



New South Wales

Botany Local Environmental Plan 1995 (Amendment No 11)—Mascot Station Precinct

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (R97/00153/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 745

Clause 1 Botany Local Environmental Plan 1995 (Amendment No 11)—Mascot Station Precinct

Botany Local Environmental Plan 1995 (Amendment No 11)—Mascot Station Precinct

1 Name of plan

This plan is *Botany Local Environmental Plan 1995 (Amendment No 11)—Mascot Station Precinct*.

2 Aims of plan

This plan aims:

- (a) to establish an ecologically sustainable and economically viable redevelopment area on the land bounded by Coward Street, O’Riordan Street, Gardeners Road and Kent Road, Mascot (known as the Mascot Station Precinct), and
- (b) to increase the working and residential population of the Mascot Station Precinct to support and exploit the conveniently located Mascot Railway Station, and
- (c) to establish a balanced land use precinct formed from a mix of compatible residential and employment-generating uses, and
- (d) to protect the economic viability of other existing commercial centres in the City of Botany Bay, and
- (e) to make minor amendments to *Botany Bay Local Environmental Plan 1995* by way of law revision.

3 Land to which plan applies

- (1) In relation to the aims set out in clause 2 (a)–(c), this plan applies to the land at Mascot generally bounded by Coward Street, O’Riordan Street, Gardeners Road and Kent Road (known as the Mascot Station Precinct) as indicated by heavy black edging on the map marked “Botany Local Environmental Plan 1995 (Amendment No 11)—Mascot Station Precinct” deposited in the office of the Council.
- (2) In relation to the aims set out in clause 2 (d) and (e), this plan applies to the land to which *Botany Bay 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.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 Zones indicated on the map

Insert in numerical order:

Zone No 3 (b) Business—Restricted—edged heavy black and lettered “3 (b)”,

Zone No 10 (a) Mixed Uses Commercial/Residential—edged heavy black and lettered “10 (a)”,

Zone No 10 (b) Mixed Uses Commercial—edged heavy black and lettered “10 (b)”.

[2] Clause 10 Zone objectives and development control table

Omit “item 3” from item 4 of the matter relating to Zones Nos 3 (a), 4 (a), 4 (b), 4 (c1), 4 (c2) and 5 (a).

Insert instead “item 2 or 3”.

[3] Clause 10, Table

Insert after the matter relating to Zone No 3 (a)—General Business:

Zone No 3 (b) Business—Restricted

1 Objectives of zone

The primary objective is to permit limited additional retail business opportunities in the City of Botany Bay.

The secondary objectives are:

- (a) to control the physical size and characteristics of the additional business localities to minimise their impact on the economic viability of the existing retail business centres in the City of Botany Bay, and
- (b) to promote the patronage of businesses in the zone, predominately by local pedestrians, where appropriate, and

- (c) to encourage development that provides a positive contribution to the streetscape and public domain, and
- (d) to promote the vitality of the land in the zone by permitting residential development in the zone, and
- (e) to encourage energy efficiency in all forms of development in the zone, and
- (f) to encourage best practice stormwater management in the zone, and
- (g) to capitalise on the location of transport facilities in or near the zone.

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:

Advertising structures; car parks; child care centres; commercial premises; community facilities; convenience shops or facilities; educational establishments; hotels; motels; places of assembly; places of public worship; public buildings; recreation areas; refreshment rooms; residential flat buildings; roads; shops; taverns; utility installations; utility undertakings.

Subdivision.

4 Development which is prohibited

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

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Schedule 1 Amendments

[4] Clause 10, Table

Insert at the end of the Table:

Zone No 10 (a) Mixed Uses Commercial/ Residential

1 Objectives of zone

The primary objective is to permit a mixture of compatible residential and non-residential activities and promote development that enhances the revitalisation of the locality.

The secondary objectives are:

- (a) to permit non-residential development of a type that is unlikely to impact adversely on the amenity of residents in the zone, and
- (b) to encourage a range of compatible employment-generating uses in the zone, and
- (c) to encourage development that provides a positive contribution to the streetscape and public domain, and
- (d) to encourage energy efficiency in all forms of development in the zone, and
- (e) to encourage best practice stormwater management in the zone, and
- (f) to capitalise on the location of transport facilities in or near the zone.

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:

Child care centres; commercial premises; community facilities; convenience shops or facilities; educational establishments; health care professionals; hotels; motels; places of public worship; public buildings; recreation areas; recreation facilities; refreshment rooms that are ancillary to and form part of a hotel,

motel, recreation area or recreation facility; residential flat buildings; roads; units for aged persons; utility installations; utility undertakings.

Subdivision.

4 Development which is prohibited

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

Zone No 10 (b) Mixed Uses—Commercial/Warehouse

1 Objectives of zone

The primary objective is to permit a mixture of compatible non-residential activities that improve environmental amenity and promote revitalisation in the locality.

The secondary objectives are:

- (a) to permit non-residential development of a type that is unlikely to impact adversely on the amenity of residents in any adjacent or nearby residential or mixed-use zone, and
- (b) to encourage a range of compatible employment-generating uses in the zone, and
- (c) to encourage development that provides a positive contribution to the streetscape and public domain, and
- (d) to encourage energy efficiency in all forms of development in the zone, and
- (e) to encourage best practice stormwater management in the zone, and
- (f) to capitalise on the location of transport facilities in or near the zone.

2 Development which may be carried out without development consent

Exempt development.

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3 Development which may be carried out only with development consent

Development for the purpose of:

Car parks; commercial premises; community facilities; convenience shops or facilities; educational establishments; health care professionals' rooms; high technology industry; hotels; light goods dispatch; motels; places of assembly; places of public worship; recreation facilities; refreshment rooms that are ancillary to and form part of a hotel, motel, recreation area or recreation facility; roads; tradespersons' supply and service stores; utility installations; utility undertakings; vehicle rental centres; warehouse or distribution centres.

Airport-related land uses; subdivision.

4 Development which is prohibited

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

[5] Clause 12A

Insert after clause 12:

12A Floor space ratios—Mascot Station Precinct

- (1) The Council may consent to the erection of a building on land in the Mascot Station Precinct only if the floor space ratio of the proposed building does not exceed the ratio specified for the land concerned on the map marked "Mascot Station Precinct Floor Space Ratios—Map 1 for Clause 12A".
- (2) For the purpose of calculating the floor space ratio of a building proposed to be erected on land in the Mascot Station Precinct:
 - (a) the Council is to include as part of the site area such part of the land 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

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- (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 18A

Insert after clause 18:

18A Development in mixed uses zones—Mascot Station Precinct

The Council must not grant consent to the carrying out of any development on land in Zone No 10 (a) or Zone No 10 (b) unless it is satisfied that such of the following criteria as are relevant to the proposed development are met:

- (a) the development provides adequate off-street parking,
- (b) the development provides an efficient and safe system for the manoeuvring, loading and unloading of vehicles,
- (c) any goods, plant, equipment or other material associated with the development will be stored in a building or wholly within the site and will be suitably screened from public view,
- (d) the development will not have an adverse impact on the surrounding road network,
- (e) the development will not have an adverse impact on the locality generally as a result of traffic movement, the discharge of pollutants, other emissions, waste storage, hours of operation or the like,
- (f) the levels of noise generated from vehicles or operations associated with the development are compatible with the use to which adjoining land is put,
- (g) the landscaping of the site is integral to the design and function of any building resulting from the development and will improve its appearance, enhance the streetscape and add to the amenity of the adjoining locality,

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- (h) the building height, scale and design are sympathetic with and complementary to the built form, the streetscape and the public domain in the vicinity,
- (i) the building design and finishes will not have an adverse impact on the amenity of the locality because of wind generation, overshadowing, reflections and the like,
- (j) the development will protect the visual and aural amenity of the non-industrial uses to which adjoining land is put,
- (k) the land can be remediated in accordance with the provisions of the relevant environmental planning instruments.

[7] Clause 23A

Insert after clause 23:

23A Acquisition and development of land reserved for roads—Mascot Station Precinct

- (1) The owner of land in the Mascot Station Precinct that is reserved, under Zone No 5 (a), for roads may, by notice in writing, require the Council to acquire the land, but only if:
 - (a) the land is included in the Council's Section 94 Contributions Plan or a Works Program of the Council that is current at the time of the receipt of the notice, or
 - (b) the Council has decided not to grant consent to the carrying out of development on the land, on the basis of a matter specified in subclause (3), or
 - (c) the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable timeframe.
- (2) On receipt of a notice under this clause, the Council must acquire the land unless the land might reasonably be required to be dedicated for local roads.
- (3) In deciding whether to grant consent to proposed development under this clause, the Council must take the following matters into consideration:

- (a) the need to use the land for the purpose of local roads,
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the Council resulting from the carrying out of the proposed development.
- (4) Land acquired under this clause may be developed, with the consent of the Council, for any purpose until such time as it is required for the purpose for which it was acquired.

[8] Clause 40

Insert after clause 39:

40 Savings and transitional

- (1) A development application lodged with the Council but not finally determined before the commencement of a relevant amending plan is to be assessed and determined under the provisions of this plan as if the relevant amending plan had been exhibited under the Act but had not been made.
- (2) Subclause (1) does not apply to a development application if the applicant has given the Council a written request for the application to be assessed and determined under the provisions of this plan as amended by the relevant amending plan.
- (3) In this clause:

relevant amending plan means any of the following local environmental plans:

Botany Local Environmental Plan 1995 (Amendment No 11)—Mascot Station Precinct

[9] Schedule 1 Definitions

Omit the definition of *Council*. Insert instead:

Council means the Council of the City of Botany Bay.

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[10] Schedule 1

Insert in alphabetical order in Schedule 1:

Mascot Station Precinct means the land bounded by Coward Street, O’Riordan Street, Gardeners Road and Kent Road, Mascot.

tavern means a building or place used for the purpose of offering food and alcohol for sale for consumption on the premises, being a building or place that is licensed under the *Liquor Act 1982* and does not provide overnight accommodation.

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

Insert at the end of the definition:

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BY AUTHORITY
