



Botany Local Environmental Plan 1995 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (R90/00256/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 874

Clause 1 Botany Local Environmental Plan 1995 (Amendment No 3)

Botany Local Environmental Plan 1995 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Botany Local Environmental Plan 1995 (Amendment No 3)*.

2 Aims of plan

The aims of this plan are:

- (a) to encourage the development of a vibrant and sustainable community which is based on accessibility, a mix of land uses, friendly and safe streets and high quality public space, and
- (b) to provide opportunities for the gradual transformation of industrial areas to areas with a range of residential and environmentally-compatible employment-generating land uses, and
- (c) to protect the amenity of the existing residential communities around the Pemberton-Wilson Street precinct, and
- (d) to introduce new planning and design provisions for the Pemberton-Wilson Street precinct to promote the urban renewal of that precinct, and
- (e) to encourage high quality design in all new development and within the public domain within the Pemberton-Wilson Street precinct, and
- (f) to ensure that future development has regard to principles of ecologically sustainable development.

3 Land to which plan applies

This plan applies to land to which *Botany Local Environmental Plan 1995* applies.

4 Amendment of Botany Local Environmental Plan 1995

Botany Local Environmental Plan 1995 is amended as set out in Schedule 1.

2004 No 874

Botany Local Environmental Plan 1995 (Amendment No 3)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 Zones indicated on the map

Insert after the matter relating to Zone No 4 (b):

Zone No 4 (b1) Mixed Industrial—Restricted—edged heavy black and lettered “4 (b1)”,

[2] Clause 10 Zone objectives and development control table

Insert after the matter relating to Zone No 4 (b) in the Table to the clause:

Zone No 4 (b1) Mixed Industrial—Restricted

1 Objectives of the zone

The primary objective is to improve the environmental amenity of the locality by encouraging industrial, retail and commercial development that would assist in enhancing the redevelopment of the area and would not detract from the amenity of the area by reason of the design and function of the development proposed.

The secondary objectives are:

- (a) to provide a range of compatible non-residential uses, such as industry, shops, offices, retail and studio-type workshops, and
- (b) to provide scope for limited residential development, and
- (c) to ensure that any non-residential development is environmentally compatible with residential development, and does not adversely affect the amenity of existing and future residential communities, and
- (d) to ensure that any development that occurs is commensurate with the capacity of the existing and proposed road network in the vicinity, and
- (e) to apply the principles of energy efficiency, travel demand management and other sustainable development practices as part of the development assessment process, and

- (f) to encourage development that is of a high standard of design, has a high level of environmental amenity and is compatible with adjoining land uses and development, and
- (g) to reduce the land use conflict between residential and non-residential uses.

2 Development which may be carried out without development consent

Exempt development.

3 Development which may be carried out only with development consent

Development for the purpose of:

Building identification signs; business identification signs; child care centres; commercial premises; community facilities; convenience shops or facilities; customs agencies; educational establishments; health care professionals' rooms; high technology industries; landscaping works; light goods dispatch; light industry; parks and gardens; places of assembly; places of public worship; public buildings; recreation facilities; refreshment rooms; roads; studio workshops; tradespersons' supply and service stores; utility installations; utility undertakings.

Demolition.

4 Development which is prohibited

Any development other than development included in item 2 or 3.

[3] Clause 12 Floor space ratios

Insert "4 (b1)," after "4 (b)," in clause 12 (1) (c).

[4] Clause 12 (6)

Insert after clause 12 (5):

- (6) Notwithstanding the provisions of subclause (1), the Council may consent to the carrying out of residential development on land shown coloured light scarlet and edged red on the map marked "Botany Local Environmental Plan 1995 (Amendment No 3)" to a maximum floor space ratio of 1:1.

2004 No 874

Botany Local Environmental Plan 1995 (Amendment No 3)

Schedule 1 Amendments

[5] Clause 12B

Insert after clause 12A:

12B Floor space ratios—Pemberton-Wilson Street Precinct

- (1) This clause applies to land shown coloured light scarlet and edged red on the map marked “Botany Local Environmental Plan 1995 (Amendment No 3)” (the *Pemberton-Wilson Street Precinct*).
- (2) For the purpose of calculating the floor space ratio of a building proposed to be erected on land in the Pemberton-Wilson Street Precinct:
 - (a) the Council is to include as part of the site area such part of the land (if any) as is required, by a condition of the relevant development consent, to be dedicated free of cost for the provision, extension or augmentation of public amenities or public services (as referred to in section 94 of the Act), and
 - (b) the gross floor area is taken to exclude (in addition to the matters excluded from the definition of that term in the *Environmental Planning and Assessment Model Provisions 1980* adopted by this plan) designated storage spaces (if any) designated for personal items associated with residential apartments.

[6] Clause 17 Development in industrial zones

Insert “or Zone No 4 (b1)” after “Zone No 4 (b)” in clause 17 (2).

[7] Clause 17 (4)

Insert after clause 17 (3):

- (4) Before granting consent to development for the purpose of high technology industries, light industries, light goods dispatch or tradespersons’ supply and service stores on land within Zone No 4 (b1), the Council must be satisfied that:
 - (a) the proposed development will not detrimentally affect the amenity of existing or future residential development on any surrounding land within Zone No 4 (b1) by way of hours of operation, noise, lighting, traffic movements, odour or external storage, and

- (b) the proposed development will not detrimentally affect the amenity of existing or future residential development on any adjoining land within Zone No 2 (b) by way of hours of operation, noise, lighting, traffic movements, odour or external storage, and
- (c) any vehicle required for delivery is a light rigid vehicle or smaller.

[8] Clause 18C

Insert in appropriate order:

18C Development near zone boundaries—Pemberton-Wilson Street Precinct

- (1) This clause applies to any land that is within Zone No 2 (b) and that is within 15 metres of a boundary between that Zone and Zone No 4 (b1).
- (2) The Council may consent to the carrying out of development on land to which this clause applies if that development would be able to be carried out with consent if the land concerned were within Zone No 4 (b1).
- (3) Before granting consent for development pursuant to this clause, the Council must be satisfied that carrying out the development is generally consistent with the objectives of Zone No 4 (b1).

[9] Clause 40 Savings and transitional

Insert in appropriate order in the definition of *relevant amending plan* in clause 40 (3):

Botany Local Environmental Plan 1995 (Amendment No 3)

[10] Schedule 1 Definitions

Insert in appropriate order:

building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of a business and a logo or other symbol that identifies the business, but does not include general advertising of products, goods or services.

2004 No 874

Botany Local Environmental Plan 1995 (Amendment No 3)

Schedule 1 Amendments

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person, and
 - (ii) the business carried on by the person,at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but does not include any advertising relating to a person who does not carry on business at the premises or place.

customs agency means premises with functions that relate to the operations of Port Botany or Sydney Airport or both places, but does not involve any on-site warehousing and distribution of goods.

studio workshop means a building containing both a dwelling and a work area, which are physically connected, where the work carried on in the work area is a use permitted in the zone concerned and involves the employment of not more than five persons other than the permanent residents of the dwelling and does not involve any one or more of the following:

- (a) a dwelling that has a gross floor area greater than 100m²,
- (b) the dwelling occupying more than 40% of the gross floor area of the building,
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,
- (d) interference with the amenity of the neighbourhood due to any one or more of the following:
 - (i) the generation of excessive vehicular traffic,
 - (ii) the attraction of an excessive number of customers or clients,
 - (iii) the reduction of car parking in the vicinity of the site.

Botany Local Environmental Plan 1995 (Amendment No 3)

Amendments

Schedule 1

[11] Schedule 1, definition of “the map”

Insert in appropriate order in the definition of *the map*:

Botany Local Environmental Plan 1995 (Amendment No 3)