



New South Wales

Botany Local Environmental Plan 1995 (Amendment No 28)

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*. (S02/01845/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 384

Clause 1 Botany Local Environmental Plan 1995 (Amendment No 28)

Botany Local Environmental Plan 1995 (Amendment No 28)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Botany Local Environmental Plan 1995 (Amendment No 28)*.

2 Aims of plan

This plan aims:

- (a) to insert new heritage provisions into *Botany Local Environmental Plan 1995 (the principal plan)*, and to amend existing provisions, to ensure the conservation and protection of the heritage of the City of Botany Bay, and
- (b) to insert new provisions dealing with land use activities into the principal plan, and to amend existing provisions, to reflect the emerging industrial market trends within the City of Botany Bay, and
- (c) to insert new definitions into the principal plan consequent on the new provisions being inserted, and
- (d) to clarify the meaning of some of the provisions of the principal plan, and
- (e) to introduce more effective planning controls within the City of Botany Bay, and
- (f) to rezone certain land to Zone No 5 (a) Special Uses under the principal plan and to classify certain land as operational land for the purposes of the *Local Government Act 1993*, and
- (g) to update references to the local government area of Botany Bay City in the principal plan and to correct certain other references in that plan.

3 Land to which plan applies

This plan applies to all 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.

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Schedule 1 Amendments

(Clause 4)

- [1] **Clauses 2 (1), 4 (1), 5 (1), (2) (e) and (f), (4) (e), (5) (a) and (b), (6) (b), (c), (d) and (f), (8) (a) and (9) (b), item 1 of the matter relating to Zone No 3 (a) in Table to clause 10, and clause 25 (3)**
Omit “local government area of Botany” wherever occurring.
Insert instead “local government area of Botany Bay City”.
- [2] **Clause 5 The objectives of this plan**
Insert after clause 5 (2) (e):
(e1) to provide for affordable housing without adverse effects on the character and amenity of the local government area of Botany Bay City,
- [3] **Clause 5 (8) (c)**
Insert at the end of clause 5 (8) (b):
, and
(c) to promote the growing and growth of trees to counter the greenhouse effect.
- [4] **Clause 5 (8A)**
Insert after clause 5 (8):
(8A) The objectives of this plan in relation to outdoor advertising are:
(a) to ensure advertisers’ messages and images are conveyed in a way that complements and respects the location and character of the locality in which they are displayed, and
(b) to promote compatibility between outdoor advertising and the streetscape and character of the locality including in terms of appearance and design, size and scale, and placement, of the advertising, and
(c) to reduce visual clutter caused by the proliferation of signs.

[5] Clause 6

Omit the clause. Insert instead:

6 Adoption of the Environmental Planning and Assessment Model Provisions 1980

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for the following:

- (a) the definitions of *gross floor area, health care professional, hotel, industry, light industry, recreation facility, residential flat building, service station* and *warehouse* in clause 4 (1),
- (b) clause 15.

[6] Clauses 7 (c) and 9

Omit “zoning” wherever occurring.

[7] Clause 10 Zone objectives and development control table

Omit “dwelling houses” from the first paragraph of item 1 of the matter relating to Zone No 2 (a) in the Table to the clause.

Insert instead “detached dwelling-houses and semi-detached dwellings”.

[8] Clause 10, Table

Insert before paragraph (a) of item 1 of the matter relating to Zone No 2 (a):

- (aa) to promote detached dwelling-houses,

[9] Clause 10, Table

Omit “dwelling-houses;” from item 3 of the matter relating to Zones Nos 2 (a) and 2 (b).

[10] Clause 10, Table

Insert in alphabetical order in item 3 of the matter relating to Zone No 2 (a):

- building identification signs;
- business identification signs;
- detached dwelling-houses;
- local shops;
- semi-detached dwellings;

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[11] Clause 10, Table

Omit “identified land uses;” from item 3 of the matter relating to Zones Nos 2 (a), 2 (b) and 4 (a).

[12] Clause 10, Table

Insert as a separate paragraph at the end of item 3 of the matter relating to each of Zones Nos 2 (a), 2 (b), 3 (a), 3 (b), 4 (a), 4 (b), 4 (c1), 4 (c2), 5 (a), 6 (a), 6 (b), 10 (a) and 10 (b):

Demolition of any building or work, archaeological site, potential archaeological site shown on the map, place of Aboriginal heritage significance, or potential place of Aboriginal heritage significance shown on the map.

[13] Clause 10, Table

Insert in alphabetical order in item 3 of the matter relating to Zone No 2 (b):

building identification signs;
business identification signs;
detached dwelling-houses;
local shops;
multi unit housing;
semi-detached dwellings;

[14] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 3 (a):

Advertising structures;
amusement centres;
car parks;
identified land uses;
residential flat buildings or residential uses;

[15] Clause 10, Table

Insert in alphabetical order in item 3 of the matter relating to Zone No 3 (a):

Amusement centres;
building identification signs;
business identification signs;
car parking facilities;
general advertising (other than on land located in the Botany Township heritage conservation area, as identified in Schedule 3);
mixed developments;
serviced apartments;

[16] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 3 (b):

Advertising structures;
car parks;

[17] Clause 10, Table

Insert in alphabetical order in the list following the words “Development for the purpose of:” in item 3 of the matter relating to Zone No 3 (b):

Building identification signs;
business identification signs;
car parking facilities;
general advertising;

[18] Clause 10, Table

Insert in alphabetical order in item 3 of the matter relating to Zone No 4 (a):

building identification signs;
business identification signs;

[19] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 4 (b):

identified land uses;
; warehouse or distribution centres

[20] Clause 10, Table

Insert “building identification signs; business identification signs;” before “car repair stations” in item 3 of the matter relating to Zone No 4 (b).

[21] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 4 (c1):

Advertising structures;
car parks;
identified land uses;

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[22] Clause 10, Table

Insert in alphabetical order in item 3 of the matter relating to Zone No 4 (c1):

Air freight forwarders;
airport-related industries;
building identification signs;
bus depots;
business identification signs;
car parking facilities;
customs agencies;
general advertising;
high technology industries;
light goods dispatch;
tradespersons' supply and service stores;

[23] Clause 10, Table

Insert “; vehicle rental centres; warehouse or distribution centres” after “utility installations” in item 3 of the matter relating to Zone No 4 (c1).

[24] Clause 10, Table

Omit the first paragraph of item 1 of the matter relating to Zone No 4 (c2).

Insert instead:

The primary objective is to provide for a wide range of development and land use activities that predominantly have a relationship with Sydney (Kingsford Smith) Airport, together with encouraging other non airport-related uses.

[25] Clause 10, Table

Omit paragraph (b) of item 1 of the matter relating to Zone No 4 (c2).

Insert instead:

(b) to permit the development of commercial premises and non airport-related uses,

[26] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 4 (c2):

Advertising structures;
customs agents;
identified land uses;

[27] Clause 10, Table

Insert in alphabetical order in item 3 of the matter relating to Zone No 4 (c2):

Air freight forwarders;
building identification signs;
business identification signs;
car parking facilities;
general advertising;
motor showrooms;
serviced apartments;

[28] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 5 (a):

car parks;
identified land uses;

[29] Clause 10, Table

Insert “building identification signs; business identification signs; car parking facilities;” after “lettering on the map;” in item 3 of the matter relating to Zone No 5 (a).

[30] Clause 10, Table

Insert “general advertising;” after “community facilities;” in item 3 of the matter relating to Zone No 5 (a).

[31] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 6 (a):

Child care centres;
identified land uses;
materials recycling yards;

[32] Clause 10, Table

Insert “Building identification signs; business identification signs; child care centres;” before “clubs” in item 3 of the matter relating to Zone No 6 (a).

[33] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 6 (b):

Child care centres;
identified land uses;

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[34] Clause 10, Table

Insert “Building identification signs; business identification signs; child care centres;” before “community facilities” in item 3 of the matter relating to Zone No 6 (b).

[35] Clause 10, Table

Omit “Child care centres;” from item 3 of the matter relating to Zone No 10 (a).

[36] Clause 10, Table

Insert in alphabetical order in the list following the words “Development for the purpose of:” in item 3 of the matter relating to Zone No 10 (a):

Building identification signs;
business identification signs;
child care centres;
serviced apartments;

[37] Clause 10, Table

Omit the following from item 3 of the matter relating to Zone No 10 (b):

Car parks;
refreshment rooms that are ancillary to and form part of a hotel,
motel, recreation area or recreation facility;

[38] Clause 10, Table

Insert in alphabetical order in item 3 of the matter relating to Zone No 10 (b):

Building identification signs;
business identification signs;
car parking facilities;
motor showrooms;
refreshment rooms that are ancillary to and form part of a hotel,
motel, recreation area, recreation facility, or commercial
premises;

[39] Clause 12A Floor space ratios—Mascot Station Precinct

Omit clause 12A (1). Insert instead:

- (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 Sheet B of the map marked “Botany Local

Environmental Plan 1995 (Amendment No 28)” which sheet is also titled “Mascot Station Precinct Floor Space Ratios—Map 1 for clause 12A”.

[40] Clause 12A (2) (b)

Omit the paragraph.

[41] Clause 13 Aircraft noise

Omit “Federal Airports Corporation”.

Insert instead “Sydney Airport Corporation Limited (or any successor in title)”.

[42] Clause 13B

Insert after clause 13A:

13B Development and Obstacle Limitation Surfaces (OLS)

- (1) The Council may grant consent to development that would penetrate the nominated airspace in relation to Sydney (Kingsford Smith) Airport only if:
 - (a) it has referred the development application to Sydney Airport Corporation Limited, and
 - (b) any necessary approvals required under the *Civil Aviation (Buildings Control) Regulations 1988* and the *Airports (Protection of Airspace) Regulations 1996* (both of the Commonwealth) in relation to the development have been obtained.
- (2) In this clause:

nominated airspace in relation to Sydney (Kingsford Smith) Airport means airspace in or in relation to which:

 - (a) the construction of a building or structure requires an approval under the *Civil Aviation (Buildings Control) Regulations 1988* of the Commonwealth, or
 - (b) the carrying out of a controlled activity (as defined in section 182 of the *Airports Act 1996* of the Commonwealth) requires an approval under the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth.

Note. The Commonwealth legislation referred to in this clause requires approvals to be obtained (from the Civil Aviation Safety Authority, in the case of the *Civil Aviation (Buildings Control) Regulations 1988*, and the Secretary of the Commonwealth Department of Transport and Regional Services, in the case of the *Airports (Protection of Airspace) Regulations*

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1996) before certain airspace (including that relating to Sydney (Kingsford Smith) Airport) may be intruded upon by (amongst other things) buildings or other structures.

[43] Clause 15 Development along designated roads

Omit the clause.

[44] Clause 17 Development in industrial zones

Insert after clause 17 (1) (i):

- (ia) the development is of a high standard of design, provides a high level of environmental amenity and is compatible with adjoining land uses and development,

[45] Clause 17 (2) (ga)

Insert after clause 17 (2) (g):

- (ga) the development is of a high standard of design, provides a high level of environmental amenity and is compatible with adjoining land uses and development,

[46] Clause 17 (3) (ia)

Insert after clause 17 (3) (i):

- (ia) the development is of a high standard of design, provides a high level of environmental amenity and is compatible with adjoining land uses and development,

[47] Clause 22 Greenhouse effect, global warming, air and water pollution and energy efficiency etc

Omit "\$500,000". Insert instead "\$250,000".

[48] Clause 22 (b)

Insert "or water" after "in relation to air".

[49] Clause 22 (b) (iv)

Omit the subparagraph. Insert instead:

- (iv) the details of all the measures to be used to ameliorate or control any gaseous emissions or liquid discharges, and

[50] Clause 22 (b) (v)

Omit "air pollutants released".

Insert instead "any air pollutants released, or liquids discharged,".

[51] Clause 22 (e)

Insert “reuse or” after “minimisation and”.

[52] Clause 26 Temporary use of land for purposes otherwise prohibited

Insert “(being development that is otherwise prohibited under this plan in the zone concerned)” after “within any zone”.

[53] Clause 27

Omit the clause. Insert instead:

27 General advertising

The Council may consent to general advertising on land within Zone No 3 (a), 3 (b), 4 (c1), 4 (c2) or 5 (a), but only if it is of the opinion that the general advertising:

- (a) will enhance and improve the landscaping and scenic quality of the locality, and
- (b) will not add or contribute to the signage clutter in the locality, and
- (c) will not have an adverse effect on traffic safety, and
- (d) will not have an adverse effect on the amenity of the locality within which it is located (taking into account, for example, its visual impact, size and illumination), and
- (e) will, if attached to a building, form an integral but subsidiary part of the building, both in structure and appearance.

[54] Clause 28 Excavation and filling of land

Omit clause 28 (1). Insert instead:

- (1) The consent of the Council is required for the following:
 - (a) excavation exceeding 0.5m in depth of any land, except for landscaping works or similar works of a minor nature,
 - (b) the placing of fill material onto any land.

[55] Clause 28 (2) (c)

Insert at the end of clause 28 (2) (b):

- , and
- (c) the *Contaminated Land Management Act 1997*.

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[56] Clause 29 Contaminated land

Omit the clause.

[57] Clauses 31–37A

Omit clauses 31–37. Insert instead:

31 Protection of heritage items and heritage conservation areas

(1) When is consent required?

The following development may be carried out only with development consent:

- (a) demolishing, or moving (whether in whole or in part), a heritage item or a building, work, relic, tree or place within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area,
- (f) removing gardens, boundary walls, and landscaping if it forms an intrinsic element of a setting associated with the heritage significance of a heritage item or a heritage conservation area.

(2) What exceptions are there?

Development consent is not required by this clause if:

- (a) in the opinion of the Council:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and

(ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and

(b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the proponent in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.

(3) Exception relating to cemetery or burial grounds

Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, relics in the form of grave goods, a place of Aboriginal heritage significance, Aboriginal objects, an Aboriginal place, an archaeological site, a potential archaeological site or a potential place of Aboriginal heritage significance:

- (a) the creation of a new grave or monument,
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

(4) What must be considered in assessing a development application?

Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the place of Aboriginal heritage significance or the archaeological site, or the heritage significance of the heritage item or heritage conservation area, concerned.

(5) Submission of a heritage impact statement or a conservation management plan

The assessment must include consideration of a heritage impact statement that addresses at least the issues referred to in subclause (6) (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The Council may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.

(6) What issues must be addressed in a heritage impact statement?

The minimum number of issues that must be addressed by the heritage impact statement are:

- (a) for development that would affect a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the local government area of Botany Bay City, and
 - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
- (b) for development that would be carried out in a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and

- (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
- (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
- (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

32 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree, place or relic in a heritage conservation area,
- (b) the carrying out of any development allowed by clause 37.

33 Notice of demolition to Heritage Council or Australian Heritage Commission

The Council may grant consent to the demolition of an item listed on the State Heritage Register or of a place listed on the Register of the National Estate only if:

- (a) it has notified the Heritage Council about the application (in the case of an item listed on the State Heritage Register), or
- (b) it has notified the Australian Heritage Commission about the application (in the case of a place listed on the Register of the National Estate),

and has considered any comments received in response within 28 days after the notice is sent.

34 Development affecting known or potential archaeological sites or places of Aboriginal heritage significance

The Council may grant consent to the carrying out of development on an archaeological site or a potential archaeological site, or the site of an Aboriginal object, or development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, only if:

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- (a) it has considered a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any Aboriginal objects known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such way as it thinks appropriate) and the Director-General of the Department of Environment and Conservation of its intention to grant consent to the carrying out of the development and has considered any comments received in response within 28 days after the relevant notice is sent.

35 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) The Council may grant consent to the carrying out of development on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of an Aboriginal object) only if:
 - (a) it has considered a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) it has notified the Heritage Council of its intention to grant consent to the carrying out of the development and taken into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
 - (a) does not involve disturbance of below-ground deposits and the Council is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

36 Development in the vicinity of a heritage item or heritage conservation area

- (1) The Council may grant consent to the carrying out of development in the vicinity of a heritage item or a heritage conservation area only if it has assessed the impact of the proposed development on the heritage significance of the heritage item or the heritage conservation area.

- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item or heritage conservation area, for example, by affecting a significant view to or from the item or area or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item or buildings within a heritage conservation area, or
 - (c) that may otherwise have any adverse impact on the heritage significance of a heritage item or heritage conservation area.
- (3) The consent authority may request the submission of a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or heritage conservation area.
- (4) The heritage impact statement is to include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item or heritage conservation area (including buildings within the heritage conservation area).

37 Conservation incentives

The Council may grant consent to the use for any purpose of a building that is a heritage item or that is within a heritage conservation area, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the building depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan that has been endorsed by the Council, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, or the heritage conservation area or the amenity of the heritage conservation area, and

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- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

37A Development in heritage conservation areas

- (1) The Council may grant consent to the erection of a building within a heritage conservation area only if the Council is satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the Council must have regard to:
 - (a) the setbacks, scale, bulk and form, including detailing and articulation, of the building, and
 - (b) the pitch and form of the roof (if any), and
 - (c) the style, size, proportion and position of the openings for windows or doors (if any), and
 - (d) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building, and
 - (e) any other matter that the Council considers relevant to the assessment of the application.

[58] Clause 39A

Insert after clause 39:

39A Development in vicinity of Alexandra Canal

- (1) A person must not, except with development consent, erect any structure on land within 10 metres of:
 - (a) the bank of the Alexandra Canal, or
 - (b) any of its open secondary channels.
- (2) Such a consent must not be granted unless the consent authority:
 - (a) has made an assessment of the effect the erection of that structure would have on the aquatic environment and the potential use of Alexandra Canal and its foreshores for recreational purposes, and
 - (b) has considered whether conditions should be imposed on that consent requiring the landscaping of that land, and

-
- (c) has considered whether conditions should be imposed on that consent requiring the creation of a right of carriageway for the purpose of permanent pedestrian access within that land.

[59] Schedule 1 Definitions

Omit the definitions of *advertising structure*, *airport-related land use*, *archaeological site*, *AS 2021*, *building identification sign*, *business identification sign*, *customs agency*, *demolish*, *general advertising*, *heritage conservation area*, *heritage item*, *heritage significance*, *identified land use*, *light goods dispatch*, *potential archaeological site*, *relic* and *residential flat building*.

[60] Schedule 1

Insert in alphabetical order:

Aboriginal object means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place means any place declared to be an Aboriginal place under section 84 of the *National Parks and Wildlife Act 1974* by the Minister administering that Act.

airport-related industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for a commercial purpose related to the Sydney (Kingsford Smith) Airport, but does not include any of the following:

- (a) any industry elsewhere defined for the purposes of this plan,
- (b) any hazardous or offensive development or potentially hazardous or offensive development under *State Environmental Planning Policy No 33—Hazardous and Offensive Development*,
- (c) any development that is declared to be designated development by the *Environmental Planning and Assessment Regulation 2000*,
- (d) any offensive storage establishment,
- (e) any materials recycling yard,
- (f) any hazardous storage establishment.

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airport-related land use means a building or place used as an office or for other business or commercial purposes or industry related to Sydney (Kingsford Smith) Airport, and includes a building or place used for the provision of:

- (a) services related to any of the following uses carried out at Sydney (Kingsford Smith) Airport:
 - (i) the assembly, storage or land transport of air freight,
 - (ii) the accommodation or transportation of air passengers by air or land,
 - (iii) the operation, maintenance or repair of aircraft or aircraft components,
 - (iv) the administrative functions associated with the airport, such as airport management and security,
 - (v) the functions of government departments and authorities related to air passengers and air freight, and
- (b) services provided for hotel or motel guests, including banking, dry cleaning, hairdressing and the like, that are located within the confines of the hotel or motel building.

archaeological site means a site of one or more relics.

AS 2021 means Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* published by Standards Australia as in force for the time being.

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 that does not include general advertising of products, goods or services.

business identification sign means a sign:

- (a) that indicates:
 - (i) the business carried on by a person at the premises or place at which the sign is displayed, and
 - (ii) the name of the person, 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.

car parking facility means a building or place used for parking vehicles, whether operated for gain or not, and any manoeuvring space or access to that building or place, but does not include car parking ancillary to a permissible use.

conservation management plan means a document, prepared in accordance with the requirements of the Heritage Office, that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

customs agency means premises used for the provision of customs services in relation to the import or export of goods through Port Botany or Sydney Airport, or both places, but which are not used for any on-site warehousing or on-site distribution of goods.

demolition of a building or work, or a heritage item, or an item listed on the State Heritage Register, or a place listed on the Register of the National Estate, or a relic, tree or place within a heritage conservation area, or a place of Aboriginal heritage significance, or a potential place of Aboriginal heritage significance shown on the map, or an archaeological site, or a potential archaeological site shown on the map, means to damage, deface, destroy, or pull down or remove, the same (whether in whole or in part).

detached dwelling-house means a dwelling-house that is not attached to another dwelling-house by a common wall, party wall, separating wall, ceiling, floor, breezeway, carport or any other structure.

general advertising means a display by the use of symbols, messages or other devices for promotional purposes or for the conveying of information, instructions, directions or the like (whether or not the display includes the erection of a structure or the carrying out of a work) that is unrelated, in its content, to the use of the property on which the display is to be located.

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level excluding the following:

- (a) columns, fin walls, sun control devices and any other elements, projections or works outside the general line of the outer face of the external walls,
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,

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- (c) car parking at basement and at grade (ground level) and 50% of the car parking area provided at first floor level (and any internal access to that car parking), being car parking that is needed to meet any requirements of the Council,
- (d) space for the loading and unloading of goods,
- (e) designated storage spaces (if any) designated for personal items associated with multi unit housing, residential flat buildings and mixed development.

heritage conservation area means an area of land that is shown hatched on the map, and that is identified in Schedule 3 as a heritage conservation area, and includes buildings, works, archaeological sites, trees and places situated on or within the land.

heritage impact statement means a document prepared in accordance with the requirements of the Heritage Office, consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site or place (including a place of Aboriginal heritage significance) identified in Schedule 3 as a heritage item and the site of which is described in that Schedule.

heritage significance means historic, scientific, cultural, social, archaeological, natural or aesthetic value.

light goods dispatch means a building or place in which there is carried on a non-retail occupation, profession or trade, which involves light goods handling and storage of those goods for dispatch, but only in conjunction with the core business, and only where the product is small and a light rigid vehicle (or smaller vehicle) is required for delivery.

light rigid vehicle means a motor vehicle with a GVM (gross vehicular mass) of more than 4.5 tonnes but not more than 8 tonnes.

local shop means a shop or refreshment room that operates primarily to serve the surrounding residential area and does not exceed 100 square metres in gross floor area.

maintenance in relation to a heritage item or to a building, work, archaeological site, tree or place within a heritage conservation area, means the on-going protective care of the same. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

mixed development means a boarding house, multi unit housing, residential flat building, serviced apartment, or dwelling-house, which is located within the same building in which is located, on the ground floor level only, shops, commercial premises or any other non-residential use permissible in the zone for the site.

multi unit housing means a building or buildings, on one allotment of land, containing 2 or more dwellings where each dwelling has an individual entrance and direct access to private open space at ground level for the exclusive use of the occupants of the dwelling, and includes townhouses, villas, and terraces, but does not include residential flat buildings or any other form of dwellings specifically defined in this Schedule.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of Aboriginal occupation and/or use, or is of contemporary significance to Aboriginal people (It may be a post-European contact site. It can, but need not, include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves.), or
- (b) a natural Aboriginal sacred site or other sacred feature. (It includes natural features such as creeks of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.)

potential archaeological site means a site that:

- (a) is shown hatched on the map, or
- (b) in the opinion of the Council, has the potential to be an archaeological site.

potential place of Aboriginal heritage significance means a place that:

- (a) is shown cross hatched on the map, or
- (b) in the opinion of the Council, has the potential to have Aboriginal heritage significance.

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private hotel means a hotel used primarily for short-term residential purposes which is not licensed under the *Liquor Act 1982* and does not include a building or place elsewhere defined in this Schedule.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the local government area of Botany Bay City and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of that area.

residential flat building means a building containing 3 or more dwellings (not being serviced apartments or multi unit housing) that have shared parking or access arrangements (or both).

semi-detached dwelling means either of the 2 dwellings that are created when a building is divided vertically into 2 dwellings by a common wall, but only if the dwelling is located on a separate lot having access to and frontage to a street.

serviced apartment means a building containing 3 or more self-contained dwellings that are not under separate strata title and that:

- (a) are cleaned or serviced by the owner or manager of the building (or the agent of the owner or manager), and
- (b) provide short-term accommodation for persons who have their principal place of residence elsewhere,

but does not include a backpackers' hostel, boarding house, bed and breakfast accommodation or private hotel.

[61] Schedule 1, definition of "the map"

Insert in appropriate order:

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Sheets A, B and C

[62] Schedule 2 Development for certain additional purposes

Omit ", excluding a bulk store, container depot or road transport terminal connected with the operation of the Port of Botany" from the matter relating to land at Lord Street, Botany.

Insert instead "and warehouse or distribution centres".

[63] Schedule 2

Insert at the end of the Schedule:

- Land bounded generally by Corish Circuit, Wentworth Avenue, Baker Street, Moore Street and Wight Street—warehouse or distribution centres.

[64] Schedule 3 Heritage items and heritage conservation areas

Omit “(Refer to Clauses 31–37)”. Insert instead “(Refer to clauses 31–37A)”.

[65] Schedule 3

Omit all matter relating to heritage items 62, 69, 71–78, 81–83, 99, 153, 166, 167 and 176 under the headings “**Heritage items**” and “**Address**”.

Insert instead in appropriate order:

62	Botany Bay Hotel	1807 Botany Road, Banksmeadow
69	Electricity Substation No 153	14 Byrnes Street, Botany
71	Memorial Park	Lot 1, DP 72528 (corner of Botany Road and Coward Street)
72	Botany Town Hall (c 1898)	1423 Botany Road, Botany (corner of Botany Road and Edward Street, Botany)
73	Pier Hotel	1751 Botany Road, Banksmeadow (corner of Botany Road and Excell Street, Banksmeadow)
74	New Market Hotel	889 Botany Road, Rosebery (corner of Botany and Gardeners Roads, Rosebery)
75	St Matthew’s Anglican Church (c 1862)	1331 Botany Road, Botany (corner of Botany Road and Lord Street, Botany)
76	Sir Joseph Banks Hotel (c 1920)	1354 Botany Road, Botany (corner of Botany Road and Waratah Street, Botany)
77	Matraville Public School	302 Bunnerong Road, Hillsdale (corner of Bunnerong and Beauchamp Roads, Hillsdale)
78	St Therese’s Catholic Church Building Group	54 Coward Street, Rosebery (corner of Coward and Sutherland Streets, Rosebery)
81	Former Tennyson Hotel	952 Botany Road, Mascot (corner of High Street and Botany Road, Mascot)

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82	The Lakes Hotel	305 Gardeners Road, Rosebery (corner of Macquarie Street and Gardeners Road, Rosebery)
83	Sydney Water Corporation Sewage Pumping Station SP0060	Corner of McFall and Erith Streets, Botany
99	Sydney Water Corporation Pumping Station SP0053	153 Coward Street, Mascot
153	House	191 King Street, Mascot
166	Commonwealth Water Pumping Station and Sewage Pumping Station	Lot 1, DP 7877029, within the boundary of Sydney (Kingsford Smith) Airport
167	Sydney Water Corporation Sewer Vent	Tenterden Road, Botany
176	Ruins of the former Botany Pumping Station	Lot 1, DP 7877029, within the boundary of Sydney (Kingsford Smith) Airport

[66] Schedule 3

Insert after the matter relating to heritage item 177 under the heading “**Heritage items**”:

178	Sydney Water Corporation Sewage Pumping Station SP0038	Ross Smith Avenue, Mascot (west of Engine Pond, Lot 1, DP 7877029, within the boundary of Sydney (Kingsford Smith) Airport)
179	Alexandra Canal	Alexandra Canal, Mascot
180	Botany Swamps	About 200ha, between Mascot and Botany, and extending from the northern shore of Botany Bay to Gardeners Road, including the Lakes and Eastlakes Golf Courses, and Mill and Engine Ponds
181	Sydney (Kingsford Smith) Airport Group (as described under the heading “Description” in the entries for the Sydney (Kingsford Smith) Airport Group on the Australian Heritage Database)	Airport Drive, Sydney Airport

[67] Schedules 4 and 5

Omit the Schedules.

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Schedule 1

[68] Schedule 6 Classification or reclassification of public land as operational land

Insert before the heading "**Pagewood**":

Botany

1042 Botany Road

Lot 9, DP 7826, as shown edged heavy black on the map marked "Botany Local Environmental Plan 1995 (Amendment No 28)—Sheet C"—*Botany Local Environmental Plan 1995 (Amendment No 28)*.