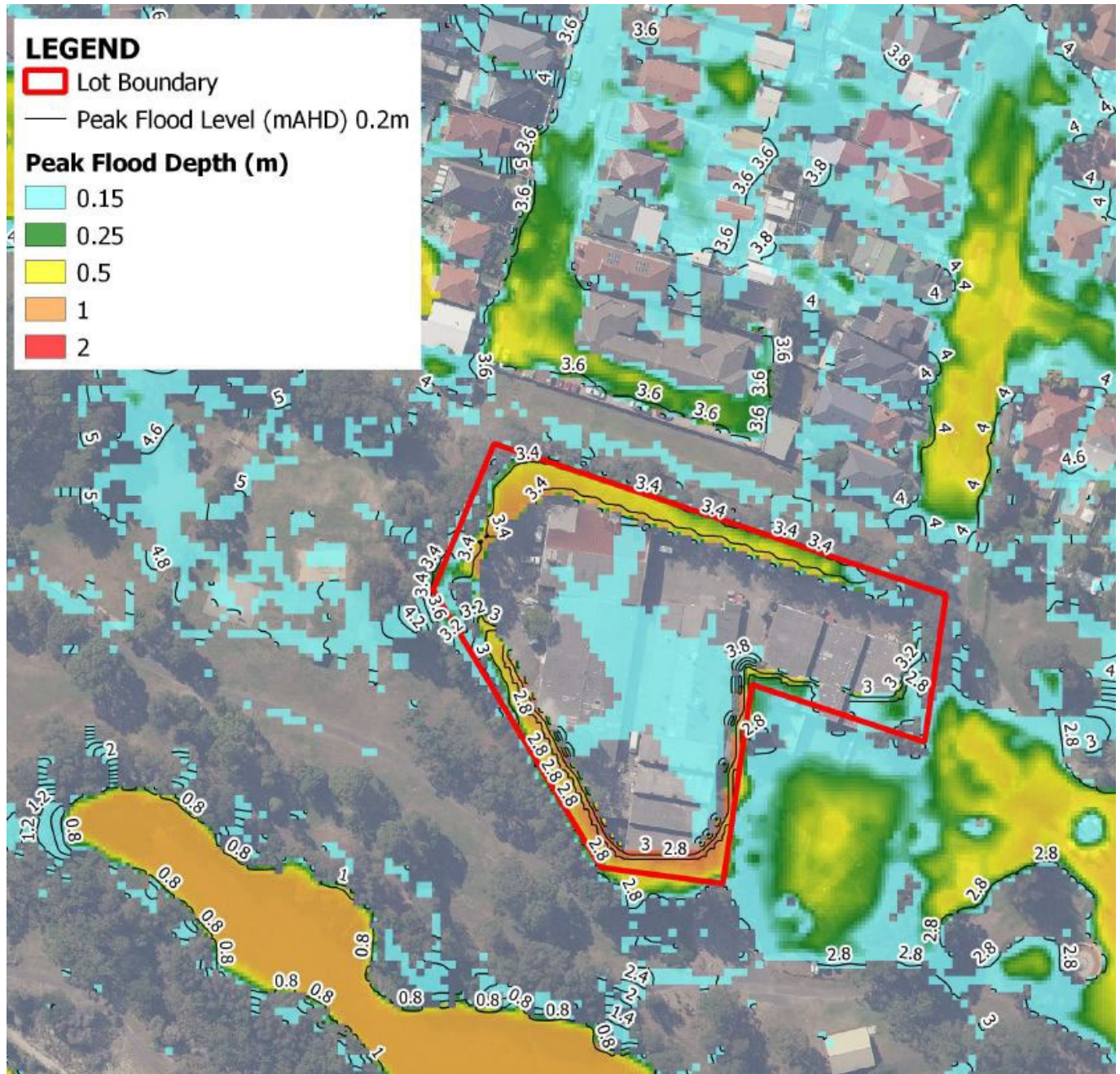
Source: BMT

Post Development Flood Conditions

The Assessment simulated the 5% AEP, 1% AEP, 0.5% AEP, 0.2% AEP and PMF events with the envisioned development to assess its impact on flood behaviour.

Figure 13 illustrates the change in flood depths for the 1% AEP event resulting from the envisioned development. The modelling demonstrated:

- The development will redistribute flood water around the site's boundary, with peak flood level increases primarily occurring along the site's northern boundary. Localised peak flood level increases are also shown along the western boundary.
- The areas where flood level increases are anticipated are localised, proximate to the site's boundaries and occur only in areas where development is not present.
- The development will reduce peak flood levels within the water body to the south of the site due to the reduction in flow conveyance through the site.



perimeter, with the site's central elevated communal area only affected by benign flow conditions (H1) during the 1% AEP and PMF events.

- The envisioned development is not predicted to increase the peak 1% AEP flood hazard classification across nearby floodplain areas.

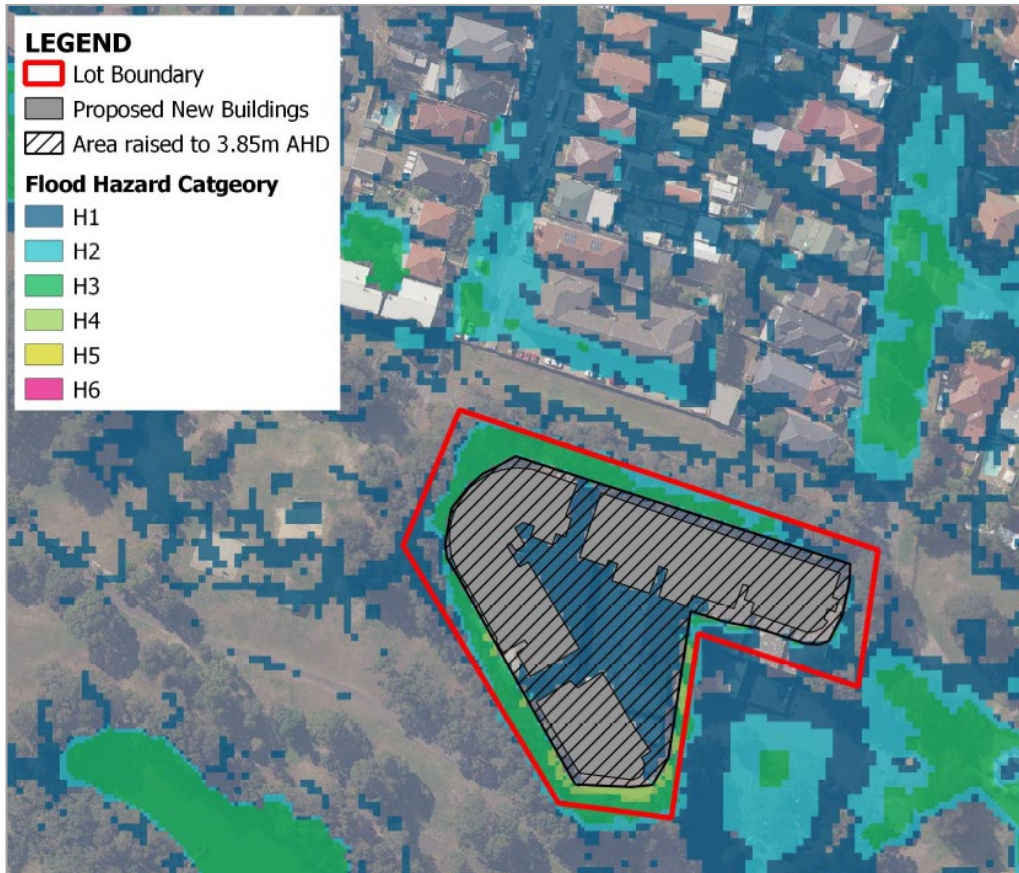


Figure 14 1% AEP Flood Hazard Category (proposed conditions)

Source: BMT

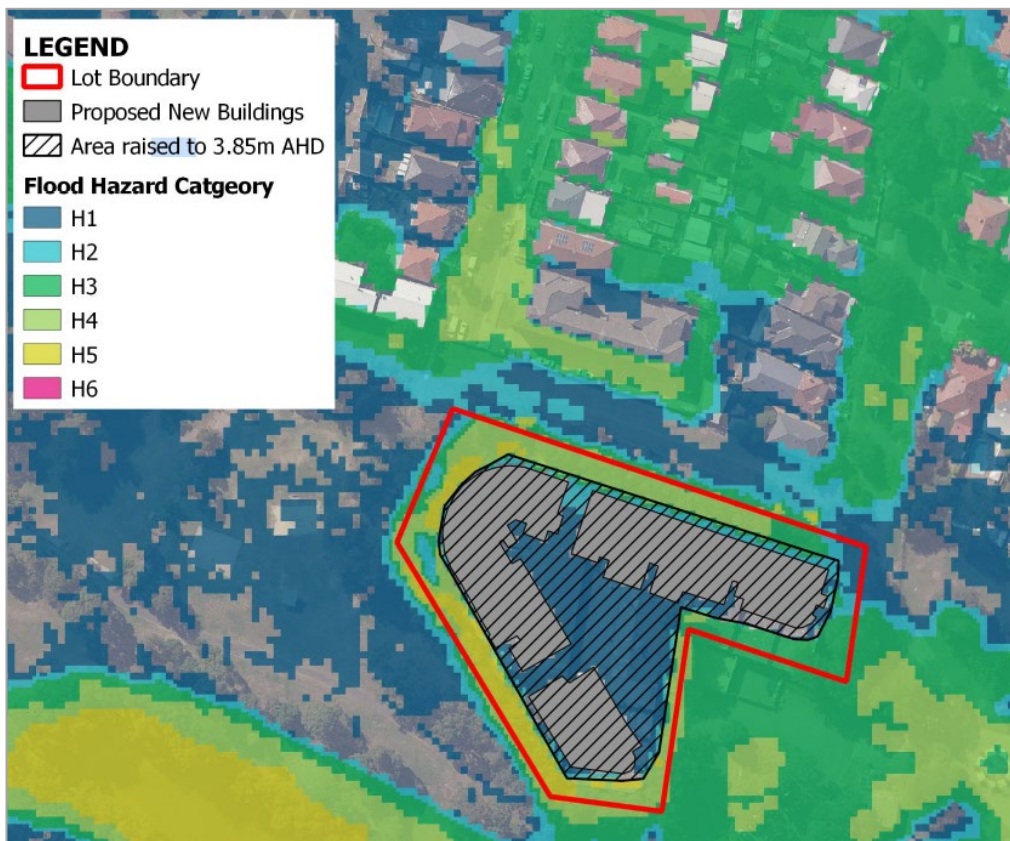


Figure 15 PMF Flood Hazard Category (proposed conditions)

Source: BMT

Flood Management Strategy

The Flood and Risk Impact Assessment proposes a two-fold strategy to manage flood risk, as described below.

- **Finished Floor Levels** - The Botany Bay DCP requires finished floor levels for habitable buildings/structures to be a minimum of 300 mm above the 1% AEP floodwater level. The Flood Risk Assessment outlines the required finished floor level (4.2m AHD) for the three RFBs, which have been incorporated in the Concept Design presented in **Section 4.0**. Therefore, all occupants will be above the PMF and outside potential interactions with hazardous floodwaters.
- **Shelter-in-place emergency management strategy** - The Flood Risk Assessment recommends a shelter-in-place emergency management strategy, given that all occupants will be above the PMF and outside potential interactions with hazardous floodwaters.

The Flood Risk Assessment also recommends the inclusion of a platform set above the PMF level along the site's northeast or northwest boundary to provide safe emergency egress if required during a flood event. The intent is that in the event of an emergency, Hayden Place (which has low flood affectation with depths of less than 200 mm and broadly less than 150 mm in a PMF event), which is accessible on foot from the site, can be used as a vehicular egress point for emergency service vehicles if necessary (refer to **Figure 16**).

The Flood Risk Assessment was accompanied by a Flood Emergency Response Plan that details these and other management measures in the event of a flood.

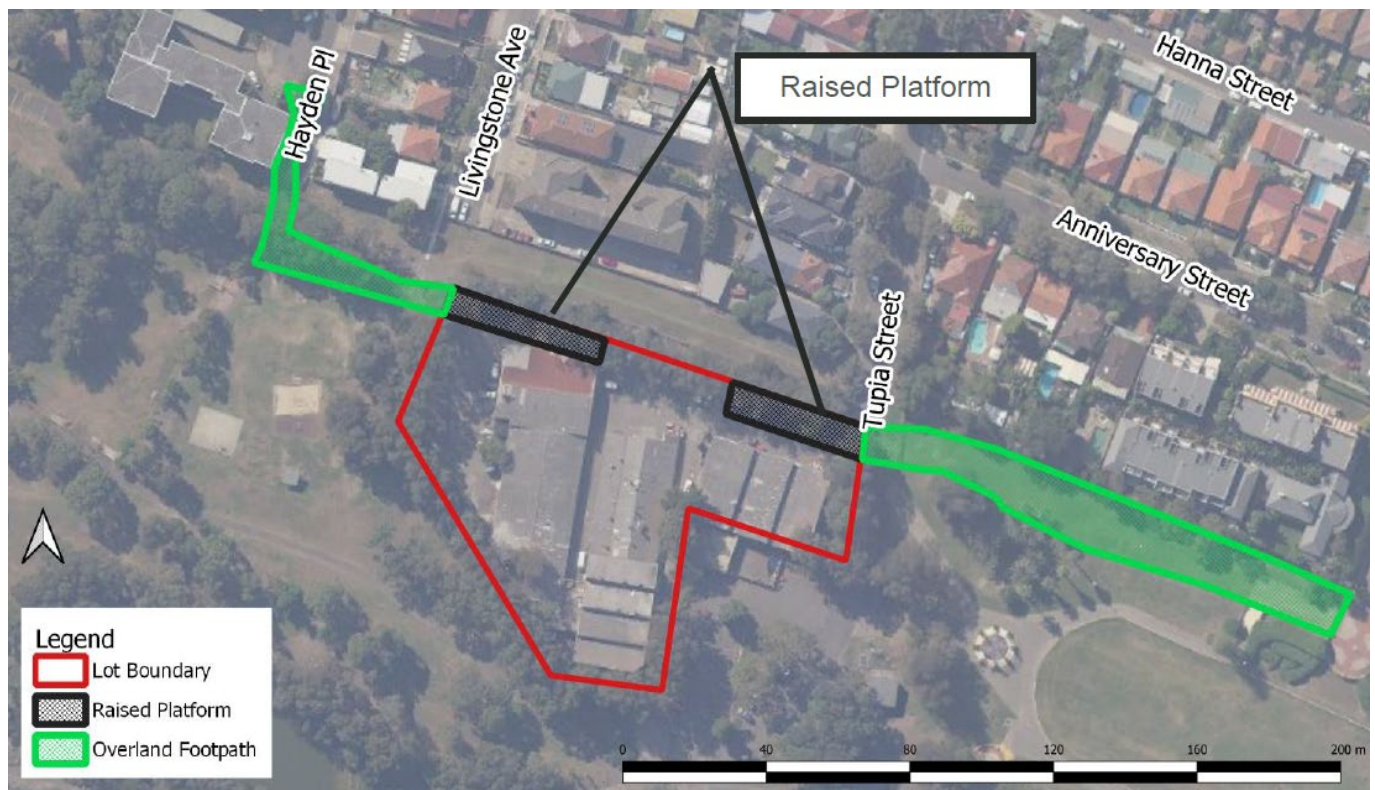


Figure 16 Proposed Emergency Access Walkways

Source: BMT

Therefore, the Planning Proposal and associated development concept appropriately address flood hazards per Ministerial Direction 4.1 by elevating the site's central communal open area, incorporating finished flood levels for the PMF event for all buildings and including a FEMP shelter-in-place strategy.

7.2 Coastal Hazards

Relevant Ministerial Directions:

- 4.2 Coastal Hazard

The Planning Proposal report was accompanied by Coastal Hazard and Risk Assessment prepared by BMT (B10. of **Appendix B**) that identifies and provides recommendations to address coastal hazard risks.

The site is approximately 300m from the Botany Bay shoreline. It is not within a mapped coastal zone. However, it is identified as an area affected by coastal and tidal inundations as classified by the *Coastal Management Act 2016*. None of the remaining coastal hazards listed under this Act are expected to pose a risk to the site. These include beach erosion, shoreline recession, coastal lake or water entrance instability, coastal cliff or slope instability and erosion and inundation of foreshores caused by tidal waters and the action of waves.

Impact assessment – coastal inundation

Coastal inundation risks may arise with future sea level rises due to the site being hydraulically connected to the ocean. Bayside Council has produced broadscale maps that show sea level inundation along the Bayside coastline based on sea level rise in 2050 and 2100 with a 1 in 1-100 storm event. Derived inundation levels using that mapping indicate site inundation between 2.0 and 2.5 m AHD, respectively, for the 2050 and 2100 scenarios with a 1 in 1-100 storm event based on existing site conditions (see **Figure 17**).



Figure 17 Coastal Inundation Mapping – 1 in 100 Year Storm Event

Source: BMT

Impact assessment – tidal inundation

While coastal inundation during storm events will periodically increase water levels within Botany Bay, there may also be more frequent or permanent impacts upon the area's water levels and foreshores due to the sustained increase in Botany Bay's tidal range due to sea level rise.

The Coastal Hazard and Risk Assessment derived tidal inundation levels using coastal inundation mapping for a 1 in a 1-year storm event. The derived levels for the 1 in a 1-year storm event are 1.7 and 2.2 m AHD, respectively, for the 2050 and 2100 scenarios (see **Figure 18**). The site access road and the proposed driveway are located at or above 2.5 m AHD, ensuring that site access can be maintained during the 1-year storm event.

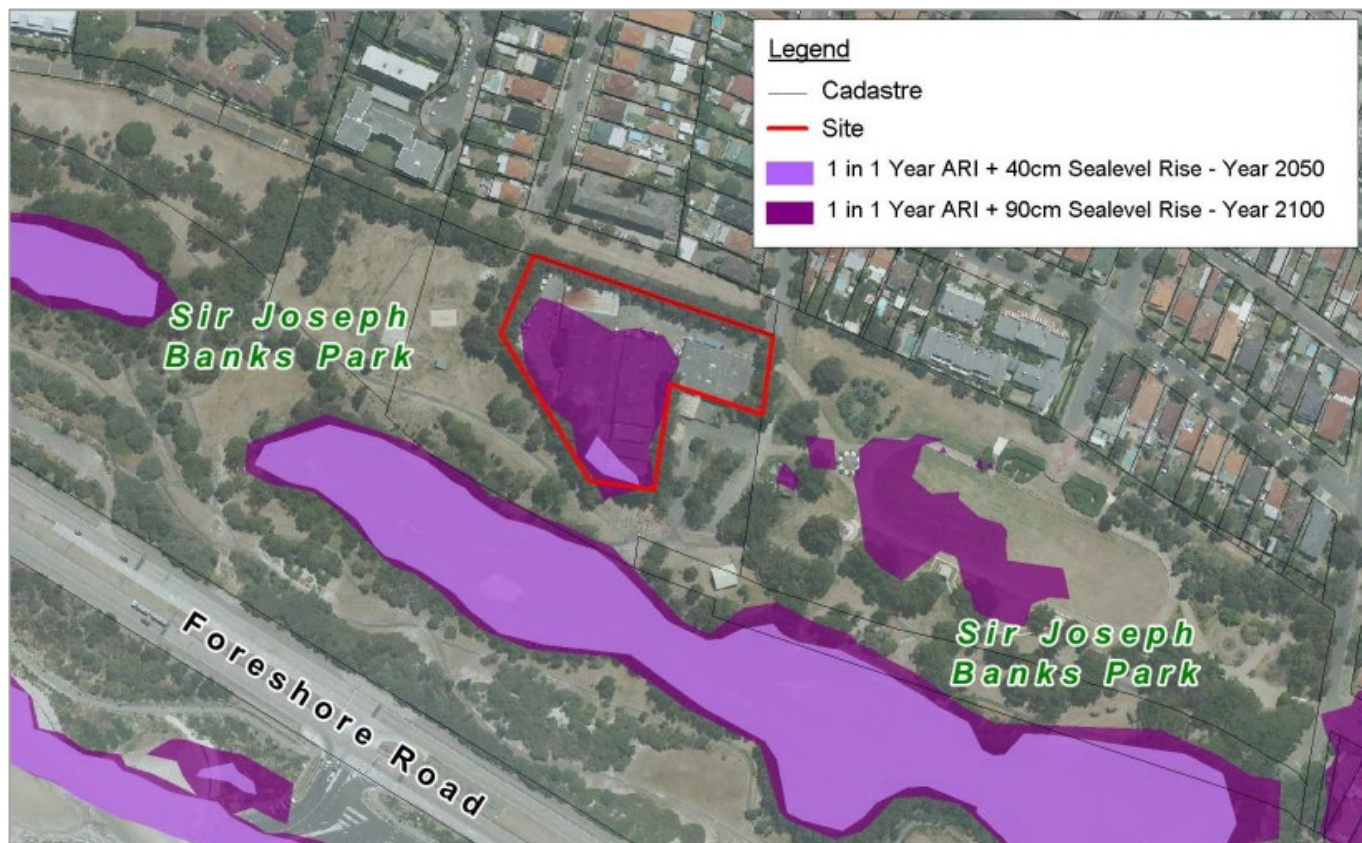


Figure 18 Proposed Emergency Access Walkways – 1 in 1 Year Storm Event

Source: BMT

Mitigation

Given the risk of inundation, the Coastal Hazard and Risk Assessment recommended incorporating the finished floor levels outlined in the Flood Risk Assessment (4.2m AHD). The Flood Risk Assessment recommendation to include a platform set above the PMF level along the site's northeast or northwest boundary will also assist in providing safe emergency egress during site inundation. This finished floor level will effectively manage storm inundation risks under current and future timeframes, satisfying Ministerial Direction 4.2.

7.3 Built Form Impacts

For the following reasons, the envisioned four-storey RFBs are compatible with the site's surrounding context, including the Sir Joseph Banks Park and the residential neighbourhood to the site's north.

- The envisioned four-storey building heights complement the scale of nearby RFBs to the site's north (refer to **Figure 3**). Furthermore, as described in **Section 4.0**, the site aligns with Bayside Council's Local Housing Strategy's criteria for a 3-4 storey development within the LGA.
- The Concept Design demonstrates that the future RFBs can accommodate 9m minimum landscaped setbacks to all property boundaries. These generous setbacks reduce massing towards the site's perimeter, thus preserving the amenity and enabling an appropriate transition to adjacent public open spaces. They also enable a building separation of approximately 29m to the site's nearest residential development to the north when combined with the Sydney Water easement.
- As shown in **Figure 19** below, the four-storey built forms sit below the maximum height of the site's perimeter tree plantings. Accordingly, the proposed built forms will be significantly screened by existing vegetation. Moreover, these tree plantings, coupled with the development concept's generous landscaped setbacks (as outlined above) and open spaces, will visually integrate the envisioned residential flat buildings with their surrounding parkland setting. Indeed, the Proposal represented an improved visual outcome compared to the unsightly and incompatible industrial units currently occupying the site.
- As illustrated in **Figure 20**, the shadow diagrams accompanying the Planning Proposal demonstrate that:
 - The site is sufficiently removed from other residential development to avoid overshadowing existing dwellings.
 - Most shadows cast by the proposed development will fall on areas already overshadowed by the site's existing perimeter trees.

- The concept development's morning shadows fall on a less usable part of Sir Joseph Banks Park due to its steep topography.

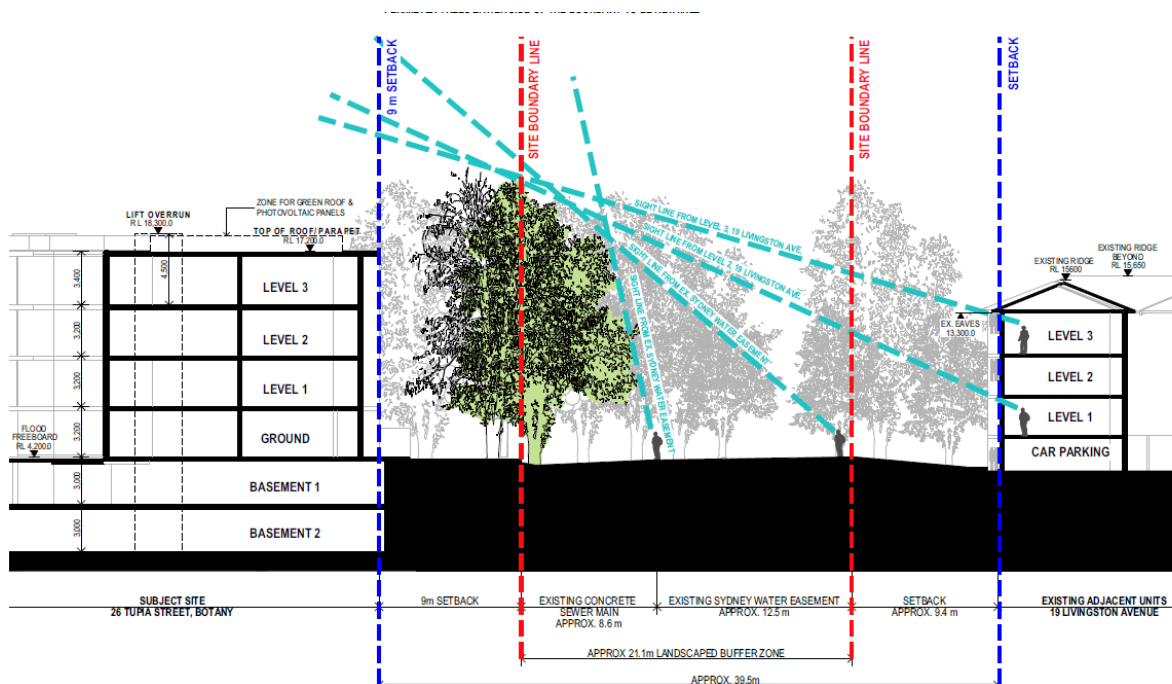


Figure 19 Section

Source: Cottee Parker Urban



Figure 20 Shadow Diagrams

Source: Cottee Parker Urban

7.4 Heritage

Relevant Ministerial Directions:

- 3.2 Heritage conservation

The site is near the following heritage items.

- A local heritage item listed as 'Sir Joseph Banks Park' (I204) immediately east of the site.
- A State Heritage item listed as 'Sir Joseph Banks Hotel (former, circa 1840)' (I162) approximately 100m to the site's east.

The Planning Proposal was accompanied by a Statement of Heritage Impact (SHI) prepared by GBA Heritage, which provides the following conclusions regarding the Planning Proposal's impact on both items (B6. of **Appendix B**.

Sir Joseph Banks Park

- The development concept retains the site's perimeter tree plantings, which effectively screens the RFBs when viewed from the Park. As illustrated in **Figure 19**, these perimeter plantings extend above the proposed building heights, maximising visual screening of the development's bulk and scale.

- The Proposal will replace unsightly and incompatible industrial units with a more appropriate and sympathetic land use that can contribute to the visual expansion of the Park through landscaped setbacks and communal open space. Accordingly, the Proposal will improve the Park's heritage setting.
- The envisioned central communal open space allows for the existing Park to merge into an 'expanded' new landscaped area, thus reducing the development concept's perceived bulk and scale.
- The development concept's layout locates the bulk of the RFBs away from the site's eastern boundary adjacent to the Park.
- The Proposal will not impact existing significant view lines to and from the Park.

Sir Joseph Banks Hotel

The hotel is substantially removed (over 100m) from the site and is predominately screened by a contemporary three-storey residential accommodation to its west and intervening tree plantings. Furthermore, the hotel's public presentation is directed in the opposite direction of the Site. Given this, the Proposal will have negligible impact on this item.

Given the above-described reasons, the Planning Proposal aligns with Ministerial Direction 3.2 by facilitating the consideration of heritage items.

7.5 Traffic

Relevant Ministerial Directions:

- *5.1 Integrating Land Use and Transport*

The Planning Proposal was supported by a Transport, Traffic and Parking Assessment Report prepared by Terraflow (B11. of **Appendix B**). The Report's findings demonstrate the following.

- The Planning Proposal will generate approximately 14 additional vehicle trips per hour during peak periods compared to the existing industrial units.
- SIDRA modelling of this additional traffic generation on the operational capacity of the nearby Botany Road/Tupia Street Intersection demonstrates that the intersection will continue to operate at a good level of service, including under a future 2032 scenario (refer to **Table 9**).
- Maximum traffic flows along Tupia Street with the envisioned development are estimated to be 74 vehicle movements in the AM peak and 84 movements in the PM peak, which is well below the RTA Guideline's recommended maximum peak hour volumes for local roads (200 vehicles per hour).
- The development concept can accommodate the required number of resident and visitor parking spaces under the Botany Bay DCP's requirements.

Moreover, the site is within a 400-metre walk of a bus route (on Botany Road) accessing a metropolitan railway or equivalent node, serviced at least every 20 - 30 minutes. This aligns with the locational criteria for new housing supply in the Department of Planning's *Improving Transport Choice – Guidelines for planning and development* as required by Ministerial Direction 5.1.

Table 9 *SIDRA Modelling Results – Botany Road/Tupia Street Intersection*

Scenario		Level of Service ¹³	Degree of Saturation	Average Vehicle Delay
Scenario 1 Current 2022 traffic volumes.	Existing AM Peak	B	0.332	0.4
	Existing PM Peak	B	0.297	0.6
Scenario 2 Future 2032 traffic volumes determined based on the growth comparison of the 2019 and 2022 traffic count surveys.	Future 2032 AM Peak	B	0.401	0.4
	Future 2032 PM Peak	B	0.359	0.6
Scenario 3 Future 2032 flows plus the Planning Proposal's traffic	Projected 2032 AM Peak	B	0.406	0.7
	Projected 2032 PM Peak	B	0.385	1.0

¹³ **Level of Service** - A basic performance parameter used to describe the operation of an intersection. Levels of Service range from A (indicating good intersection operation) to F (indicating over saturated conditions with long delays and queues).

Scenario	Level of Service ¹³	Degree of Saturation	Average Vehicle Delay
generation without the discount for the existing industrial unit's traffic flows.			

7.6 Wetland Impacts

Relevant Ministerial Directions:

- 3.1 Biodiversity and Conservation
- 3.10 Water Catchment Protection

The Planning Proposal was accompanied by a Stormwater Management Report (B12. of **Appendix B**) that included a concept stormwater plan proposing to discharge stormwater into the directly to Sir Joseph Banks ponds/lake, a mapped wetland under the Bayside LEP 2021.

The submitted plans are a concept demonstrating how stormwater may be managed at the site. The system can be further investigated and redesigned at the DA stage to identify an alternative discharge point.

8.0 Conclusion

As summarised in the preceding sections and detailed comprehensively in the Planning Proposal and accompanying information submitted to the Council, the Planning Proposal has Strategic Merit and Site-Specific Merit.

Most notably, the Planning Proposal responds to the need for additional housing supply on well-located sites to address Sydney's housing crises by facilitating the replacement of contextually inappropriate and redundant industrial units with 109 dwellings on a site that:

- Is within 230m of the Botany Road bus corridor, which provides services that connect commuters to Redfern Station, Port Botany, Mascot and Matraville. Botany Road also contains services, shops and restaurants.
- Is within 800m walking distance of land zoned E1 Local Centre and MU1 Mixed Use to the site's north that contain an IGA express, shops, restaurants, cafes, a pub, a pharmacy and a gym.
- Is immediately adjacent to public open space (Sir Joseph Banks Park).
- Is appropriately sized (approximately 8,000 sqm) to accommodate medium-density development that complies with the Apartment Design Guide (ADG) and features generous landscaped areas and setbacks.
- Is situated approximately 20m from the nearest sensitive residential use.
- Is consistent with the character of nearby four-storey RFBs to the site's north.
- Is screened by established perimeter vegetation.
- Is owned by one entity.

Accordingly, we recommend that the Sydney Eastern District Planning Panel supports the referral of the Planning Proposal for a Gateway Determination. We also request that the District Planning Panel recommend to the Department that it be appointed as the Relevant Planning Authority for the future assessment of the Planning Proposal.

Appendix A 2021 BLPP Decision

Appendix B Planning Proposal 2023-1068

- B.1 Planning Report prepared by Ethos Urban
- B.2 Proposed LEP Maps prepared by Ethos Urban
- B.3 Concept Design prepared by Cottee Parker
- B.4 Urban Design Report prepared by Cottee Parker
- B.5 Hazard Analysis prepared by Arriscar
- B.6 Statement of Heritage Impact prepared by GBA Heritage
- B.7 Acid Sulfate Soils Assessment prepared by JK Environments
- B.8 Sydney Airport Corporation Limited Correspondence
- B.9 Flood Risk Assessment & Flood Emergency Response Plan prepared by BMT
- B.10 Coastal Hazard and Risk Assessment prepared by BMT
- B.11 Transport, Traffic and Parking Assessment Report prepared by Terrafig
- B.12 Stormwater Management Report prepared by Woolacotts
- B.13 Geotechnical Investigation prepared by JK Geotechnics

Appendix C BLPP and Council Decision

Appendix D Council Officer's Assessment Report

Appendix E Council Correspondence

- E.1 Pre-Lodgement Advice Letter, dated 10 June 2022
- E.2 Letter to Applicant Advising BLPP Meeting, dated 15 September 2023
- E.3 Bayside Local Planning Panel Agenda, dated 26 September 2023