

Planning Proposal

26 Tupia Street, Botany

Submitted to Bayside Council
On behalf of Archicorp



'Gura Bulga'

Liz Belanjee Cameron

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

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

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

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

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

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Executive summary

Ethos Urban has prepared this report on behalf of Archicorp (the Proponent) in support of a Planning Proposal to amend the *Bayside Local Environmental Plan 2021* (the Bayside LEP). The Planning Proposal intends to facilitate the future development of three (3), four-storey residential flat buildings at 26 Tupia Street, Botany (the site).

This Planning Proposal is directly informed by a detailed contextual study which seeks a proposed amendment to the Bayside LEP to enable “residential flat buildings” as a permissible residential development type at the subject site.

This site compares directly with other similar large-scale, redundant industrial sites in the Bayside Council area, where Council has determined “residential flat development” (RFB) is a permissible use in R3 Medium Density Zone. Given that the subject site is similar in size, scale and type (8000 sqm redundant industrial site rezoned to residential to those former industrial sites), the inclusion of “RFB” as a permissible use, is coherent as a reasonable expectation in this particular instance.

The Planning Proposal for a well-designed residential flat development on the site demonstrates a clear commitment to a carefully crafted medium-density housing development informed by the residential amenity, heritage and parkland values associated with its local context, in close proximity to public transport, shops, education, health and community infrastructure. The result is an appropriate and sympathetic whole-of-site response for a well-planned and high-quality development that facilitates greater housing supply, diversity (size and mix), and affordability.

Redevelopment of the subject site by a well-informed and designed RFB development, as outlined, directly responds to the strategic commitment to support unlocking the potential of greater medium density housing supply in the Greater Sydney Regional Plan, Eastern City District Plan, Bayside LSPS and Bayside LHS actions.

On this basis, we are seeking a timely commitment from Council to support and facilitate this well-informed and managed planning proposal, which makes an appropriate and sympathetic response to the housing needs of the Bayside LGA, while demonstrating how such a scheme makes a significant contribution to an improved amenity of the immediate and broader locality.

Proposed amendments

- Amendment of Schedule 1 Additional Permitted Uses to allow development for the purposes of residential flat buildings (RFBs) on the site. The site's key attributes provide for a unique opportunity to create a well-designed and managed residential flat development, which supports unlocking medium density housing supply where there are good opportunities to active transport links, open space, education, health and community infrastructure and which conserves heritage, parkland and the residential amenity of adjoining land.
- Increase the maximum permissible building height to RL 18.30m. The additional height remains within and is effectively screened by the line of the significant mature perimeter trees to the subject site. Further, the overall height of the RFBs remain within the shadow cast by the mature, perimeter trees into the adjoining parkland. In this way, amenity by park users is expected to be maintained.
- Increase the maximum permissible floor space ratio to 1.15:1. The additional massing has been well managed by well-articulated, appropriately scaled, separate building forms and effectively screened by existing on-site existing perimeter trees. Further, despite the additional FSR, the planning proposal creates an opportunity for a generous communal private open space at the centre of the site, in excess of a complying townhouse development under the existing planning controls.

Strategic justification

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) (see **Table 1**).

This projected shortfall in housing supply and housing mix within the LGA presents and highlights the need to identify new opportunities to plan and deliver new 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 1 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	24,555
	Additional housing capacity under current zoning	16,609	
Difference			-1,466 (shortfall)

Source: Bayside Housing Strategy (2021)

This shortfall in forecast dwelling supply is further exacerbated by recent statistics on dwellings completions in the LGA. Upon reviewing the Greater Sydney Urban Development Program Dashboard, the number of building completions (520) in Bayside over the past 12 months is 74.7% below the previous 5-year average (see **Figure 1**). This would suggest that on top of expected shortfall in available capacity under Bayside's current planning controls, recent market conditions and limited availability of suitable development sites has further hampered dwelling supply within the LGA.



Figure 1 Bayside LGA Housing Supply

Source: Greater Sydney Urban Development Program Dashboard

As presented above, 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 rise apartments.

The LSPS includes a 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 2** demonstrates the site's alignment with these criteria. 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. It will also support the Housing Strategy's other objectives to increase housing diversity and ensure that new housing is high-quality and well-designed.

Table 2 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 located approximately a 3–5-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, Green Square? Port Botany, Mascot and Matraville.
Pleasant to walk around, with services and shops within a reasonable walking distance	As mentioned previously, the site is within 3-5 minute walking distance from 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 nearby local centres. It is also within walking distance (within 800m) to B1 Neighbourhood Centre, B4 Mixed Use, and B7 Business Park 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 8000sqm, 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 it is envisioned that it can accommodate residential flat buildings.

Key objectives

The Planning Proposal's primary objective is to amend the Bayside LEP to facilitate the development of well-designed residential accommodation in a parkland setting with good access to recreation facilities, public transport, services and employment opportunities. The Planning Proposal's supporting objectives are:

- Deliver controls and a built-form outcome consistent with the controls afforded to other sites with similar attributes elsewhere in the Bayside LGA and consistent with the scale in the site's immediate surrounds.
- Apply a maximum building height limit and GFA appropriate for the site's area and location, adjacent to recreational facilities and within walking distance of a bus corridor and commercial and retail uses along Botany Road.

- Contribute to the amenity of Sir Joseph Banks Park by replacing incompatible and unsightly warehouses with well-designed and sympathetic residential accommodation whilst protecting the unique amenity offered in the immediately adjoining parkland setting. The dense vegetation screen which surrounds the perimeter of the subject site is to be maintained for its screening value for users within the Sir Joseph Banks Park and to maintain existing levels of solar access within the Sir Joseph Banks Park.
- Achieve a high-quality design screened by an existing and generous landscape buffer to minimise visual impact upon neighbouring residential receivers and users of the Park.
- Integrate best practice ecologically sustainable development (ESD) building principles into the future design and uses of the site to improve the site's environmental and social performance.
- Manage urban stormwater and improve water quality within and around the site.
- Embellish upon the significant number of mature trees along the perimeter to the site and its overall tree canopy cover with additional vegetation suited to site's parkland setting and providing privacy and outlook for uses within the adjoining parkland and from within the site itself.
- Assess the relevant environmental, social and economic impacts of the proposal by removing an unsightly, redundant industrial use and deliver on a well-informed, compatible and comparable residential flat project that complements and enhances the residential, parkland and cultural heritage values of the immediate and broader context area in proximity of shopping and transport options.
- Ensure all parts of the development respond appropriately and tailored to meet safety and security requirements for anticipated natural hazards including freeboard above flood levels.

Proposed amendments

The Planning Proposal includes the following proposed amendments to the Bayside LEP:

- Increase the maximum permissible building height to RL 18.30m.
- Increase the maximum permissible floor space ratio to 1.15:1.
- Amend Schedule 1 Additional Permitted Uses to allow development for the purposes of residential flat buildings (RFBs) on the site.

The Planning Proposal is accompanied by Proposed LEP Mapping that reflects the above amendments (**Appendix A**)

This Planning Proposal is supported by a reference design prepared by architects Cottee Parker (**Appendix B**). The development concept, although indicative, seeks to demonstrate that the site is capable of accommodating the proposed controls, and demonstrates how the Site might be developed under the proposed LEP amendments. The reference design and Planning Proposal responds to the existing character of the site and meets the criteria established by Bayside's LSPS and Local Housing Strategy.

This Planning Proposal is justified for the following reasons:

- The Proposal is consistent with the objectives of the EP&A Act, in that it promotes the orderly and economic use and development of land;
- The Proposal is consistent with all applicable strategic planning policies, including the Region Plan, District Plan, Bayside LSPS and accompanying strategy for housing. Key aspects of consistency with these policies include:
 - Delivering housing within walking distance of open space, shops, services and public transport along Botany Road to help meet the forecast need of 26,000 to 28,000 new homes in Bayside and realise the broader vision of a 30-minute city. This need is emphasised by the Greater Sydney Urban Development Program Dashboard, which shows that the number of building completions in Bayside over the past 12 months (520) is 74.7% below the previous 5-year average.
 - The site meets the site criteria for new 3-4 storey apartments in Bayside as set out in the Housing Strategy and LSPS. Notably, the site is:
 - Near Port Botany and associated urban services land and Sydney Airport, which are major employment hubs in Sydney. Botany Road is located approximately a 3–5-minute walk from the site, which features key services such as a supermarket, post office, chemist and Botany Public School.
 - 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.
 - Enhancing the LGA's environmental heritage by replacing industrial development that is incompatible with the Sir Joseph Bank Park setting with a sympathetically designed residential development, scaled and appropriately setback and screened by vegetation in response to the Park's heritage significance. Furthermore, the Proposal

will contribute to the Park's activation and provide additional casual surveillance and opportunities for stewardship, with opportunities for an improved outlook by both the users of the park and future residents.

- Providing a range of 1, 2 and 3-bedroom units to meet the changing needs of the local community, offering dwelling units-suitable for a range of family types including ageing in place options and universally designed accessible dwelling units.
- the Proposal has site-specific merit, as:
 - the site is in close proximity to open space, shops, services and public transport along Botany Road
 - it will align and directly complements the existing and future uses of land in the vicinity of the proposal, with low to medium density residential built forms to the north and creates an appropriate and amenable interface with its address to Sir Joseph Banks Park
 - it 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 both future residents and users of the adjoining park.
- the Proposal is consistent with the applicable SEPPs and Ministerial Directions.

This site represents a rare opportunity to deliver new homes with immediate access to public open space, as consistent with the Bayside LSPS and Bayside Local Housing Strategy actions. Planning and technical investigations support the proposed changes to the existing planning controls, and an indicative reference design has been prepared to demonstrate how the proposal will facilitate the public benefits afforded by the Planning Proposal.

1.0 Introduction

Ethos Urban has prepared this report on behalf of Archicorp (the Proponent) in support of a Planning Proposal to amend the *Bayside Local Environmental Plan 2021* (the Bayside LEP). The Planning Proposal intends to facilitate the future development of three (3) four-storey residential flat buildings at 26 Tupia Street, Botany (the site).

The Planning Proposal seeks the following proposed amendments the Bayside LEP:

- Increase the site's maximum permissible building height to RL 18.30m.
- Increase the site's maximum permissible floor space ratio to 1.15:1.
- Amend Schedule 1 Additional Permitted Uses to allow development for the purposes of residential flat buildings (RFBs) on the site.

The Planning Proposal will enable the site's development to accommodate well-designed residential flat buildings. It will benefit the community by delivering local housing stock close to public transport and amenities, providing greater housing choices, and improving public domain facilities and the pedestrian interface with Tupia Street and Sir Joseph Banks Park.

This report describes the site, outlines the proposed amendments to the Bayside LEP and provides an environmental, social and economic assessment and strategic justification for the proposed height and floor space controls.

The report should be read in conjunction with the Concept Design and Urban Design Report prepared by Cottee Parker (**Appendix B & C**) and specialist consultant reports appended to this proposal (refer Table of Contents).

Ethos Urban has prepared this report in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and the NSW Department of Planning and Environment's (DPE) '*Local Environmental Plan Making Guidelines*' (the LEP Making Guidelines). As shown in **Table 2**, the report addresses the specific matters for a Planning Proposal outlined in the LEP Making Guidelines.

Table 3 *LEP Making Guidelines Planning Proposal Components*

Component	Relevant Report Section
Part 1 - Objectives and intended outcomes	Section 5.1
Part 2 - Explanation of provisions	Section 5.2
Part 3 - Justification of strategic and Site-specific merit	Section 6
Part 4 - Maps	Section 5.3
Part 5 - Community Consultation	Section 8
Part 6 – Project Timeline	Section 9

1.1 Background and context

1.1.1 The proponent

Archicorp is the Proponent and represents the landowner of the site. The Proponent is committed to realising a positive and sympathetic residential development outcome for the redundant industrial use. The vision includes transforming a contextually inappropriate and amenity-impacting industrial development into a well-planned, high-quality medium density residential development that provides for a much improved and family friendly interface with the park setting, including retaining and embellishing existing mature vegetation on the site, is appropriately scaled to “fit in” and increases desirable choices of housing supply, diversity and affordability within the Bayside community.

1.1.2 Site history

- 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.
- Subsequently to the above process, Council advanced their Bayside LEP Planning Proposal. The Bayside LEP was gazetted and commenced on 27 August 2021. The Bayside LEP 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 residential flat buildings 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.
- The Proponent submitted a Proponent-led Planning Proposal in early 2021 to amend the draft Bayside LEP. 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 Residential Flat Buildings as a permissible use, so that the site could accommodate three (3), five-storey residential flat buildings.
- Council recommended in their Assessment Report to the Bayside Local Planning Panel (BLPP) that the Planning Proposal should 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:

“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.”

- Council subsequently submitted and received Gateway approval on 3 August 2022 for a Planning Proposal to delete Item 35 from Schedule 1, ‘*Additional Permitted Uses*’, and retain residential flat buildings as an additional permitted use on six sites. These sites were subject to a former Gateway determination for the deletion of bonus provisions under the Botany Bay LEP 2013. They are now subject to Section 4.4(2H) of the Bayside LEP, which allows bonus FSR for residential flat buildings having undergone urban design testing, demonstrating they could meet planning and ADG requirements to accommodate residential flat buildings. Due to the site’s historical status as ‘Deferred Matter’, it was not considered during this process. The amending LEP is to be finalised within 9 months of the Gateway determination.
- In response to the BLPP’s decision and Council’s recommendations, the Proponent revised their proposed scheme, which is submitted with this Planning Proposal. **Section 1.2** below demonstrates how this Planning Proposal responds to the concerns raised by Bayside Council and the BLPP for the initial planning proposal.

1.2 Pre-lodgement consultation

The Proponent submitted a Scoping Proposal and the Proponent's team attended a Scoping Meeting with Council officers on 11 May 2022 as required by the LEP Making Guidelines. The team introduced the revised Proposal and outline key environmental and strategic matters to consider in the Planning Proposal. Bayside Council provided written advice on 10 June 2022 reiterating the Planning Panel's reasons to not support the initial Planning Proposal. **Table 4** below outlines these reasons for refusal and how and where they are addressed in this Planning Proposal.

Table 4 Response to matters raised for the initial Planning Proposal

LPP's Reason to Not Support the Initial PP	Summary of Amended PP's Response	Relevant Section
The Planning Proposal seeks substantially greater height and floor space than is proposed in the draft Bayside Local Environmental Plan 2021 (Draft LEP) but fails to provide sufficient justification for these increases.	<p>This revised Planning Proposal reduces the envisioned height of residential flat buildings at the site from five to four storeys. The revised Proposal increases 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%), which represents a moderate increase.</p> <p>As outlined in Section 6.1, the site aligns with the Housing Strategy's site requirements for new three to four-storey apartments to help address the gap between currently zoned and needed housing. The Housing Strategy notes that additional areas (outside the centres of Mascot, Botany and Rockdale) will need to be planned and rezoned to meet housing needs, as existing planning controls only have the capacity for an additional 16,609 dwellings, which is well below that 2036 target of 26,000 new homes.</p> <p>Moreover, the proposed four-storey building height is appropriate for the site considering its strategic context, topography, existing perimeter tree plantings and surrounding medium-density residential character, which includes other nearby 4-storey residential flat buildings.</p>	Section 6
Given that the finalisation of the Draft LEP is imminent, it would not promote orderly development of land as referred to in s1.3(c) of the Environmental Planning & Assessment Act, 1979 to amend the controls at this late stage of the strategic planning process.	The <i>Bayside Local Environmental Plan 2021</i> is now finalised and implemented. Therefore, it is an appropriate time to amend the site's planning controls under that LEP based on the justification presented in Section 6 .	Section 6
The Planning Proposal seeks development that would significantly increase the number of people living at the site yet fails to adequately address the risks to the residents of living on flood prone land.	The Planning Proposal and associated development concept appropriately address flood hazards by elevating the site's central communal open area, incorporating finished flood levels for the PMF event for all buildings and including a shelter-in-place strategy. A Flood Emergency Response Plan accompanies the Planning Proposal and recommends the inclusion of a platform set above the PMF level to provide safe emergency egress if required during a flood event.	Section 7.6.1 & Appendix H

LPP's Reason to Not Support the Initial PP	Summary of Amended PP's Response	Relevant Section
<p>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.</p>	<p>Section 7.4 outlines the Planning Proposal's consistency with s9.1 Direction. It demonstrates:</p> <ul style="list-style-type: none"> • The Planning Proposal meets the objectives of the Residential zones direction by: <ul style="list-style-type: none"> - Increasing the supply of diverse housing options in Bayside. - Making more efficient use of the site's proximity to the Botany Road bus corridor, recreational areas, and services such as a supermarket, post office, chemist and Botany Public School. - Utilising existing urban land rather than land on the urban fringe. • The Proposal will enhance the setting of the nearby heritage significant Sir Joseph Banks Park by replacing unsightly and incompatible industrial units with a more appropriate and sympathetic land use that can contribute to the visual expansion of the Park through generous landscaped setbacks and communal open space. • The Planning Proposal and associated development concept appropriately address flood hazards as outlined above. 	<p>Section 6.2</p>

2.0 The Site

2.1 Site location and context

The site is located at 26 Tupia Street, Botany and, following the merger of Botany Bay Council with Rockdale Council, is now situated in the Bayside Local Government Area (LGA).

The site is accessed from Tupia Street and has a site area of approximately 8,000m². The site is within walking distance (approximately 230m) of a bus transport corridor along Botany Road. It sits within the parkland setting of Sir Joseph Banks Park, close to recreational amenities such as playground, walking track and off-leash dog park. Figure 2 shows the site's locational context.

The Botany locality is currently experiencing rapid growth in high density development, particularly with a mix of uses including residential, commercial, industrial and retail.

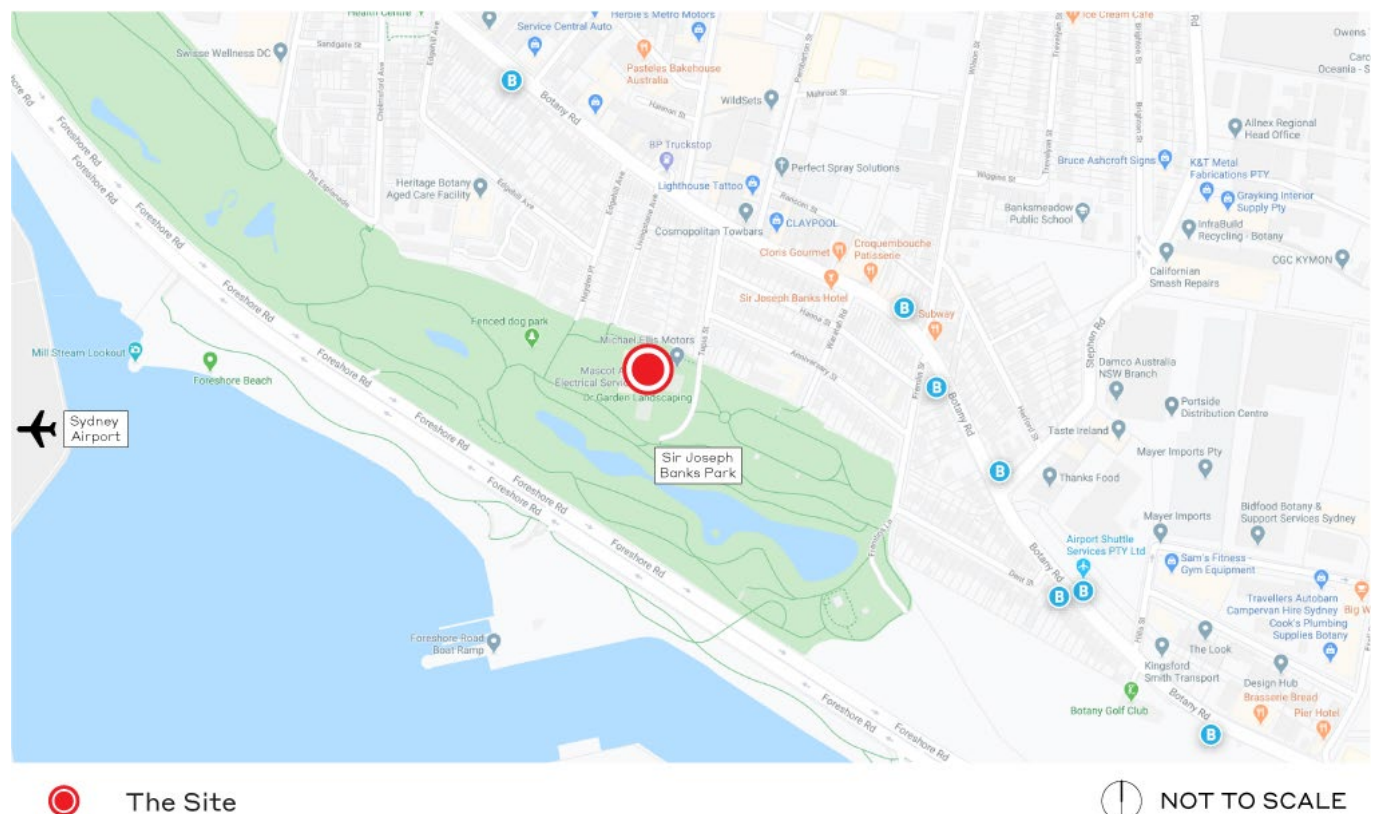


Figure 2 Site context

Source: Google maps, edits by Ethos Urban

2.2 Transport and accessibility

As noted, the site is within walking distance (approximately 230m or a 4-minute walk) of the Botany Road bus corridor. 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.

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 also near the following bicycle routes listed on Bayside Council's website.

- The Sir Joseph Banks Park shared pedestrian/bicycle path.
- The Port Botany – Botany Bay Foreshore shared pedestrian/bicycle path.

- The Wilson Street – Swinbourne Street – Stephen Road – Page Street – Heffron Road – Banks Avenue link.

Accordingly, the site is accessible to public and active transport routes, major employment centres, and commercial, recreational and educational services and facilities. Future Transport's envisioned rapid bus and metro network will improve the site's connectivity further.

2.3 Site description

The site is legally described as Lot X DP32914. The land is privately owned and has a total area of 8,000m². It is irregular in shape and features a frontage to the southern end of Tupia Street, which leads into a Council maintained car park and Sir Joseph Banks Park.

The site currently 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**, these warehouses are largely concealed from public view by perimeter tree plantings and dense low-lying shrubbery.

Figure 3 provides an aerial photo of the site.



Figure 3 Site aerial

Source: Nearmap, edits by Ethos Urban

2.3.1 Topography

The site's northeast corner is its topographical high point, and the southern boundary is its low point. There is a level difference of approximately 2.6m across the site.

2.3.2 Biodiversity

The site is located within the parkland setting of Sir Joseph Banks Park, which surrounds the site's eastern, southern, and western boundaries. A 20-metre-wide landscaped Sydney Water easement runs adjacent to the site's northern

boundary. As noted, the site's existing warehouses are largely concealed from public view by the site's perimeter tree plantings and dense low-lying shrubbery.



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



Figure 6 Northern boundary perimeter vegetation viewed from the Sydney Water easement

Source: Ethos Urban



Figure 7 Eastern boundary perimeter vegetation as viewed from the east within Council Carpark

Source: Ethos Urban

2.3.3 Hazards

Three potentially hazardous pipelines are located to the site's north and northwest. The most significant pipeline is a Jet A1 pipeline, which runs along the Sydney Water easement adjacent to the site's northern boundary (see **Figure 8**). The pipeline is approximately 9 km long and transfers jet fuel from the Caltex Banksmeadow Terminal directly to the Sydney Kingsford Smith Airport Joint User Hydrant Installation.

Accordingly, the Planning Proposal is accompanied by a Hazard Analysis prepared by Arriscar Risk Engineering Solutions (**Appendix D**). **Section 7.7.3** summarises this Analysis.



Figure 8 Approximate pipeline locations mapping

Source: Arriscar

2.3.4 Heritage

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.

- 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.

Figure 9 displays the location of these heritage items.

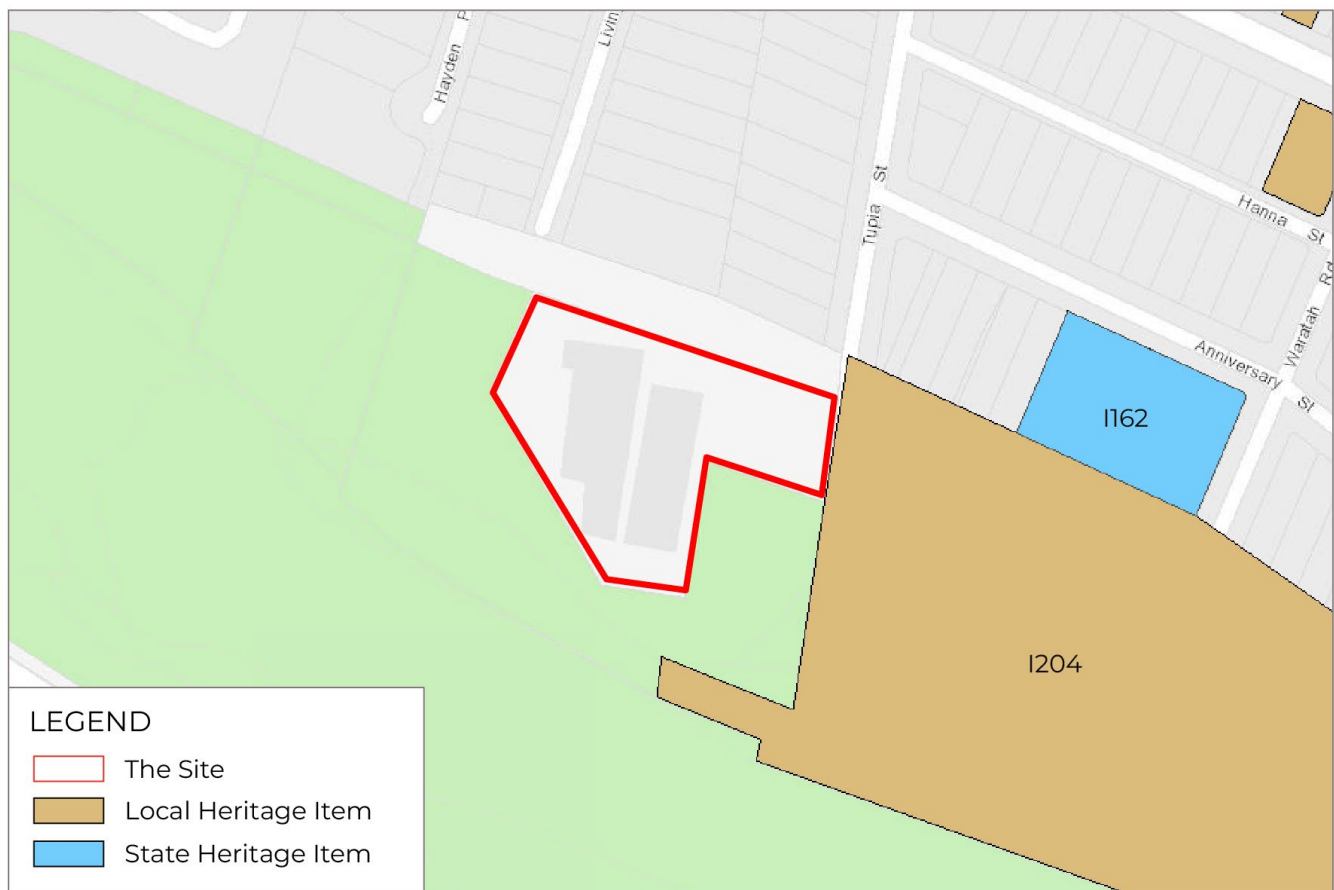


Figure 9 Heritage Mapping

Source: State Heritage Inventory

2.3.5 Access

One vehicular driveway services the site accessed from the southern point of Tupia Street. No vehicular access is provided into the site from the adjoining Council carpark or administration building. Pedestrian access is also obtained from the vehicular cross-over driveway

2.4 Surrounding development

Sir Joseph Banks Park surrounds the site to its west, south and east. As noted, a Sydney Water Easement separates the site from neighbouring development to the north. This development comprises dwelling houses and residential flat buildings located along the southern parts of Tupia Street, Anniversary Street, Livingstone Avenue and Edgehill Avenue (see **Figure 10**). These residential flat buildings' heights extend to 4 storeys and provide a reference point for the design concept included in this report.

As outlined in **Figure 11**, the site's broader context includes the following:

- Mixed-used development, including shop-top housing, fronting Botany Road's southern and northern sides approximately 250m north of the site.
- New mixed-use development and residential flat buildings up to seven storeys (located on Mahroot Street) in height to the north of Botany Road. Several of these developments are located at a similar or further distance to the Botany Road bus corridor compared to the site.



Figure 10 Surrounding residential flat buildings

Source: Nearmaps



Figure 11 Site's broader context

Source: CotteyParker



Figure 12 Surrounding development along the southern portion of Edgehill Avenue

Source: Ethos Urban



Figure 13 Surrounding development along the southern portion of Edgehill Avenue

Source: Ethos Urban



Figure 14 Surrounding development along the southern side of Anniversary Street

Source: Ethos Urban



Figure 15 Existing Sydney Water Easement separating the site from residential development to the north

Source: Ethos Urban



Figure 16 Newer development further north along southern side of Botany Road

Source: Ethos Urban



Figure 17 Newer development further north along the southern side of Botany Road

Source: Ethos Urban

3.0 Current Planning Controls

3.1 Bayside Local Environmental Plan 2021

The key environmental planning instrument (EPI) applying to the site is the Bayside LEP 2021. **Table 5** provides a summary of relevant existing controls.

Table 5 Bayside LEP 2021 Controls

Clause	Existing Control
Clause 2.1 – Land Use Zoning	R3 Medium Density Residential

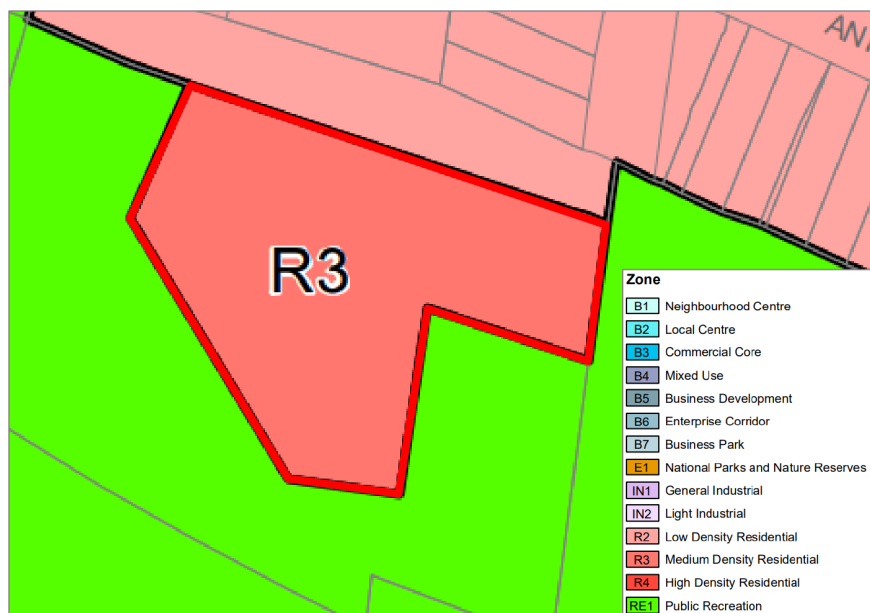


Figure 18 Land Zoning Map

Source: Bayside LEP Land Zoning Map – Sheet LZN_012

R3 Medium Density Residential Land Use	Permitted without consent	Home-based child care; Home occupations
	Permitted with consent	Attached dwellings; Bed and Breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual Occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Water supply systems
	Prohibited	Any other development not specified in item 2 or 3
Clause 2.5 – Additional Permitted Uses		Not applicable

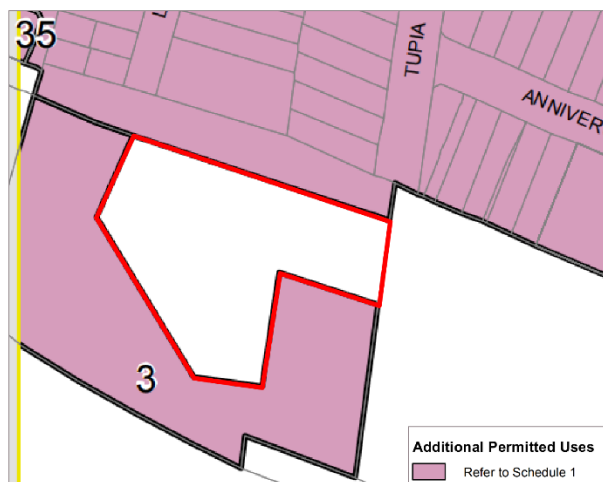


Figure 19 Additional Permitted Uses Map

Source: Bayside LEP Additional Permitted Uses Map – Sheet APU_012

Clause 4.3 – Height of Buildings

10m

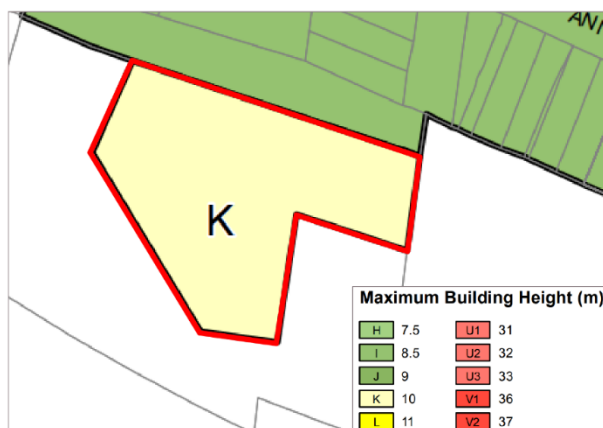


Figure 20 Height of Buildings Map

Source: Bayside LEP Height of Buildings Map – Sheet HOB_012

Clause 4.4 – Floor Space Ratio

0.85:1

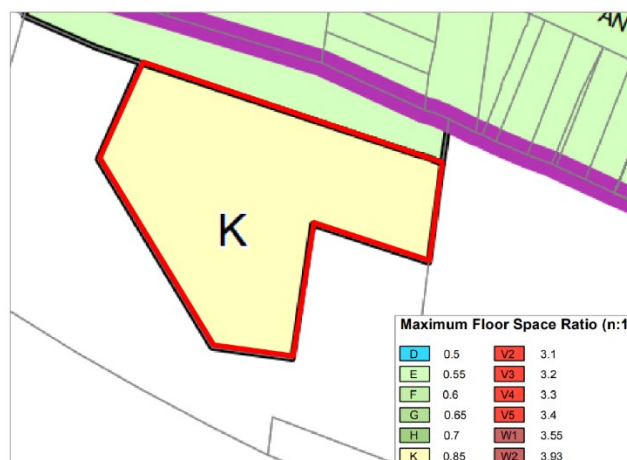


Figure 21 Floor Space Ratio Map

Source: Bayside LEP Floor Space Ratio Map – Sheet FSR_012

Clause	Existing Control
Clause 5.1A – Land intended to be acquired for public purposes	Not applicable
Clause 5.10 – Heritage Conservation	The site is not identified as an item, nor is it located in a Heritage Conservation Area. However, the site is located adjacent to Local Item no. I204 ‘Sir Joseph Banks Park’.
Clause 5.21 – Flood Planning	Applicable
Clause 6.1 – Acid Sulfate Soils	Applicable – Class 2 & Class 4 Acid Sulfate Soils

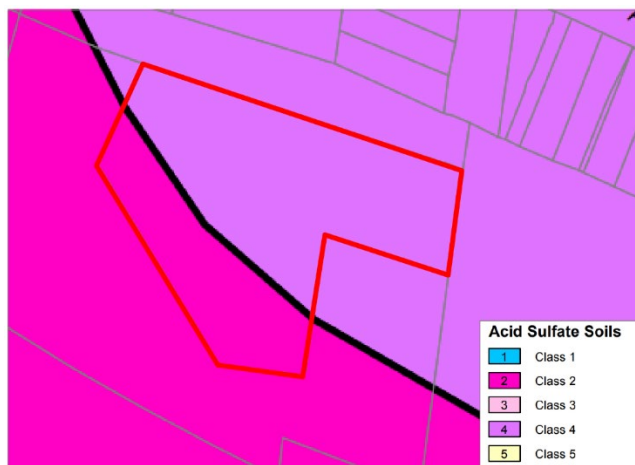


Figure 22 Acid Sulfate Soils Map

Source: Bayside LEP Acid Sulfate Soils Map – Sheet ASS_012

Clause 6.4 – Terrestrial biodiversity	Not applicable
Clause 6.5 – Riparian land, wetlands and waterways	Not applicable
Clause 6.6 – Limited development on foreshore area	Not applicable
Clause 6.7 – Airspace operations	Applicable
Clause 6.8 – Development in areas subject to aircraft noise	Applicable
Clause 6.11 – Design Excellence	Not applicable

3.2 Botany Bay Development Control Plan

The Botany Bay Development Control Plan 2013 (Botany Bay DCP) provides detailed guidance regarding development matters beyond those development standards within the Bayside DCP. Bayside Council recently exhibited the draft Bayside Development Control Plan 2022, which will supersede the Botany Bay DCP once implemented.

4.0 The concept design

This section describes the reference design prepared by architects Cottee Parker (**Appendix B**) that supports the Planning Proposal. The development concept, although indicative, seeks to demonstrate that the site is capable of accommodating the proposed controls, and demonstrates how the site might be developed under the proposed LEP amendments. The reference design and Planning Proposal responds to the existing character of the Site and meets the site criteria established by Bayside's LSPS and Local Housing Strategy.

4.1 Description of the concept design

The proposed amendments to the Bayside LEP are supported by an Concept Design and Urban Design Report prepared by Cottee Parker (**Appendix B & C**). The built form and land use activities reflected in Concept Design demonstrate how a quality design outcome can be delivered at the site under the proposed LEP amendments.

As shown in **Figure 23** and **Figure 24**, the Concept Design envisions:

- Demolition of the site's existing warehouses and site preparation works.
- Construction of three (3) four-storey residential flat buildings 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 permitter vegetation.



Figure 23 Concept Design - Ground Floor Plan

Source: Cottee Parker



Figure 24 Concept Design – 3D Model

Source: Cottee Parker

4.1.1 Numerical overview

Table 6 below summarises the Concept Design's key numerical information.

Table 6 Numerical Information

Component	Proposal
Land Uses	Residential Flat Building
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%

4.1.2 Design principles

The design team has designed the Concept Design in response to the following design principles:

- Facilitate the renewal of the existing dilapidated structures and under-utilised site by delivering well-articulated building forms that respond appropriately to the surrounding character.
- Retain the existing landscaped buffer and achieve an appropriate building design that ensures minimal visual impact upon neighbouring residential receivers.
- Provide a high level of amenity through the northern orientation of the proposed residential buildings and parkland surrounds.
- Achieve a central open communal space with access to sunlight and ensure the cumulative overshadowing of adjacent public open space in the setting of Sir Joseph Banks Park is minimised.
- Improve activation and safety of the Sir Joseph Banks Park and the Tupia Street termination by increasing the population density on site, which will contribute to additional casual surveillance of the Park.
- Provide housing diversity through a mix of suitable apartment sizes and configurations that is compatible with the surrounding built-form typology as the area experiences a significant residential development transition close to the Botany Road rapid transit corridor.
- Design building forms that comply with the Apartment Design Guidelines (ADG) criteria.

4.1.3 Built form

The design team determined the Concept Design's layout and built-form with consideration to 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 residential flat buildings.
- Limiting the residential flat buildings' maximum height to four-storeys to sit below the site's perimeter tree plantings (see **Figure 25**) and complement other four-storey residential flat buildings in the surrounding area (see **Figure 10**).

- Orientating the residential flat buildings to maximise the number of north-facing apartments, thus enabling 81% of apartments to receive at least 2 hours of sunlight per day.
- Locating all parking underground to protect Sir Joseph Banks Park's amenity.

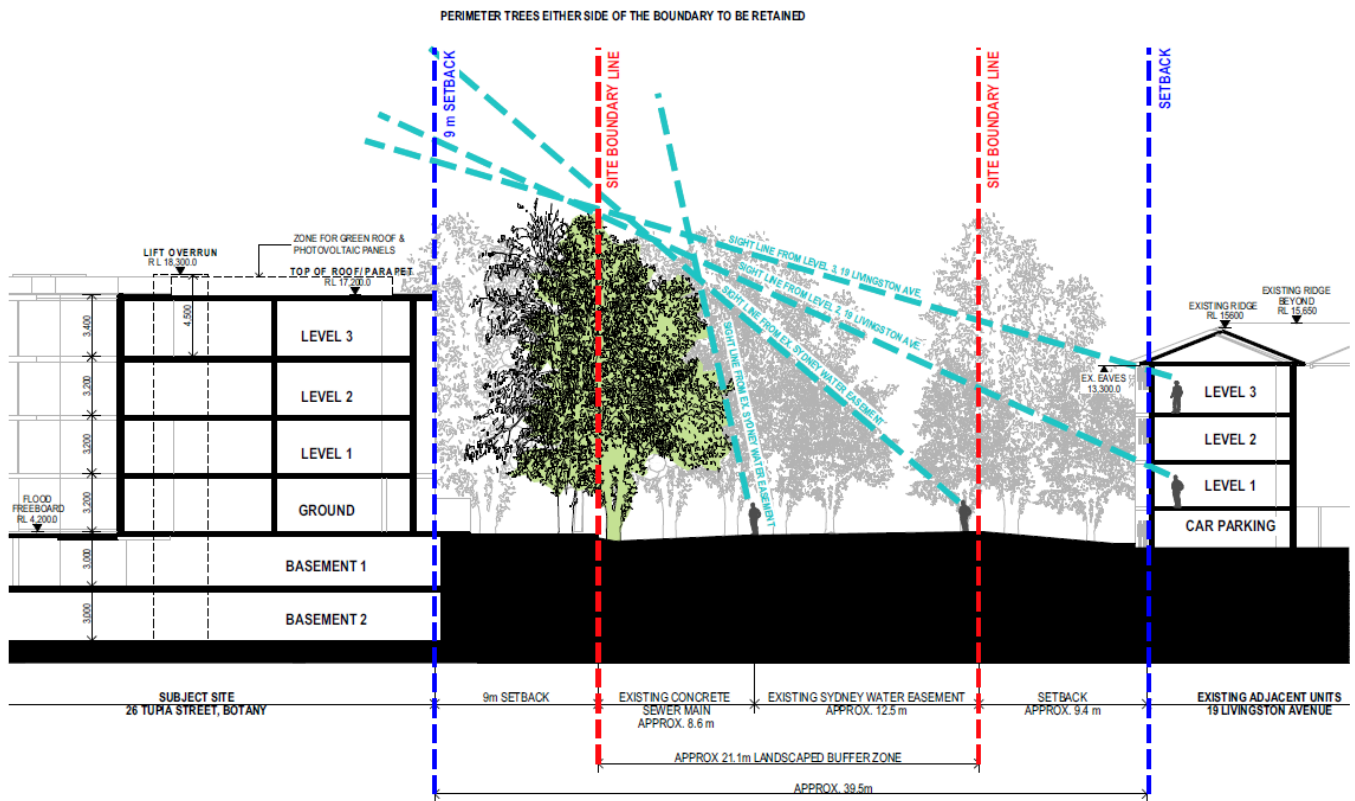


Figure 25 Section

Source: Cottey Parker Urban

4.1.4 Landscaping and open space

The Architectural Scheme incorporates sizeable landscaped open areas and deep soil areas to contribute to the site's parkland setting and provide a high level of amenity for future residents. It delivers approximately 3,461sqm of landscaped open space, representing 43% of the site's area, and 3,288sqm of deep soil space, representing 41% of the site's area.

The scheme locates deep soil areas within the proposed landscaped setbacks to contribute to the site's visual screening and integrate with the parklands to the site's east, south and west. It also provides a centrally located communal open space to maximise access for all apartments. The open space area merges with Sir Joseph Banks Park to the east, providing residents with direct access to the Park and its shared cycling and walking paths.

4.1.5 Site access and parking

The residential flat buildings feature a shared two-level basement carpark with an overall capacity of 220 vehicles. The basement also includes an on-site loading bay and a waste room capable of accommodating the Australian Standard 8.8m long Medium Rigid Vehicle (MRV) in Basement Level 1. The MRV is similar in size to a typical waste collection vehicle and can enter and exit the site in a forward direction using a turn table.

5.0 The Planning Proposal

This section sets out the Planning Proposal, including its objectives and intended outcomes and proposed LEP amendments.

5.1 Objectives and intended outcomes (pt 1)

The Planning Proposal’s objective is to amend the Bayside LEP to facilitate the development of well-designed residential flat buildings in a parkland setting with good access to recreation facilities, public transport, services and employment opportunities.

The Planning Proposal’s intended outcomes are:

- Contribute to the amenity of Sir Joseph Banks Park by replacing incompatible warehouses with well-designed and sympathetic residential accommodation and protecting existing dense vegetation and solar access to the Park’s key areas.
- Apply a maximum building height limit and GFA appropriate for the site’s area and location, adjacent to recreational facilities and within walking distance of a bus corridor, and commercial and retail uses along Botany Road.
- Deliver controls and a built-form outcome consistent with the controls afforded to other sites with similar attributes elsewhere in the Bayside LGA and consistent with the scale in the site’s immediate vicinity.
- Achieve a high-quality design screened by a generous landscape buffer to minimise visual impact upon neighbouring residential receivers.
- Integrate ESD principles into the future design and uses to achieve best practice sustainable building principles and improve the site’s environmental and social performance.
- Manage urban stormwater and improve water quality within and around the site.
- Increase the site’s overall tree canopy cover with vegetation suited to site’s parkland setting.
- Assess the relevant environmental, social and economic impacts of the proposal.

5.2 Explanation of provisions (Pt 2)

The Planning Proposal’s overarching purpose is to facilitate the site’s development for high-quality residential accommodation. The Proponent intends to achieve the objectives and intended outcomes identified in **Section 5.1** by permitting additional floor space, building height and the development of residential flat buildings through amendments to the Bayside LEP.

Table 7 summarises the proposed planning approach for the site, while the following sections provide further detail. **Appendix A** includes proposed LEP maps.

Table 7 Summary of proposal

Plan	Proposal	
Amendment to Bayside Local Environmental Plan 2021	Maximum building height	Apply a maximum permissible building height of RL18.30m.
	Maximum floor space ratio	Apply a maximum permissible floor space ratio of 1.15:1.
	Additional Permitted Use	Residential flat buildings proposed as an additional permitted use for the site under Schedule 1 of the Bayside LEP.

5.2.1 The Bayside LEP 2021

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 (see **Figure 26**). 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.

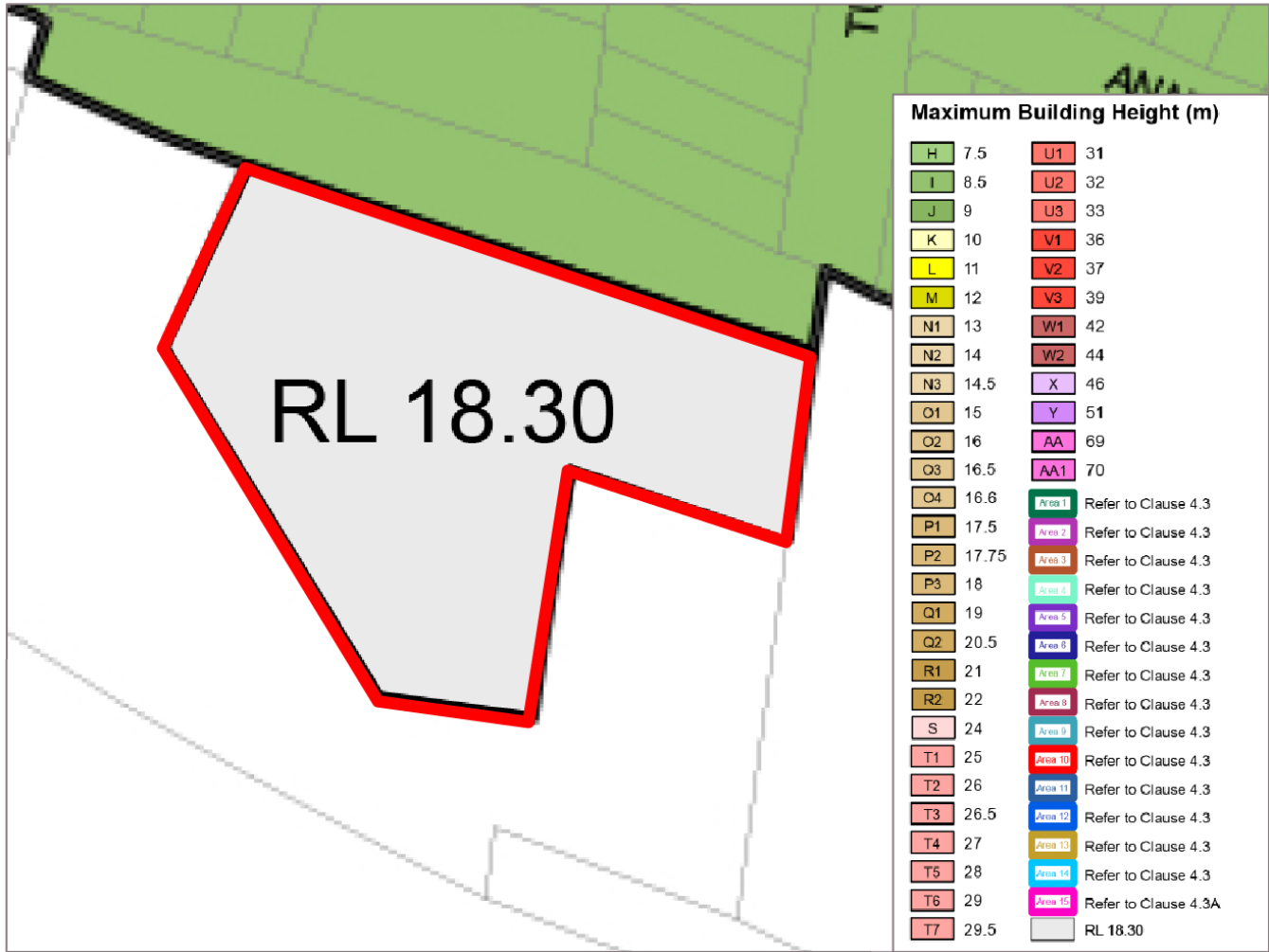


Figure 26 Proposed LEP Height of Building Map

Source: Ethos Urban

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 (see **Figure 27**)

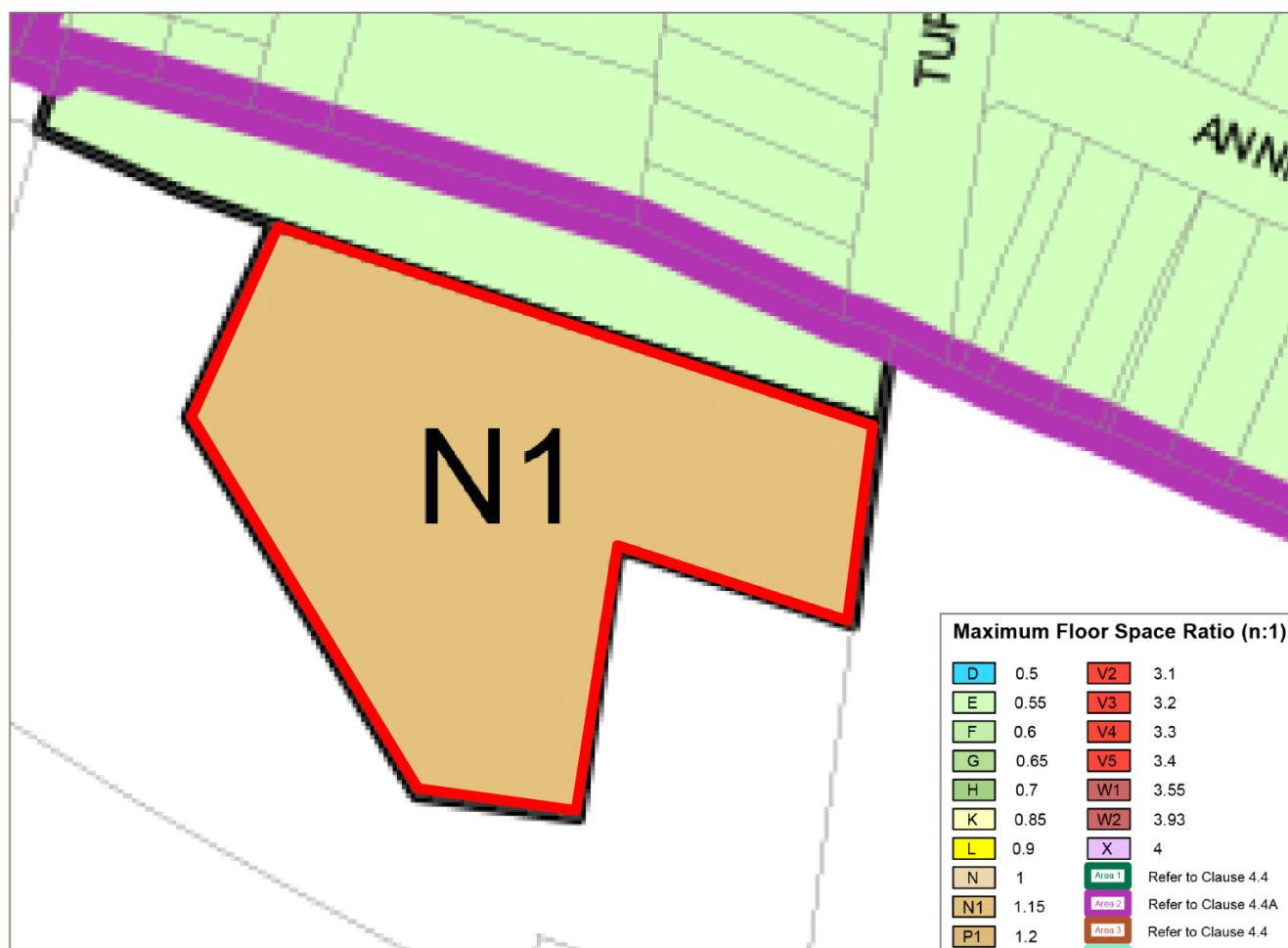


Figure 27 Proposed LEP FSR Map

Source: Ethos Urban

Additional Permitted Uses

As outlined in **Section 1.1.2**, Council submitted and received Gateway approval 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 also include the site in Item 34 to enable **residential flat buildings** as a land use permitted with consent (see **Figure 28**). 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—

- a) 96A Bay Street, Botany, being Lot 3 DP 629040;
- b) 97 Banksia Street, Botany, being Lot 1 DP 200187;
- c) 70 Macintosh Street, Mascot, being Part Lot 1 DP 668902;
- d) 10-12 Middlemiss Street, Rosebery (also known as 10-12 Coward Street, Mascot), being Lot 2 DP 771111;
- e) 76-80 Beauchamp Road, Hillsdale, being Lot 12 DP 736905; and
- f) 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.

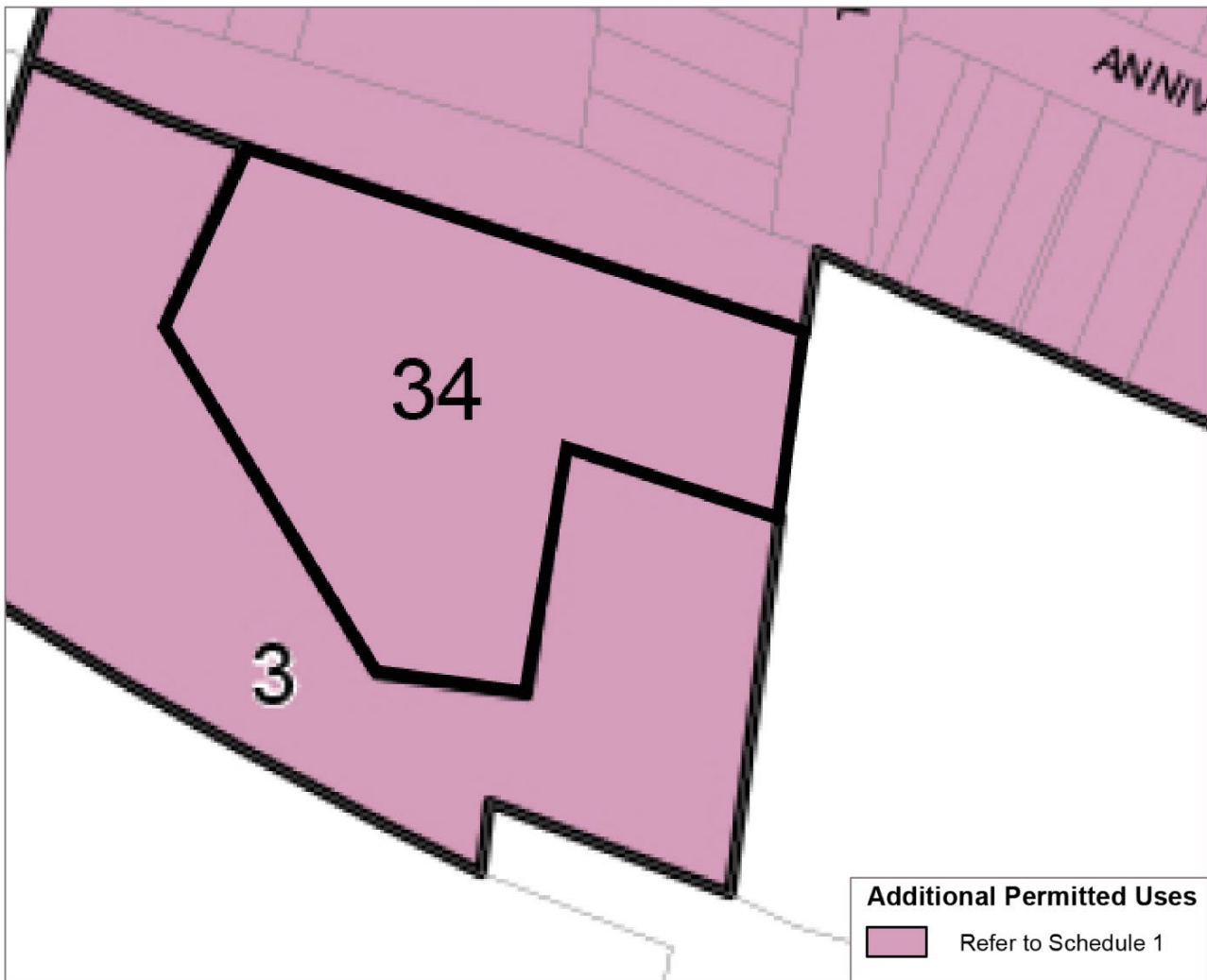


Figure 28 Proposed APU FSR Map

Source: Ethos Urban

5.3 Mapping (Pt 4)

This Planning Proposal includes amendments to the following maps:

- Height of Building Map (HOB_012) to increase the site's maximum permitted height to RL 18.30m.
- Floor Space Ratio Map (FSR_012) to increase the site's maximum permitted FSR to 1.15:1.
- Additional Permitted Uses Map (APU_012) to include **residential flat buildings** as a land use permitted with consent

Maps of the proposed amendments to the Bayside LEP are provided at **Appendix A**.

5.4 Site-specific Development Control Plan

Should the Relevant Planning Authority (RPA) decide to proceed with the Planning Proposal, a site specific Development Control Plan (DCP) will be required. At this stage, it is envisaged that the Site-specific DCP would largely be based on the indicative design concept presented with this Planning Proposal, subject to further refinement and negotiation with the RPA following a Gateway determination. It is also envisaged that the Site-specific DCP and Planning Proposal could be exhibited together, to give the community and Council additional clarity around the future intended outcomes of the Planning Proposal.

5.5 Planning agreement

The City of Botany Bay Section 7.11 Development Contributions Plan 2016 (Amendment 1) will apply to the site at the development application (DA) stage. In addition, the Proponent is willing to explore entering into a planning agreement with the Council to deliver additional public benefit through a monetary contribution towards local infrastructure such

as community facilities and public open space improvements (or the like). It is anticipated that further discussions regarding a potential public benefit offer (e.g. via a planning agreement) with Council will be undertaken as part of the Planning Proposal process.

6.0 Justification (Pt 3)

6.1 Section A – Need for a planning proposal

Q1 - Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Council released its Bayside Local Strategic Planning Statement (Bayside LSPS) in 2020. It provides a 20-year land-use planning vision for the Bayside LGA informed by the Greater Cities Commissions’ (GCC) Region and District Plans.

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) (see **Table 8**).

This projected shortfall in housing supply and housing mix within the LGA presents and highlights the need to identify new opportunities to plan and deliver new 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 8 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	24,555
	Additional housing capacity under current zoning	16,609	
Difference			-1,466 (shortfall)

This shortfall in forecast dwelling supply is further exacerbated by recent statistics on dwellings completions in the LGA. Upon reviewing the Greater Sydney Urban Development Program Dashboard, the number of building completions (520) in Bayside over the past 12 months is 74.7% below the previous 5-year average (see **Figure 29**). This would suggest that on top of expected shortfall in available capacity under Bayside’s current planning controls, recent market conditions and limited availability of suitable development sites has further hampered dwelling supply within the LGA.



Figure 29 Bayside LGA Housing Supply

As presented above, 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. Furthermore, the LSPS 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 9** demonstrates the site's alignment with these criteria. 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. It will also support the Housing Strategy's other objectives to increase housing diversity and ensure the new housing is high-quality and well-designed.

Table 9 *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 located approximately a 3–5-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.
Pleasant to walk around, with services and shops within a reasonable walking distance	As mentioned previously, the site is within 3-5 minute walking distance from Botany Road, which provides a range of services, shops and restaurants. 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.
Have access to open space, recreational facilities and community facilities, either existing or planned	
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 nearby local centres. It is also within walking distance (within 800m) to B1 Neighbourhood Centre, B4 Mixed Use, and B7 Business Park 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 8000sqm, 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.

Criteria	Site's Alignment
Not significant slope constraints.	The site's topography is relatively flat and it is envisioned that it can accommodate residential flat buildings.

Q2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Proponent and their appointed project team considered the following options to achieve the objectives outlined in **Section 5.1**.

- Option 1 – Do nothing
- Option 2 – Lodge a Development Application (DA) that complies with the site's existing planning controls.
- Option 3 – Lodge a Planning Proposal to facilitate the development of four-storey residential flat buildings (selected option)

These options are presented below.

Do Nothing

As described in **Section 2**, the site currently accommodates three separate warehouse typologies that are incompatible with the site's surrounding parkland and residential setting. Under a 'do nothing' scenario, these warehouses will continue to detract from the heritage significance of Sir Joseph Banks Park, and Council will forfeit an opportunity to improve the site's integration and contribution to its surrounding public domain. Moreover, a 'do nothing' approach would prevent needed medium-density housing from being delivered on a strategically located site adjacent to recreational facilities and within walking distance of a bus corridor and commercial and retail uses along Botany Road.

Therefore, it is evident that a do-nothing approach is wholly inconsistent with the site's strategic context. Furthermore, it fails to achieve the Planning Proposal's primary objective to facilitate the development of well-designed residential flat buildings in a parkland setting with good access to recreation facilities, public transport, services and employment opportunities.

Compliant Development Application

The site's current planning controls do not permit residential flat buildings. Therefore, the Planning Proposal's objective to deliver well-designed residential flat buildings in a parkland setting is unachievable through a compliant DA. In addition, the delivery of a compliant form of residential accommodation fails to address the strategic need for low to medium-rise apartment accommodation on a site that is appropriate for such development based on the Housing Strategy's criteria, as presented in **Section 6.1**. An alternative form of residential accommodation would minimise the benefits of the site's immediate access to the Sir Joseph Banks Park and proximity to public transport and shops along Botany Bay Road. Further, it is considered this alternative form of housing, being in the form of low-density dwellings or multi-dwelling housing, would be an inefficient use of the Site and would not promote the orderly and economic use of the land, which is a key object of the Act. This is due to these forms of housing not maximising the Site's potential based on its unique characteristics and locational advantageous as outlined within this report.

Planning Proposal to amend the Bayside LEP

The construction of four-storey residential flat buildings is the preferred development for the site for the following reasons.

- The site's proposed change of land use will enhance the LGA's environmental heritage by replacing industrial development that is incompatible with Sir Joseph Bank Park with sympathetically designed and less impactful residential accommodation. This land use will contribute to the Park's activation and provide additional casual surveillance, with an opportunity for future residents to be stewards of the Park and appreciate its setting.
- The construction of residential flat buildings will deliver approximately 109 units to help address the forecast supply shortfall of low-rise apartments and meet Bayside housing targets. As noted, this need is emphasised by the Greater Sydney Urban Development Program Dashboard, which shows that the number of building completions in Bayside over the past 12 months (520) is 74.7% below the previous 5-year average.
- The site meets Bayside Council's Housing Strategy's site criteria for 4-storey apartment buildings.

- The proposed four-storey building height is appropriate for the site considering its strategic context, topography, existing perimeter tree plantings and surrounding medium-density residential character, which includes other nearby four-storey residential flat buildings.

A Planning Proposal is necessary to facilitate the development of well-designed residential flat buildings, as this land use is currently prohibited at the site. Furthermore, no mechanism exists to deliver this land use under a State Environmental Planning Policy.

6.2 Section B – Relationship to strategic planning framework

Q3 - Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the released the *Greater Sydney Region Plan: A Metropolis of Three Cities* (the Regional Plan), which sets the strategic planning direction for the region. The Plan sets out key directions that collectively form a framework for liveability, productivity and sustainability that underpins the growth of Sydney. It identifies Botany as a local centre and encourages Council's to consider medium density in-fill development on residential land surrounding local centres.

The Region Plan outlines a number of specific 'planning objectives', with those of relevance to this Planning Proposal discussed further in **Table 10**.

Table 10 Consistency with the Greater Sydney Region Plan

	Planning objective	Consistency with Planning Proposal	
7	Communities are healthy, resilient and socially connected	The site currently benefits from good access to Sir Joseph Banks Park, a high-quality public park featuring open spaces, play equipment and pedestrian and cycling paths. The proposal seeks to leverage on this direct access to public open space by support additional capacity for new homes on the site that will allow new residents to have access to places to meet, exercise, and socially connect.	✓
10	Greater housing supply	<p>Sydney is growing, and the Region Plan notes that <i>"a range of housing types provides for the needs of the community at different stages of life and caters for diverse household types. It means that as people age they can move into smaller homes and age in their own neighbourhoods, while young adults leaving home can stay close to their families and communities"</i>.</p> <p>The NSW Government forecasts that an additional 725,000 homes will be needed by 2036 to meet demand based on current population projections. While detail in terms of delivery will be determined by councils preparing housing strategies under the principles established by the Plan, given Sydney's sustained population growth, the primary intent is to pursue opportunities for additional housing over the next 20 years. The Plan states that developers play an important role in supporting housing outcomes:</p> <p><i>"The development industry needs to continually provide new housing and translate the development capacity created by the planning system into approvals and supply"</i>.</p> <p>The Proposal addresses this need by unlocking additional housing supply on a large, underutilised site within walking distance of the Botany Road bus corridor, recreational areas and shops and services such as a supermarket, post office, chemist and Botany Public School. These attributes of the site make it an ideal location to support the supply of new homes within well-serviced locations within Bayside.</p>	✓
11	Housing is more diverse and affordable	<p>Greater Sydney is one of the least affordable housing markets globally and, together with Melbourne, is the least affordable Australian city. Factors contributing to rental and purchasing affordability challenges include the limited availability of smaller dwellings to meet the growing proportion of small households and the growing distance between affordable housing areas and employment and educational opportunities.</p> <p>The Proposal envisions a mix of 1, 2 and 3-bedroom apartments. This seeks to meet the diverse housing needs of the Bayside LGA by providing an alternate dwelling</p>	✓

Planning objective		Consistency with Planning Proposal	
		type within the Botany locality by supporting larger and smaller apartments to ensure apartments accommodate the needs of all household types. These homes will be near Port Botany and associated urban services land and Sydney Airport, which are major employment hubs in Sydney, and will have immediate access to a significant public open space area at Sir Joseph Banks Park.	
13	Environmental heritage is identified, conserved and enhanced	<p>The site is located adjacent to the heritage listed Sir Joseph Banks Park and nearby to Sir Joseph banks Hotel.</p> <p>This Planning Proposal is supported by a Statement of Heritage Impact (Appendix E), which confirms that the Planning Proposal:</p> <ul style="list-style-type: none"> • Will have a minimal visual impact on Sir Joseph Banks Park to the site's existing screening vegetation and capacity for enhancing the Park's landscape setting. • Will not impact significant views of Sir Joseph Banks Park. • Will enhance Sir Joseph Banks Park's heritage setting by replacing incompatible and unsightly industrial development with sympathetically designed residential accommodation. • The site and the proposed future built form are located at a considerably distance from the Sir Joseph Banks hotel (approximately 100m), which is a State heritage item. Further, it will be screened by existing vegetation on the site and within the surrounding parklands. As such, the proposal will have a negligible impact on this heritage item, including with respect to its curtilage, form or views toward it. <p>Furthermore, the Proposal will contribute to the park's activation and provide additional casual surveillance, with an opportunity for future residents to be stewards of the park and appreciate its setting.</p>	✓
14	Integrated land use and transport creates a walkable and 30-minute city	<p>Key elements for this objective include co-locating activities in and around centres to create walkable, cycle-friendly neighbourhoods and providing residents with a 30-minute public transport service to their nearest strategic centre seven days a week.</p> <p>The Planning Proposal seeks to give effect to this objective by delivering housing within walking distance of the Botany Road bus corridor, recreational areas, and services such as a supermarket, post office, chemist and Botany Public School. Future residents can also access nearby employment centres such as Port Botany, Sydney Airport and Mascot within 30 minutes by public transport.</p>	✓
31	Public open space is accessible, protected and enhanced	<p>As noted, the Proposal will enhance Sir Joseph Banks Park by replacing incongruous industrial development with sympathetically designed residential accommodation. The renewal of this large site will support the provision of more homes being located within 200 metres of quality open space at Sir Joseph Banks Park, which provides a range of passive and active recreational areas. The proposal will also improve the site's interface with the public open space, presenting opportunities to increase passive surveillance of this public space.</p>	✓

Eastern City District Plan

The Region Plan is supported by the Eastern City District Plan (District Plan), which guides land use planning at the district level for the next 20 years. The District Plan locates the site near the Botany Town Centre, Port Botany and Sydney (Kingsford Smith) Airport.

The Proposal strongly aligns with the District Plan's priorities and objectives as outlined in **Table 11**.

Table 11 Consistency with the Eastern City District Plan

Direction	Planning Priority/Actions	Assessment	
A city supported by infrastructure	Planning for a city supported by infrastructure.	The Planning Proposal facilitates new housing within walking distance (230m) of the Botany Road bus corridor. Bus route 309 services the corridor, which will connect future commuters to Redfern Station, Port Botany, Mascot and Matraville.	✓

Direction	Planning Priority/Actions	Assessment	
A city for people	Fostering healthy, creative, culturally rich and socially connected communities.	<p>The Planning Proposal will foster the creation of a high-quality residential accommodation, with strong access to recreation areas and pedestrian and cycling infrastructure. The proposed communal open space integrated with the adjacent Sir Joseph Banks Park will provide future residents with an exceptional public space to meet and socialise. This will assist in fostering a sense of community and supporting social cohesion as new residents move to the area.</p> <p>There is also an opportunity for future residents to develop a deep appreciation for Sir Joseph Banks Park and become stewards supporting the Park's upkeep.</p>	✓
Housing the city	Providing housing supply, choice and affordability with access to jobs, services and public transport.	<p>The Eastern District Plan forecasts the need for an additional 28,000 homes in the Bayside LGA by 2036. In terms of housing diversity and affordability, planning for housing needs to consider the type of dwellings required to respond to expected changes in both household size and age. The District Plan states that this requires a more diversified mix of smaller homes, group homes, adaptable homes of universal design and aged care facilities.</p> <p>New housing should also be provided in the right locations and of the right design. The District Plan states that:</p> <p><i>'New housing must be in the right places to meet demand for different housing types, tenure, price points, preferred locations and design. Housing supply must be coordinated with local infrastructure to create liveable, walkable neighbourhoods with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport'.</i></p> <p>Consistent with these housing themes, the Planning Proposal:</p> <ul style="list-style-type: none"> • Will provide additional housing on a site that can assist in achieving the Bayside housing target for new homes. • Will provide a greater diversity of housing in the form of apartments. • Is accompanied by an Concept Design that is well designed and will contribute to the high amenity recreational area in which the subject site is uniquely situated. 	✓
A city of great places	Creating and renewing great places and local centres and respecting the Districts heritage.	As described above, the Planning Proposal will not have an unacceptable adverse impact on nearby heritage items. Instead, the Proposal will enhance Sir Joseph Banks Park's heritage setting by replacing incompatible industrial development with sympathetically designed residential accommodation that will improve the interface between the site and public open space.	✓
A well-connected city	Delivering integrated land use and transport planning and a 30-minute city.	The Planning Proposal supports the '30-minute' city vision by delivering housing within walking distance of the Botany Road bus corridor, recreational areas, and services such as a supermarket, post office, chemist and Botany Public School. Future residents can also access nearby employment centres such as Port Botany, Sydney Airport and Mascot within 30 minutes by public transport.	✓
A resilient city	Adapting to the impacts of urban and natural hazards and climate change.	As outlined in Section 7.6.2 , the development concept has been designed with consideration to future storm events under a 2050 and 2100 sea rise scenario.	✓

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

Bayside Local Strategic Planning Statement

As noted, the 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). It also describes Bayside existing residential character, with the eastern part of Bayside (in which the site is

located) described as “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”.

Accordingly, the LSPS prioritises delivering appropriately located, diverse and affordable housing sizes and options to accommodate population growth.

Table 12 sets out how the Planning Proposal is consistent and gives effect to the planning priorities identified by the LSPS.

Table 12 Consistency with the Local Strategic Planning Statement

Planning Priority		Consistency with the Planning Proposal	
5	Foster healthy, creative, culturally rich and socially connected communities	The LSPS states that high quality, flexible and well-located social infrastructure needs to support population growth in Bayside to ensure a health and vibrant urban life. Accordingly, the LSPS notes that the local community need access to daily needs and essential services by walking and cycling to local and neighbourhood centres. The Planning Proposal supports this aim by locating new housing within walking distance of services along Botany Road.	✓
6	Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors	As outlined in Table 9 , the LSPS set out site requirements for housing growth in Bayside to meet the forecast need for an additional 28,000 dwellings by 2036. Table 9 demonstrates that the site aligns with these locational criteria. Notably, 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. The Planning Proposal also supports the LSPS short term (1-5 year) priority for “Infill development in the existing medium density zoned land for medium density housing. The land use planning controls will need to be amended”.	✓
7	Provide choice in housing to meet the needs of the community	The LSPS notes that most new dwellings built in the LGA in the past ten years are 1- or 2-bedroom apartments. It encourages a mix of apartment sizes to continue providing housing choices for the Bayside community, including families with children, couples with no children, lone-person households and group households. The Proposal responds to this need by providing a satisfactory mixture of 1-, 2- and 3-bedroom apartments.	✓
9	Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm	The LSPS seeks to encourage good quality design by ensuring compliance with the ADG. The concept design presented in Section 4 demonstrates that residential flat buildings on the site can achieve compliance with the ADG under the proposed planning controls.	✓

Bayside Local Housing Strategy to 2036

The Bayside Local Housing Strategy plans for the growth of approximately 26,000 new homes in the LGA by 2036. It is noted the Housing Strategy sets a lower housing target than the Eastern City District Plan (by approximately 2,000 homes). The Housing Strategy centres on six objectives, five of which are relevant to the Proposal:

- **Housing supply** - Increasing housing supply to meet housing demand. Notably, the Housing Strategy identifies a significant supply shortfall of low-rise apartments.
- **Housing locations** – Locating housing in and around existing centres with good public transport accessibility and walkability.
- **Housing diversity** – Providing a greater diversity of housing choices to meet the changing needs of the local community, including housing suitable for families and older people and adaptable housing.
- **Housing affordability** – Increasing the supply of low-cost housing.
- **Housing design** – Ensuring new housing is high quality, well designed, responsive to local character and meets the community's needs.

The Planning Proposal gives effect to these objectives by:

- Supplying approximately 109 units to help address the forecast supply shortfall of low-rise apartments and meet Bayside housing targets. As noted, this need is emphasised by the Greater Sydney Urban Development Program Dashboard, which shows that the number of building completions in Bayside over the past 12 months (520) is 74.7% below the previous 5-year average.
- Delivering housing within walking distance of Sir Joseph Banks Park, the Botany Road bus corridor, and shops and services along Botany Road. The transit corridor is serviced by bus route 309, which connects commuters to local employment centres, such as Port Botany, Mascot and Botany, within 30 minutes.
- Providing a mixture of 1-, 2- and 3-bedroom housing to meet the changing needs of the local community, including housing suitable for families and older people and adaptable housing.

As described in **Section 6.1**, the Housing Strategy sets out site requirements for new medium density development.

Table 9 demonstrates the site's alignment with the criteria.

Council's Planning Proposal to Delete of Additional Permitted Uses 34 & 35 (PP-2022-1517)

In 2022, responding to their LSPS and Local Housing Strategy, Council submitted and received Gateway approval for a Planning Proposal (PP-2022-1517) to delete Item 35 from Schedule 1, 'Additional Permitted Uses' in the Bayside LEP, which permits the use of certain land in the R3 Medium Density Zone for residential flat buildings. Despite the blanket removal of Item 35 from Schedule 1 of the Bayside LEP, Council's Planning Proposal retained residential flat buildings as an additional permitted use on the following six sites.

- 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.

Figure 30 shows the location of these sites. These 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 residential flat buildings. They are now subject to Section 4.4(2H) of the Bayside LEP, which allows bonus FSR for residential flat buildings. Importantly, Council's proposal to retain residential flat buildings as a permissible use on these six sites sets a precedence of how it interprets the objectives and actions of its LSPS and Local Housing Strategy.

Despite the site's attributes meeting the site requirements of the LSPS and LHS (as outlined in **Table 9**), Council's Planning Proposal (PP-2022-1517) excludes 26 Tupia Street, Botany from retaining residential flat buildings as an additional permitted use without any specific justification in the planning proposal. To demonstrate the site's suitability for retaining residential flat buildings as a permissible use, a comparative analysis was undertaken between the site and the Council's six sites nominated to retain residential flat buildings as a permissible use (refer to **Table 14**).

This analysis assesses these sites against Bayside's Local Housing Strategy's criteria for higher scale medium density. Notably, the analysis demonstrates how the site is comparable or superior in meeting Bayside's criteria for higher scale medium density, when compared to Council's six sites nominated to retain residential flat buildings as a permissible use.

Furthermore, it is noted that Council's six sites nominated to retain residential flat buildings were subject to urban design testing, demonstrating they could meet planning and Apartment Design Guide requirements to accommodate residential flat buildings. The Concept Design prepared by Cottee Parker (**Appendix B**) includes a preliminary assessment of the development concept against the ADG, demonstrating general compliance with the relevant provisions.

Accordingly, the above demonstrates the site's ability to give effect to Bayside's Local Housing Strategy and its suitability to retain residential flat buildings as a permissible use.

Table 13 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

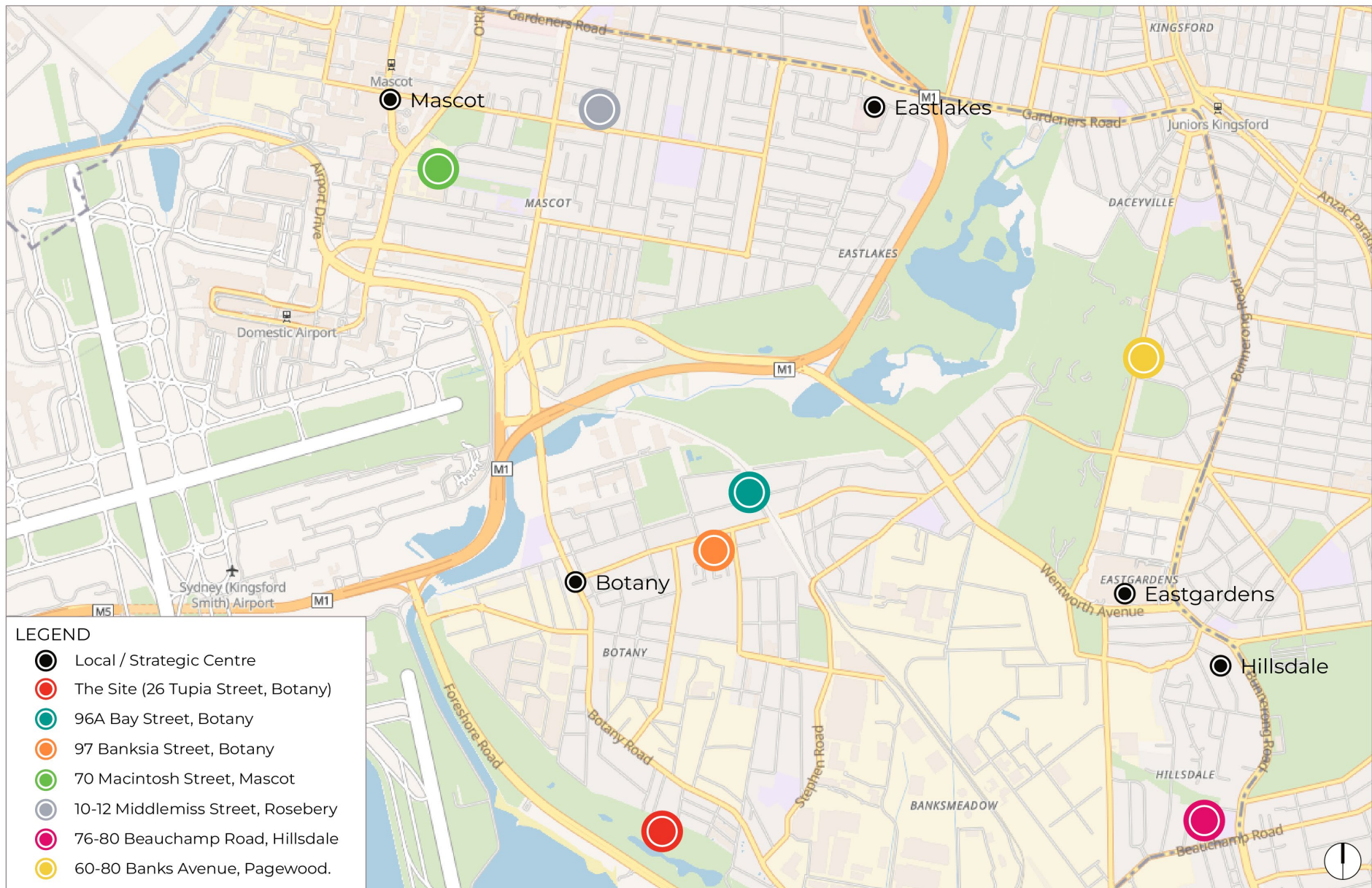


Figure 30 Location of R3 Medium Density Sites Where Residential Flat Building Will Remain Permissible

Source: Maphub, edits by Ethos Urban

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

Future Transport Strategy

The Future Transport Strategy is a 40-year strategy to achieve the NSW Government's vision for the city's transport system. The Planning Proposal is consistent with the Strategy by:

- Integrating land use and transport by increasing density within proximity to mass transit options along Botany Road.
- Improving liveability by providing housing close to high quality, reliable new public transport investments.
- Improving sustainability by locating housing close to public and active transport routes, which will reduce reliance on private motor vehicles and encourages active transport.

Q6 - Is the planning proposal consistent with any other applicable State and regional studies or strategies?

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 14** below.

Table 14 Consistency with applicable SEPPs

SEPP	Consistency			Comment
	Yes	No	N/A	
SEPP (Planning Systems)			✓	The future development of the site may be deemed as 'regional development', should the development's CIV exceed \$30 million.
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed amendment. May apply to future development on the site.
SEPP (Resilience and Hazards) 2021	✓			SEPP (Resilience and Hazards) 2021 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. It specifically requires consideration when rezoning land and in determining development applications and requires that remediation work meets certain standards and notification requirements. A Preliminary Site Investigation and, if necessary, a Detailed Site Investigation and Remediation Action Plan, will be provided at the development application stage.
SEPP (Industry and Employment) 2021			✓	No signage is proposed.
SEPP (Transport and Infrastructure) 2021	✓			Future development applications may be classified as traffic-generating development and require referral to TfNSW.
SEPP No. 65 Design Quality of Residential Apartment Development	✓			The Concept Design prepared by Cottee Parker (Appendix B) includes a preliminary assessment of the masterplan against the ADG. It demonstrates general compliance with the relevant provisions. Future development applications to which SEPP 65 applies will be accompanied by a detailed SEPP 65 assessment.
SEPP (BASIX) 2004	✓			The Planning Proposal will not preclude future compliance with SEPP (BASIX) 2004.
State Environmental Planning Policy (Biodiversity and Conservation) 2021			✓	The development scheme presented in Section 4 does not involve the removal of any trees. Therefore, it is unlikely that the State Environmental Planning Policy (Biodiversity and Conservation) 2021 will apply. Nevertheless, the Proponent will seek consent for clearing vegetation should it be required at the DA stage.

Q7 - Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Table 15 Consistency of the Planning Proposal with the relevant Section 9.1 Directions

Ministerial Direction	Consistency			Comment
	Yes	No	N/A	
1. Planning Systems				
1.1 Implementation of Regional plans	✓			As demonstrated in Section 6.2 , the Planning Proposal is consistent with the Greater Sydney Regional Plan.
1.2 Development of Aboriginal Land Council Land			✓	Not applicable
1.3 Approval and Referral Requirements	✓			The Planning Proposal is not designated development, and it would not require the concurrence of the DPE.
1.4 Site Specific Provisions	✓		✓	The Planning Proposal seeks to permit residential flat buildings at the site (as an additional permitted use) without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
1. Planning Systems Place-based				
1.5 Parramatta Road Corridor Urban Transformation Strategy			✓	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan			✓	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor			✓	Not applicable
1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan			✓	Not applicable. The site is not within the study area for the Bayside West Precinct.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct			✓	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan			✓	Not applicable
1.14 Implementation of Greater Macarthur 2040			✓	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy			✓	Not applicable
1.16 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable

Ministerial Direction	Consistency			Comment
1.17 Implementation of the Bays West Place Strategy			✓	Not applicable
1.18 Implementation of the Macquarie Park Innovation Precinct			✓	Not applicable
1.19 Implementation of the Westmead Place Strategy			✓	Not applicable
1.20 Implementation of the Camellia-Rosehill Place Strategy			✓	Not applicable
1.21 Implementation of South West Growth Area Structure Plan			✓	Not applicable
1.22 Implementation of the Cherrybrook Station Place Strategy			✓	Not applicable
3. Biodiversity and Conservation				
3.1 Conservation Zone			✓	Not applicable
3.2 Heritage Conservation	✓			As outlined in Section 7.5 a Statement of Heritage Impacts supports the Planning Proposal, concluding that it will not adversely impact the surrounding items of heritage, nor will it detract from the heritage setting of Sir Joseph Banks Park.
3.3 Sydney Drinking Water Catchments			✓	Not applicable
3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs			✓	Not applicable
3.5 Recreation Vehicle Areas			✓	Not applicable
3.6 Strategic Conservation Planning			✓	Not applicable
3.7 Public Bushland			✓	Not applicable
3.8 Willandra Lakes Region			✓	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area			✓	Not applicable
3.10 Water Catchment Protection			✓	Not applicable
4. Resilience and Hazards				
4.1 Flooding	The Planning Proposal relies on satisfying Consistency item (c) of the s.9.1 Ministerial Direction			<p>This planning proposal is accompanied by a Flood Risk Assessment and a Flood Risk Management Plan prepared by BMT (Appendix H)</p> <p>This plan satisfies consistency item (c) of direction 4.1 flooding, which requires a flood and risk impact assessment to support the Planning Proposal prepared in accordance with the principles of the Floodplain Development Manual 2005.</p> <p>It confirms that the Planning Proposal and associated development concept appropriately address flood hazards by elevating the site's central communal open area, incorporating finished flood levels for the PMF event for all buildings and including a shelter-in-place strategy. A Flood Emergency Response Plan accompanies the Planning Proposal and recommends the inclusion of a platform set above the PMF level to provide safe emergency egress if required during a flood event.</p>
4.2 Coastal Management	✓			This report is accompanied by a Coastal Hazard and Risk Assessment prepared by BMT (Appendix I).

Ministerial Direction	Consistency			Comment
				It confirms that the development concept's finished floor level will effectively manage storm inundation risks under current and future timeframes.
4.3 Planning for Bushfire Protection			✓	Not applicable
4.4 Remediation of contaminated land	✓			A Preliminary Site Investigation and, if necessary, a Detailed Site Investigation and Remediation Action Plan can be prepared at the development application stage.
4.5 Acid Sulfate Soils	✓			This report is accompanied by a preliminary Acid Sulfate Soils Assessment and Management Plan prepared by JK Environments (Appendix F) to appropriately manage Acid Sulfate Soils at the site.
4.6 Mine Subsidence and Unstable Land			✓	Not applicable
5. Transport and Infrastructure				
5.1 Integrating Land Use and Transport	✓			The site will facilitate a residential land use that better utilises its proximity to public transport infrastructure at Botany Road than the site's existing industrial land uses.
5.2 Reserving Land for Public Purposes			✓	Not applicable
5.3 Development Near Regulated Airports and Defence Airfields	✓			As part of their initial Planning Proposal, the Proponent consulted with the Sydney Airport Corporation Limited (SACL) to understand the site's existing airspace constraints. Correspondence from Sydney Airport (see Appendix G) indicated that the site location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority. Further engagement with respect to the subject Planning Proposal can be undertaken during its assessment with the relevant airspace authorities as required.
5.4 Shooting Ranges			✓	Not applicable
6. Housing				
6.1 Residential zones	✓			The Planning Proposal will meet the objectives of this direction by: <ul style="list-style-type: none"> Increasing the supply of diverse housing options in Bayside. Making more efficient use of the site's proximity to the Botany Road bus corridor, recreational areas, and services such as a supermarket, post office, chemist and Botany Public School. Utilising existing urban land rather than land on the urban fringe.
6.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
7. Industry and Employment				
7.1 Business and Industrial Zone			✓	Not applicable
7.2 Reduction in non-hosted short term rental accommodation period			✓	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway North Coast			✓	Not applicable
8. Resources and Energy				

Ministerial Direction	Consistency			Comment
8.1 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
9. Primary Production				
9.1 Rural Zones			✓	Not applicable
9.2 Rural Lands			✓	Not applicable
9.3 Oyster Aquaculture			✓	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable

6.3 Section C – Environmental, social and economic impact

Q8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Although the site is located within the setting of Sir Joseph Banks Park, it is also within a highly modified urban environment. Therefore, it does not contain critical habitat or threatened species, populations or ecological communities, or their habitats. The Planning Proposal seeks to retain trees that exist around the site's perimeter. Therefore, the Planning Proposal is unlikely to impact critical habitat or threatened species, populations or ecological communities or their habitats. If relevant, these matters can be appropriately considered at the development application stage.

Q9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Negligible Impacts. As discussed in the **Section 7**, the proposal is not expected to result in any significant adverse environmental effects. Notably:

- The proposed four-storey building height is appropriate for the site considering its strategic context, topography, existing perimeter tree plantings and surrounding medium-density residential character, which includes other nearby 4-storey residential flat buildings.
- The Planning Proposal and associated development concept appropriately address flood hazards by elevating the site's central communal open area, incorporating finished flood levels for the probable maximum flood (PMF) event for all buildings and including a shelter-in-place strategy. The Planning Proposal is accompanied by a Flood Emergency Response Plan recommends the inclusion of a platform set above the PMF level to provide safe emergency egress if required during a flood event.
- The Proposal will enhance the setting of the adjacent Sir Joseph Banks Park by replacing unsightly and incompatible industrial units with a more appropriate and sympathetic land use that can contribute to greater passive surveillance and visual expansion of the Park through balcony locations, generous landscaped setbacks and communal open space.
- The site is positioned south of other residential accommodation to avoid overshadowing existing residential properties. Furthermore, most shadows cast on Sir Joseph Banks Park by the proposed development will fall on areas already overshadowed by the site's existing perimeter trees.
- Traffic modelling results demonstrate that the Planning Proposal will not have an unacceptable impact on the surrounding road network. The nearby Botany Road/Tupia Street intersection is anticipated to operate with a good level of service in 2032 with the proposed development.

Q10 - Has the planning proposal adequately addressed any social and economic effects?

Yes. The social and economic impacts arising from the Planning Proposal are identified in **Section 7.10** of this report. The social and economic impacts will be positive. They include:

- Providing a catalyst for economic growth at a time of economic uncertainty, through stimulating investment and construction activity.

- Supporting additional housing supply, improving resident choice, and supporting population growth within a high amenity precinct, close to public transport, employment opportunities as well as social and community infrastructure.
- Increasing housing diversity and choice through approximately 109 apartments, which will support the delivery of new housing opportunities and price points within proximity to transport infrastructure and services.
- New residents will support higher levels of activity and patronage within the Botany local centre.

6.4 Section D – Infrastructure (Local, State and Commonwealth)

Q11 - Is there adequate public infrastructure for the Planning Proposal?

Yes. The site is located in an established urban area and has access to public transport, infrastructure and health and education services. Further investigations will be undertaken as part of the preparation of the development application to determine whether any upgrade of existing utilities is required to enable the proposal.

6.5 Section E – State and Commonwealth interests

Q12 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be further known and reinforced once further consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

6.6 Summary of strategic and site-specific merit

The *Local Environmental Plan Making Guideline* sets out that a Planning Proposal needs to demonstrate that it meets the Strategic Merit Test. The consistency of this Planning Proposal with the assessment criteria is set out below.

a) Does the proposal have strategic merit?

Part 3 of the *Local Environmental Plan Making Guideline* establishes assessment criteria for determining if Planning Proposals have strategic merit:

- a) *Does the proposal have strategic merit? Is it:*
- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the Site, including any draft regional, district or corridor/precinct plans released for public comment; or*
 - *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
 - *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographics trends that have not been recognised by existing planning controls.*

As outlined in the preceding sections, the Planning Proposal is:

- Consistent with all applicable strategic planning policies, including the Region Plan, District Plan, Bayside LSPS and accompanying strategy for housing. Key aspects of consistency with these policies include:
 - Delivering housing within walking distance of open space, shops, services and public transport along Botany Road to help meet the forecast need of 26,000 to 28,000 new homes in Bayside and realise the broader vision of a 30-minute city. This need is emphasised by the Greater Sydney Urban Development Program Dashboard, which shows that the number of building completions in Bayside over the past 12 months (520) is 74.7% below the previous 5-year average.
 - The site meets the site criteria for new 3-4 storey apartments in Bayside as set out in the Housing Strategy and LSPS. Notably, the site is:
 - Near Port Botany and associated urban services land and Sydney Airport, which are major employment hubs in Sydney. Botany Road is located approximately a 3–5-minute walk from the site, which features key services such as a supermarket, post office, chemist and Botany Public School.
 - 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.
 - Enhancing the LGA's environmental heritage by replacing industrial development that is incompatible with Sir Joseph Bank Parks with sympathetically designed residential accommodation. Furthermore, the Proposal will

contribute to the Park's activation and provide additional casual surveillance, with an opportunity for future residents to be stewards of the park and appreciate its setting.

- Providing a mixture of 1, 2 and 3-bedroom housing to meet the changing needs of the local community, including housing suitable for families and older people and adaptable housing.

b) Does the proposal have site-specific merit?

Part 3 of the *Local Environmental Plan Making Guideline* establishes assessment criteria for determining if Planning Proposals have site-specific merit:

b) Does the proposal have site-specific merit, having regard to the following?

- *the natural environment (including known significant environmental values, resources, or hazards); and*
- *the existing uses, approved uses, and likely future uses or land in the vicinity of the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

As outlined in the preceding sections of this report, the Planning Proposal has site-specific merit for the following reasons:

- The site is a large, underutilised landholding unencumbered by significant constraints, including strata ownership, threatened species, existing open space, heritage, steep topography, or existing special uses.
- The site presents an opportunity to enhance Sir Joseph Banks Park's heritage significance by replacing incompatible industrial development with sympathetically designed residential accommodation.
- As noted, the site is within walking distance of the Botany Road bus corridor, recreational areas, and services such as a supermarket, post office, chemist and Botany Public School.
- The site's scale, separation from other land uses, and existing perimeter vegetation ensure that it can accommodate residential flat buildings that comply with the ADG, have minimal visual and overshadowing impacts and feature generous landscaped setbacks and open spaces.
- The site can be readily serviced by utilities and infrastructure to support the proposed use and density.

Summary

This Planning Proposal achieves both the strategic merit and site-specific merit criteria, and therefore the Planning Proposal should be supported.

7.0 Environmental assessment

This section provides an environmental assessment of the proposed planning controls and the indicative development those controls are capable of accommodating.

7.1 Land use

The site is zoned R3 Medium Density Residential under the Bayside LEP. The zone's objectives are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure land uses are carried out in a context and setting to minimise impact on the character and amenity of the area.*
- *To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.*

As described in **Section 2**, existing warehouses currently occupy the site and are used for light industrial purposes. This land use is prohibited under the site's current zoning, relies on existing use rights under Division 11 of the Act and is inconsistent with the zone's objectives. Furthermore, the light industrial land use is incompatible with the adjacent Sir Joseph Banks Park and the site's surrounding residential character to the north.

Meanwhile, the development of 4-storey residential flat buildings meets the objectives of the R3 Medium Density Residential zone by:

- Contributing to the supply and variety of housing to meet the needs of the community within Bayside.
- Complementing the site's surrounding medium-density residential character, which includes other 4-storey residential flat buildings (see **Figure 10**).
- Locating housing in an accessible location near the Botany Road bus corridor and shared pedestrian and cycling paths that run through Sir Joseph Banks Park.

Moreover, the site's characteristics are conducive for accommodating residential flat buildings without disturbing or impacting neighbouring residential amenity or the recreational amenity of Sir Joseph Banks Park. The site is a large landholding (approximately 8,000sqm) on a single title, is setback approximately 30m from residential neighbours to the north, can accommodate generous landscaped setbacks and features existing perimeter tree plantings and dense low-lying shrubbery to provide visual screening.

Therefore, the Planning Proposal will facilitate the development of a more appropriate land use at the site.

7.2 Built form and public domain

7.2.1 Height

The Proponent previously proposed 5-storey residential flat buildings under their initial Planning Proposal. In response to Council's and the BLPP's feedback, the Proponent has revised their design to 4-storey residential flat buildings. Considering the site's strategic context, topography, and its surrounding medium-density residential character, which includes other 4-storey residential flat buildings (see **Figure 10**) this scale of building height is considered to be appropriate for the site. Furthermore, as described in **Section 6.1**, the site aligns with Bayside Council's Local Housing Strategy's criteria for a 3-4 storey development within its LGA.

7.2.2 Solar access and overshadowing

The Concept Design prepared by Cottee Parker includes shadow diagrams between 9am and 3pm for the winter solstice (see **Figure 31**). Those diagrams demonstrate:

- The site is sufficiently removed from other residential accommodation 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. Therefore, the Concept Design aligns with Chapter 4C.2.3, Control C3 of the Botany Bay DCP, which states that building height and bulk should minimise the loss of solar amenity to adjacent sites and open spaces.
- The concept development's morning shadows fall on a less usable part of Sir Joseph Banks Park due to its steep topography.
- The southern portion of the central communal open space will receive solar access during the midday and afternoon throughout the year.

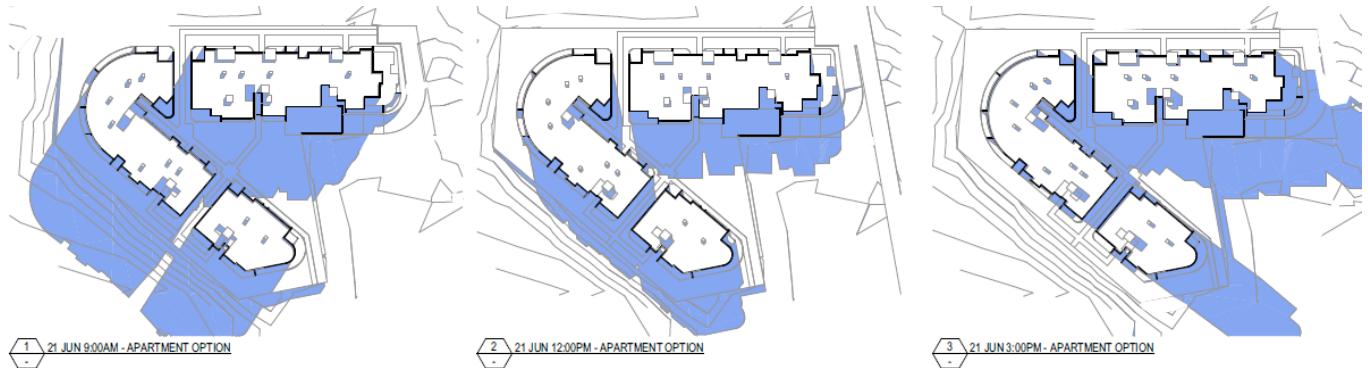


Figure 31 Shadow Diagrams

Source: Cottee Parker Urban

7.2.3 Setbacks and building separation

The Concept Design features generous 9m minimum landscaped setbacks to all property boundaries, which should enable the lush, existing perimeter tree plantings that encase the site. For comparison, the draft Bayside Development Control Plan 2022 requires a 3m side setback for four storey development and a 6m (or 15% of site length) for rear setbacks. These generous setbacks reduce building heights towards the site's perimeter, thus preserving the amenity and enabling an appropriate transition to adjacent public open spaces.

Moreover, the site is further separated to the nearest forms of residential development to the north due to a natural buffer zone that accommodates a sewer main and Sydney Water easement. The separation distance it provides approximately of 20m in additional separation, which coupled with the proposed 9m landscaped setbacks to the boundary, provides an atypical amount of separation for an urban context.

Considering the above, the unique features and characteristics of the site and its context enable a medium density, development outcome that is generously separated from its neighbours and suitably setback from surrounding parkland. The setbacks proposed also enable the retention of existing, mature vegetation on the site, which will complement the parkland's natural character.

In terms of ADG compliance, the three residential flat buildings also feature a 6m building separation from each other, which complies with the minimum building separation for non-habitable rooms. Further, most units including their associated areas of private open spaces are orientated to address the Park or the proposed communal open space area. As such, this facilitates the ability for non-habitable rooms to be provided at the buildings edges, to enable satisfactory levels of privacy between forms. Notwithstanding the current arrangements in the concept design, the proposal can be refined further at DA stage to align further with the objectives of the ADG.

7.2.4 Visual impact

The proposed 4-storey built forms are anticipated to have a minimal visual impact on neighbouring properties and Sir Joseph Banks Parks. As shown in **Figure 32** below, the four-storey built form sits 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.

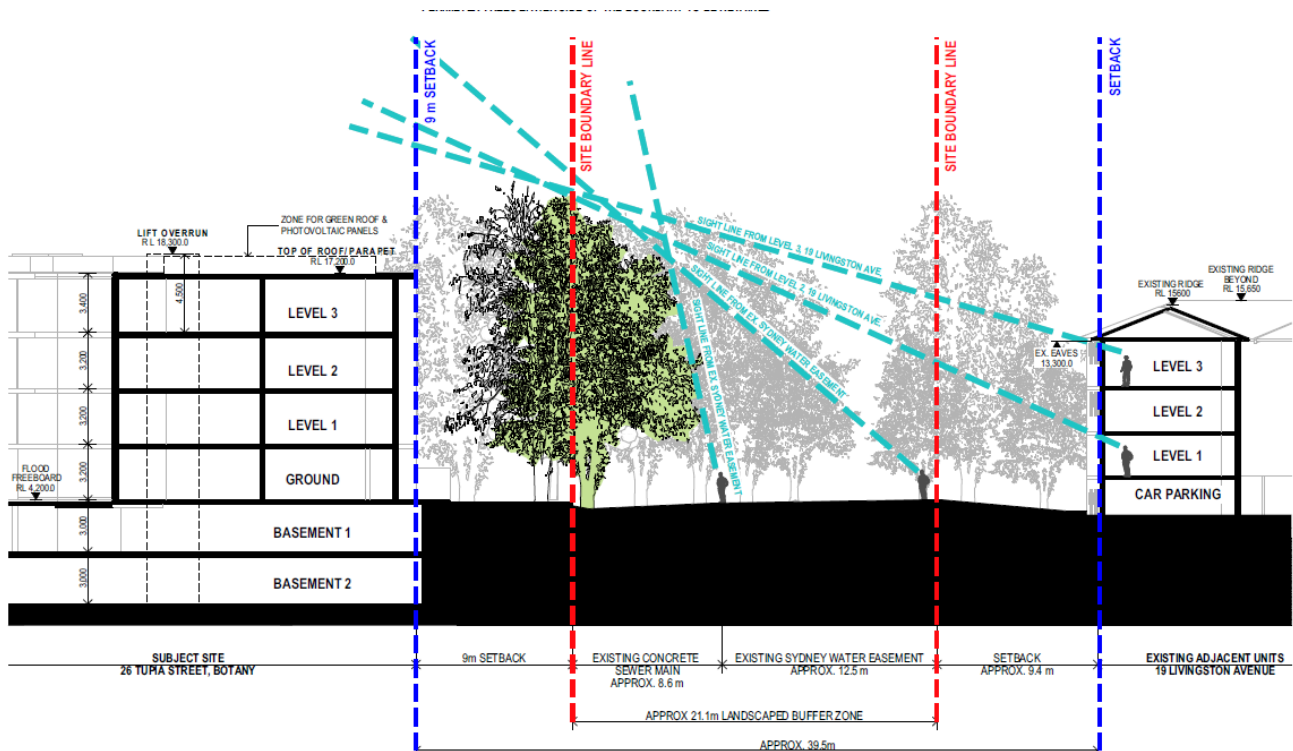


Figure 32 Section

Source: Cottee Parker Urban

7.3 Residential amenity

The site is sufficiently remote from the impacts of high traffic volume along nearby arterial roads (Botany Road and Foreshore Road) and offers a high level of residential amenity, by virtue of its northern orientation and parkland surrounds. The development maintains the existing character of the site within its parkland setting by retaining the continuous buffer of mature trees located around the site's perimeter and extends the deep soil zone around the sites boundary to ensure the longevity of these existing trees and provide new opportunities for deep soil planting.

The sites unique parkland setting offers the benefit of compact living within a spacious environment that offers green open space at each boundary. Providing habitable spaces in this location will ensure further activation and passive surveillance of Sir Joseph Banks Park, the off-leash dog park, basketball courts, playground and pedestrian walk / cycleway. The nature of the proposed development is consistent with the shared council and applicant desire to provide a suitable mix of high quality, residential accommodation within the Bayside LGA.

The site greatly benefits from its location being sufficiently setback from neighbouring development and arterial roads but also within walking proximity to Botany Road where the rapid transit corridor is located, providing connectivity between the site and neighbouring employment nodes via this transport link. Locating residential dwellings in this location is in line with the strategic vision for Sydney and the '30 minute city'.

7.4 Traffic and transport

This Planning Proposal is supported by a Transport, Traffic and Parking Assessment Report (TTPA) prepared by Terrafic (**Appendix J**) that assesses the Proposal's transport and parking impacts. The TTPA's findings are presented below.

7.4.1 Existing road network

The existing road network servicing the site includes Tupia Street (local road), Botany Road (State Road) and Foreshore Drive (State Road). The principal intersection that the Planning Proposal will impact is the Botany Road/Tupia Street Intersection

Terrafic compared the results of a 2019 and 2022 traffic count survey during the AM (8am to 9am) and PM (4.45pm to 5.45pm) peak periods to identify the intersection's current performance and forecast the intersection's future movements under a 2032 scenario.

7.4.2 Traffic generation and impact

The TTPA adopts the RMS Guideline's traffic generation rates for warehouses and high density residential flat buildings to compare the site's existing industrial units and proposed residential flat building's traffic generation. **Table 16** presents the result of this comparison and shows that the Planning Proposal will generate approximately 14 additional vehicle trips per hour during peak periods.

Table 16 Existing vs Proposed Traffic Generation

Land Use	Traffic Generation Rate	Existing Industrial Floor Space / Proposed No. of Units	Results
Existing Industrial Units	0.5 vehicle trips per hour (vtph) per 100m ²	3,650m ²	18vtph
Proposed residential flat buildings	0.29 peak hour vehicle trips per unit	109 units	32vtph
Difference			+ 14vtph

The TTPA assesses the impact of the additional traffic generation presented above on the operational capacity of the Botany Road/Tupia Street Intersection using SIDRA modelling under three scenarios.

- **Scenario 1** – Current 2022 traffic volumes.
- **Scenario 2** – Future 2032 traffic volumes determined based on the growth comparison of the 2019 and 2022 traffic count surveys.
- **Scenario 3** - Future 2032 flows plus the Planning Proposal's traffic generation without the discount for the existing industrial unit's traffic flows.

Table 17 below shows the SIDRA modelling results for the three scenarios. Criteria for interpreting the operation of an intersection are Level of Service¹, Degree of Saturation² and Average Vehicle Delay³. A Level of Service of 'D' or better is generally considered a minimum design requirement for intersections.

Table 17 SIDRA Modelling Results – Botany Road/Tupia Street Intersection

Scenario		Level of Service	Degree of Saturation	Average Vehicle Delay
Scenario 1	Existing AM Peak	B	0.332	0.4
	Existing PM Peak	B	0.297	0.6
Scenario 2	Future 2032 AM Peak	B	0.401	0.4
	Future 2032 PM Peak	B	0.359	0.6
Scenario 3	Projected 2032 AM Peak	B	0.406	0.7
	Projected 2032 PM Peak	B	0.385	1.0

The modelling results demonstrate that the Planning Proposal will not have an unacceptable impact on the surrounding road network. The Botany Road/Tupia Street intersection is anticipated to operate with a good level of service in 2032 with the proposal.

The TTPA also determines that traffic flows along Tupia Street will be well below the RTA Guideline's recommended maximum peak hour volumes for local roads (200 vehicles per hour). Traffic estimates that maximum traffic volumes with the development will be 74 vehicle movements in the AM peak and 84 movements in the PM peak.

¹ **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).

² **Degree of Saturation** - the ratio of demand flow to capacity, and therefore has no unit. As it approaches 1.0, extensive queues and delays could be expected. For a satisfactory situation, Degree of Saturation should be less than the nominated practical degree of saturation, usually 0.9.

³ **Average Vehicle Delay** - Delay is the difference between interrupted and uninterrupted travel times through the intersection and is measured in seconds per vehicle.

Cumulative traffic impacts

The TTPA reviews development sites within a 1km radius of the site to determine cumulative traffic impacts. All identified development sites were north of Botany Road, meaning they are unlikely to impact the local road network servicing the site on the southern side of Botany Road.

7.4.3 Parking and servicing

Parking

The TTPA adopts the following parking rates presented in the Botany Bay DCP for residential flat buildings.

- 1 space per 1-bedroom unit.
- 2 spaces per 2 or more-bedroom units.
- 1 visitor space per 5 dwellings.

Table 18 below compares the required number of parking spaces under the DCP against the provided number of parking spaces in the development concept. It demonstrates that the site can accommodate sufficient parking to satisfy the Botany Bay DCP's requirements.

Table 18 **Parking Assessment**

Parking Type	Proposed Units		Required Parking	Parking Provided
Residents parking	1-bedroom	26	192	220
	2 or more bedrooms	83		
Visitor parking	109		22	
Total			214	220

Servicing

The development concept incorporates a dedicated loading bay capable of accommodating Medium Rigid Vehicles. The TTPA confirms that the loading bay complies with the requirements specified in Table 4.1 of the Australian Standard AS/NZS2890.2-2018 – “Off-Street Commercial Vehicles” and features sufficient headroom clearance. A commercial vehicle turntable is included to facilitate forward egress from the loading bay.

Therefore, the TTPA concludes that the design of the development concept's basement carpark and vehicular access arrangements can satisfy the relevant Australian Standards.

7.5 Heritage

This report is accompanied by a Statement of Heritage Impact (SHI) prepared by GBA Heritage (**Appendix E**) that evaluates the development concept's impact on the significance of nearby heritage items. As described in **Section 2.4.4**, 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 SHI concludes that the Planning Proposal and associated development concept will not adversely impact the above-listed heritage items for the reasons set out under the headings below.

Sir Joseph Banks Park

- The development concept retains the site's perimeter tree plantings, which effectively screens the residential flat buildings when viewed from the Park. As illustrated in **Figure 32**, 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 residential flat buildings 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.

7.6 Water management

7.6.1 Flooding

This report is accompanied by a Flood Risk Assessment prepared by BMT (**Appendix H**) that assesses the development concept's potential impact on flood behaviour. It also satisfies consistency item (c) of local planning direction 4.1 flooding, which requires a flood and risk impact assessment to support the Planning Proposal prepared in accordance with the principles of the Floodplain Development Manual 2005.

Existing flood conditions

The site is within the Foreshore Beach catchment as defined in the *'Botany Bay Foreshore Beach Catchment Floodplain Risk Management Study and Plan'*. It is also subject to overland flow flooding from inundation predicted in rare and extreme flood events.

Post-development flood impact

The Flood Risk Assessment simulates the 5% Annual Exceedance Probability (AEP), 1% AEP, 0.5% AEP, 0.2% AEP and Probably Maximum Flood (PMF) events with the development concept. Using the simulation's results, the Flood Risk Assessment models the site's hazard classification per the *Best Practice Flood Risk Management approach to flood hazard mapping*. That modelling demonstrates:

- The site's hazard classification ranges between H1⁴ to H4⁵ during the 1% AEP and between H1 to H5⁶ during the PMF (see **Figure 33** and **Figure 34**). The areas with a higher hazard classification are located around the site's 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.

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 residential flat buildings, which have been incorporated in the Concept Design presented in **Section 4** and **Annexure C**. Therefore, all occupants will be above the PMF and outside potential interactions with hazardous floodwaters.

⁴ H1 - relatively benign flow conditions.

⁵ H4 - unsafe for all people and vehicles.

⁶ H5 - unsafe for all people and vehicles, and buildings require engineering design and construction.

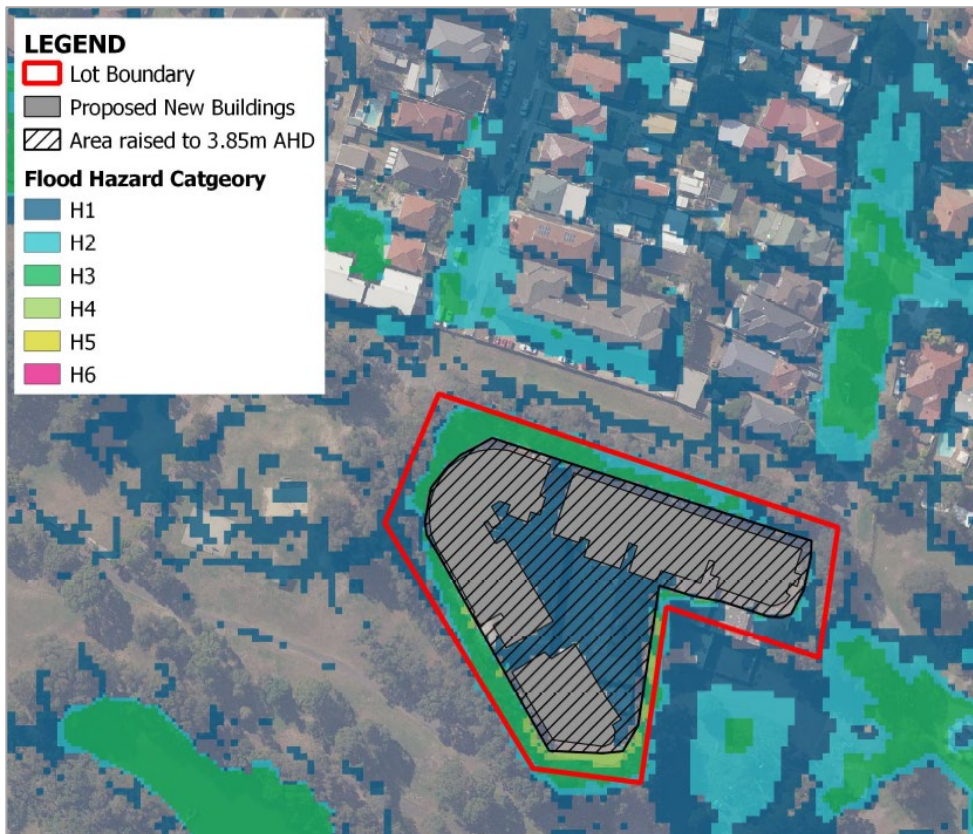


Figure 33 1% AEP Flood Hazard Category

Source: BMT

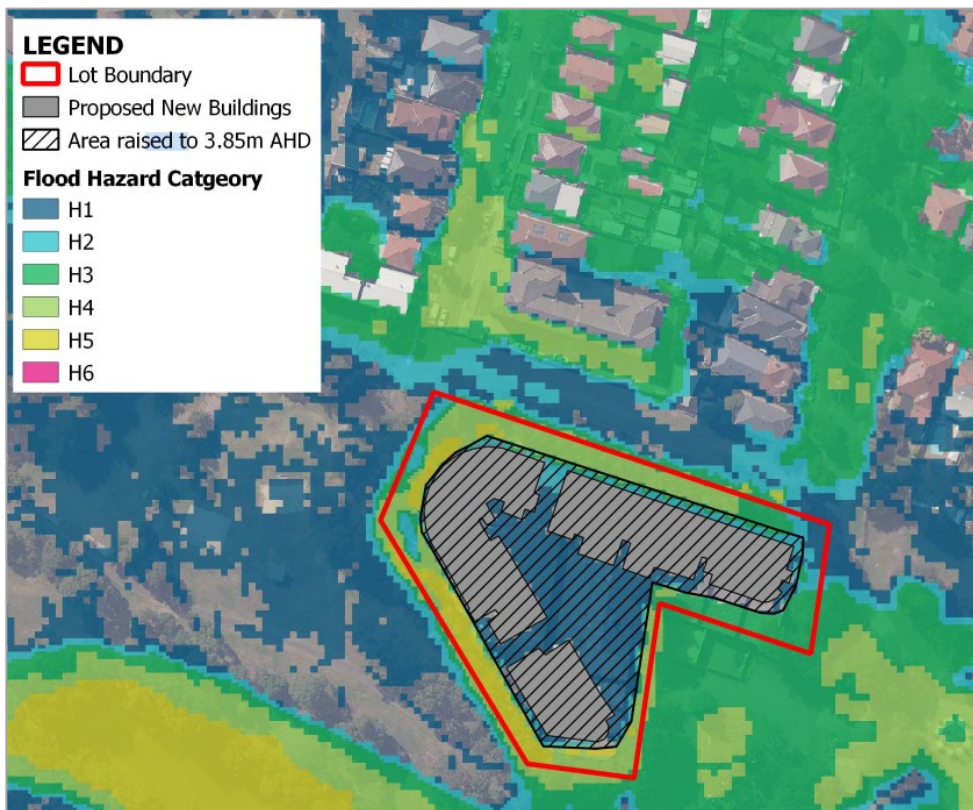


Figure 34 PMF Flood Hazard Category

Source: BMT

Floodplain risk management plan

The Flood Risk Assessment recommends a shelter-in-place emergency management strategy, with allowance for off-site emergency egress via alternate vehicular routes in the event of an emergency along a low-hazard route. The Flood Risk Assessment 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. This report is accompanied by a Flood Emergency Response Plan (FEMP) (**Appendix H**) that details these and other management measures in the event of a flood.

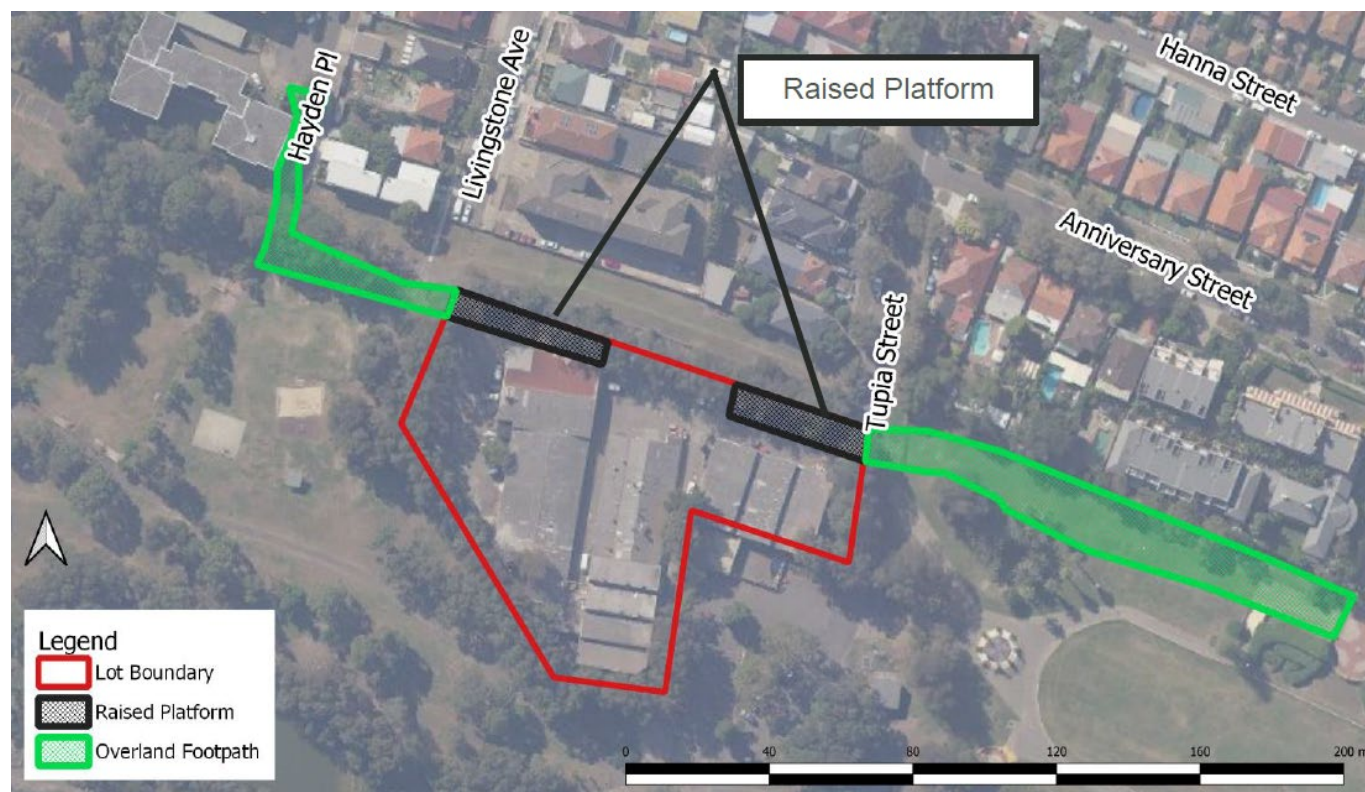


Figure 35 Proposed Emergency Access Walkways

Source: BMT

Flood summary

Therefore, the Planning Proposal and associated development concept appropriately address flood hazards 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. The FEMP recommends the inclusion of a platform set above the PMF level to provide safe emergency egress if required during a flood event.

7.6.2 Coastal hazard

This report is accompanied by Coastal Hazard and Risk Assessment prepared by BMT (**Appendix I**) that identifies and provides recommendations to address coastal hazard risks.

Existing conditions

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 36**).



Figure 36 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 derives 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 37**). The site access road and the proposed driveway (as per Table 1.2) are located at or above 2.5 m AHD, ensuring that site access can be maintained during the 1-year storm event.



Figure 37 Proposed Emergency Access Walkways – 1 in 1 Year Storm Event

Source: BMT

Mitigation

Given the risk of inundation, the Coastal Hazard and Risk Assessment recommends 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.

7.6.3 Stormwater

This report is accompanied by a Stormwater Management Report prepared by Woolacotts (**Appendix K**) that provides a preliminary overview of how stormwater can be managed at the site per the requirement of the Botany Bay DCP.

The envisioned stormwater system comprises a below-ground pit and pipe network that collects stormwater from roofs, paved areas and landscaped areas. The system directs stormwater from the roof to a 10kL below-ground rainwater tank for re-use, with overflow directed to a below ground 180m³ On-site Detention (OSD) tank. The OSD tank contains water quality devices that treat stormwater runoff before it is discharged into a lake in Sir Joseph Banks Park. The Stormwater Management Report includes MUSIC modelling demonstrating that the system achieves the relevant stormwater pollutant reduction targets.

The stormwater system can accommodate up to and including the 1% AEP flood event.

7.7 Ground conditions

7.7.1 Geotechnical

This report is accompanied by a Geotechnical Investigation prepared by JK Geotechnics (**Appendix L**) that obtained information on the site's subsurface conditions as a basis for design comments and recommendations. The Investigation determined:

- The site's subsurface profile consists of pavements and fill overlying sands and silty sands with clay bands.
- The site's groundwater table varied from around RL1.4m AHD down to about RL1.0m AHD. The Investigation recommends that the future basements are tanked and designed to resist hydrostatic uplift pressures.

The Geotechnical Investigation concludes that the proposed development is feasible for the site and provides other design recommendations that can be addressed through the DA and construction certificate process.

7.7.2 Acid sulfate soils

As outlined in **Section 3.1**, the site is affected by Class 2 and Class 4 Acid Sulfate Soils (ASS). Accordingly, this report is accompanied by a preliminary ASS Assessment prepared by JK Environments (**Appendix F**) to determine whether the development concept would disturb ASS and require an ASS management plan. The assessment relies on site investigations undertaken in 2007 and 2019.

The ASS Assessment compares samples taken from the site against the action criteria presented in the National Acid Sulfate Soil Guidance: National acid sulfate soils sampling and identification methods manual. If a sample meets or exceeds the '*action criteria*', the Proponent must prepare an ASS management plan.

The laboratory results identified acidic conditions greater than the action criteria. Furthermore, the ASS Assessment concludes that the ASS will be distributed during future construction works and that the Proponent requires an ASS management plan, which is presented with the preliminary ASS Assessment.

7.7.3 Hazard analysis

As described in **Section 2.4.3**, the site is south of an existing high pressure fuel pipeline operated by Ampol that runs within the Sydney Water Easement. Accordingly, the report is accompanied by a hazard analysis report prepared by Arriscar (**Appendix D**). The report provides a detailed assessment of the high-pressure pipelines in accordance with HIPAP No. 6 [2] and DPIE's specific requirements for the proposed indicative development. The report also includes a detailed assessment of the risks against the risk criteria for land use safety planning in HIPAP No. 10.

The report finds that:

- The maximum individual fatality risk is 0.5×10^{-6} p.a. and this only occurs at one location where the Jet A1, and Jemena Pipelines are in close proximity to each other. This risk criterion level only applies to sensitive land uses (schools, hospitals, etc.), which are not proposed at this location. Therefore, the proposed development satisfies the individual fatality risk criteria in HIPAP No.10 [3].
- All other individual risk levels comply with the corresponding quantitative risk criteria in HIPAP No.10 [3].
- The entirety of the F-N curve is in the 'Negligible' or 'ALARP' regions and complies with the DPIE's indicative societal risk criteria.

7.8 Aircraft noise

The Planning Proposal's envisioned residential flat buildings can utilise construction methods and materials recommended by an acoustic engineer to compliance with the relevant internal noise levels prescribed by Australian Standard AS2021:2015 - Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.

The site is on the boundary line of ANEF 20 contour on the Sydney Airport ANEF 2039 contour map (see **Figure 38**). The development of flats and units within the 20 to 25 ANEF are conditionally acceptable. The Proponent commits to the accurate and transparent communication of likely aircraft noise exposure to all future potential occupants of the development in accordance with the recommendations of the Standards Australia 2016 Handbook 'Acoustics – Guidance on producing information on aircraft noise'.

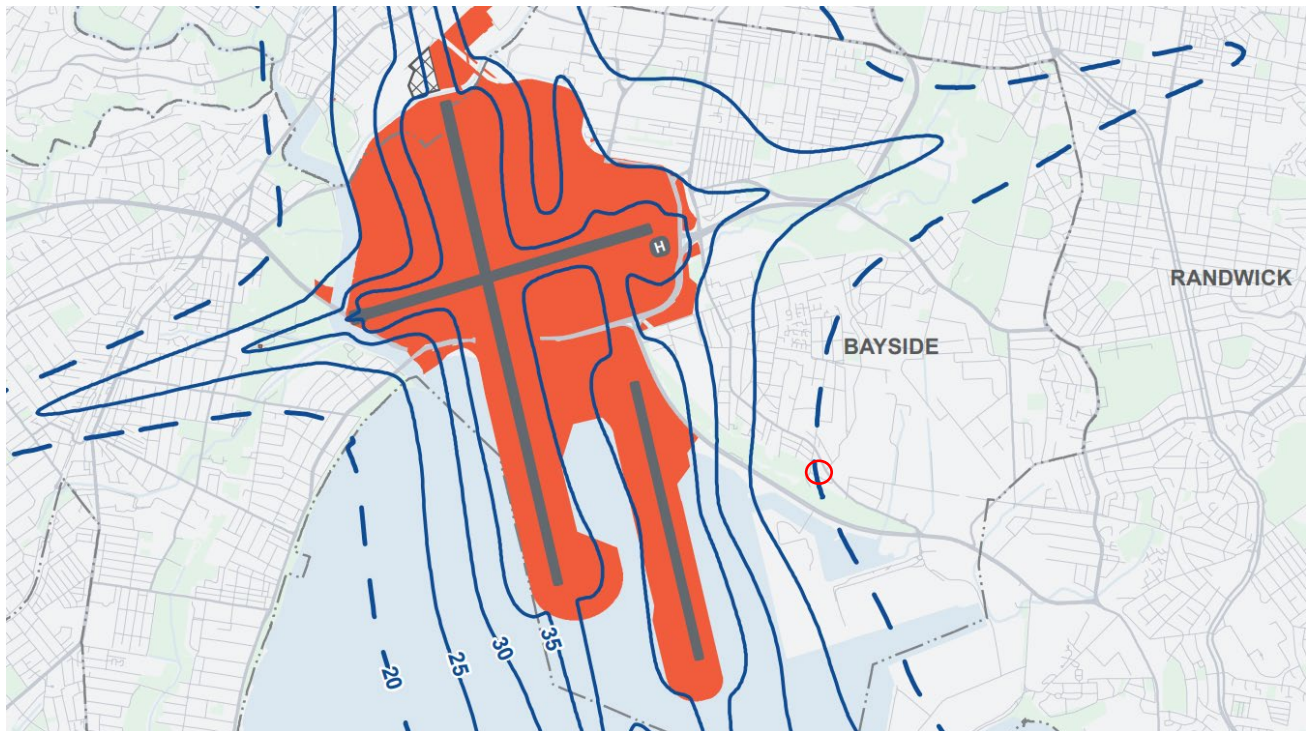


Figure 38 ANEF Contour Map

Source: Ethos Urban

7.9 Airport operations

As noted, the Proponent consulted with the Sydney Airport Corporation Limited (SACL) to understand the site's existing airspace constraints as part of their initial Planning Proposal. Correspondence from Sydney Airport (see **Appendix G**) indicated that the site location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority. Further engagement with SACL can occur as necessary during the assessment of the subject Planning Proposal.

7.10 Social and economic impacts

The Planning Proposal will result in positive social and economic effects for the local area by delivering high-quality housing opportunities within the highly valued natural setting of Sir Joseph Banks Park, with some views afforded through the trees towards Port Botany. Additionally, the Proposal will create local employment during the development's construction stage. It will improve local housing stock close to public transport and amenities, provide greater housing choice, and improve public domain facilities and the pedestrian interface with Tupia Street and Sir Joseph Banks Park to create a more inclusive and integrated interface with the surrounding parkland.

8.0 Community consultation (Pt 5)

8.1 Consultation undertaken

The following table outlines the Proponent's consultation activities with relevant authorities and agencies. The table also notes the project team's response to feedback and discussion has also been noted.

Table 19 Consultation undertaken

Stakeholder	Purpose / Forum	Comments/Outcomes
Bayside Council 11 May 2022	<p>A pre-lodgement, scoping meeting was held with the project team and Council.</p> <p>The project team provided an overview of the Proposal and Council staff discussed several matters relating to a future Planning Proposal for the site.</p>	<p>Feedback summary: Several overarching issues were discussed in relation to the proposed planning proposal including:</p> <ul style="list-style-type: none">• Consistency with strategic plans and s9.1 Directions, including Residential Zones, 2.3 Heritage conservation; and 4.3 Flood Prone Land.• Building density. <p>Project response: The matters raised are addressed within the Planning Proposal and accompanying technical studies.</p> <p>In providing justification for the strategic basis of the rezoning of the site, the Planning Proposal addresses the aims and objectives of the Bayside Local Strategic Planning Statement and relevant Ministerial Directions under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> (see Section 6).</p>

8.2 Proposed consultation

The Proponent's consultation approach will be guided by the principles set out in the Bayside Community Participation Plan and the NSW Government's *LEP Making Guidelines*. Formal public consultation will also take place in accordance with Sections 3.34 and 3.35 of the EP&A Act. This is likely to involve notification of the proposal:

- On Council's website.
- In newspapers that circulate widely in Bayside.
- In writing to the adjoining and nearby landowners; relevant community groups; and the surrounding community in the immediate vicinity of the site.

It is noted that confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister as part of the LEP Gateway determination. Any future development application for the site would also be exhibited in accordance with Council's requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

9.0 Indicative project timeline (Pt 6)

Table 20 below provides an indicative timeline for the Planning Proposal, which will be updated as required as progress occurs.

Table 20 *Indicative project timeline*

Milestone	Timing	Date
Stage 1 – Pre-lodgement	50 days	May - July 2023
Stage 2 – Planning Proposal	95 days	July – October 2023
Stage 3 – Gateway determination	25 days	October – November 2023
Stage 4 – Post-Gateway	50 days	November - January 2024
Stage 5 – Public Exhibition & Assessment	95 days	January - April 2024
Stage 6 – Finalisation	55 days	April - June 2024

10.0 Conclusion

The Planning Proposal intends to facilitate the future development of three (3) well designed, four-storey residential flat buildings at 26 Tupia Street, Botany. The Planning Proposal seeks the following proposed amendments the Bayside LEP:

- Increase the maximum permissible building height to RL 18.30m.
- Increase the maximum permissible floor space ratio to 1.15:1.
- Amend Schedule 1 Additional Permitted Uses to allow development for the purposes of residential flat buildings on the site.

This Planning Proposal is justified given:

- Redevelopment of the subject site by a well-informed and designed RFB development that supports and facilitates an appropriate and sympathetic response to greater housing supply, diversity (size and mix) and housing affordability makes a strong strategic commitment to unlocking the potential of greater medium density housing supply consistent with the actions of the Greater Sydney Regional Plan, Eastern City District Plan, Bayside LSPS and Bayside LHS.
- An amendment to the Bayside LEP to include RFB's as a permissible use within the R3 Medium Density Zoning of the subject site is coherent and a reasonable expectation given that this planning proposal is a well-informed, whole of site response that provides for a well-managed residential development outcome.
- The request to amend the Bayside LEP to include RFB's as a permissible development type remains consistent with redevelopment of similar sized, redundant industrial sites within Botany to date.
- The site's attributes provide for a unique opportunity to create a well-designed and managed, residential flat development supports unlocking greater medium density housing supply where there are good opportunities to active transport links, open space, education, health and community infrastructure and which conserves heritage, parkland and amenity of adjoining land, in close proximity of public transport, shops, education, health and community infrastructure.
- The Proposal is consistent with the objects of the EP&A Act, applicable SEPPs and Ministerial Directions.
- The Proposal is consistent with the vision and planning priorities of the relevant state strategic planning documents, including the Greater Sydney Region Plan, the Eastern City District Plan and Bayside Local Strategic Planning Statement.
- The site is not encumbered by significant constraints, such as fragmentation through strata ownership, threatened species, existing open space, heritage, steep topography or existing special uses.
- The additional increase in the maximum height limit (RL 18.30m) is justified given that the additional height remains within and is effectively screened by the significant mature perimeter trees of the subject site. Further, the additional height remains within the shadow cast by the existing perimeter trees on adjoining land, including within the park.
- The additional massing (an increase in the maximum permissible floor space ratio to 1.15:1) has been well managed by a well-articulated, appropriately scaled and set back building forms which are effectively screened by existing mature perimeter trees. Despite the additional FSR, the planning proposal results in a smaller overall building footprint and this creates an opportunity for a generous communal private open space, at the centre of the site, in excess of a complying town house development under the existing planning controls.
- The Proposal will deliver approximately 109 units to help address the forecast supply shortfall of low-rise apartments and meet Bayside housing targets. As noted, this need is emphasised by the Greater Sydney Urban Development Program Dashboard, which shows that the number of building completions in Bayside over the past 12 months (520) is 74.7% below the previous 5-year average.
- The Proposal will deliver within walking distance of Sir Joseph Banks Park, the Botany Road bus corridor, and shops and services along Botany Road. The transit corridor is serviced by bus route 309, which connects commuters to local employment centres, such as Port Botany, Mascot and Botany, within 30 minutes.
- The Proposal will deliver provide a mixture of 1, 2 and 3-bedroom housing to meet the changing needs of the local community, including housing suitable for families and older people and adaptable housing.
- The Proposal will contribute to the Sir Joseph Banks Park's activation and provide an improved outlook for both users of the park and future users of the residential development. It also provides for additional safety and security by the opportunities the development will create for casual surveillance and for environmental stewardship. The

proposal represents a much improved interface with the park by replacing an unsightly redundant industrial use with a high quality residential development set within the existing perimeter trees.

- As outlined in **Section 7**, the Planning will not give rise to adverse environmental impacts. Notably:
 - The Planning Proposal and associated development concept appropriately address flood hazards by elevating the site's central communal open area, incorporating finished flood levels for the PMF event for all buildings and including a shelter-in-place strategy. The Planning Proposal is accompanied by a Flood Emergency Response Plan recommends the inclusion of a platform set above the PMF level to provide safe emergency egress if required during a flood event.
 - The Proposal will enhance the setting of the nearby heritage significant Sir Joseph Banks Park by replacing unsightly and incompatible industrial units with a more appropriate and sympathetic land use that can contribute to the visual expansion of the Park through generous landscaped setbacks and communal open space.