

Appendix B Council Submission

18 December 2018



Bayside Council

Serving Our Community

Our Ref: F18/679

Contact: Howard Taylor 9562 1663

Chris Ritchie
Industry Assessments
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Ritchie

Re: Bayside Council Submission – Ministerial Call-in Request, Qantas Airways Limited, Proposed Flight Training Centre

Thank you for the opportunity to comment on the request to the Minister for Planning (Minister) to 'call-in' a proposed flight training centre and declare the project State significant development.

Council notes the critical nature of this project and supports the utilisation of the 'call-in' power under section 4.36 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to enable the Department of Planning and Environment (DPE) to manage the assessment process in a timely manner, and welcomes the opportunity to provide feedback during the assessment process.

Council wishes to note the following:

1. Proposed development

- The subject site (red border) is located at 297 King Street, Mascot (immediately north-east of Qantas Drive) and is zoned IN1 General Industrial under the *Botany Bay Local Environmental Plan 2013* (Botany Bay LEP 2013). The site is located east of the existing flight training centre (yellow border) as shown in **figure 1** (overleaf):

Eastgardens Customer Service Centre

Westfield Eastgardens
152 Bunnerong Road
Eastgardens NSW 2036, Australia
ABN 80 690 785 443 Branch 004

Rockdale Customer Service Centre

444-446 Princes Highway
Rockdale NSW 2216, Australia
ABN 80 690 785 443 Branch 003
DX 25308 Rockdale

Phone 1300 581 299

T (02) 9562 1666 F 9562 1777

E council@bayside.nsw.gov.au

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Postal address: PO Box 21, Rockdale NSW 2216



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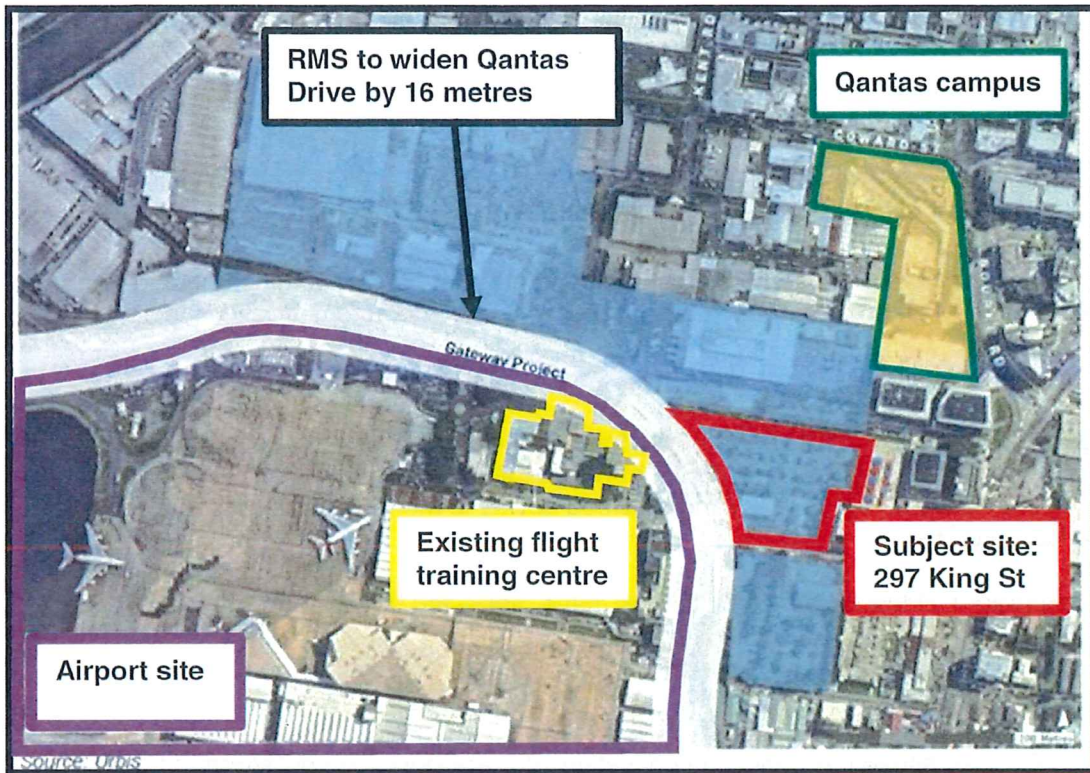


Figure 1: Location plan

- The proposed development is needed as a direct result of the 'Gateway project', a declared critical road infrastructure project proposed by Roads and Maritime Services. The 'Gateway project' will require the existing Qantas Drive to be widened by 16 metres and encroach into the airport site (purple border in **figure 1**).
- The widening of Qantas Drive in this location will require the existing flight training centre, which is currently sited within the airport site, to be demolished and re-built at 297 King Street (red border in **figure 1**) in close proximity to the Qantas 'campus' (green border in **figure 1**).
- The flight training centre is critical to Qantas operations, as it enables pilots and cabin crew to meet Civil Aviation Safety Authority regulations, and to the operations of Sydney Airport.

2. Planning Pathway

State Significant Development

- Section 4.36 (2) of the EP&A Act enables a State environmental planning policy to declare development to be SSD.

- Under clause 8 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), development is declared to be SSD if the development is permissible with consent under Part 4 of the EP&A Act; and is development specified in Schedule 1 or 2 of the SRD SEPP.
- In relation to the former, the proposed flight training centre is permissible with consent by virtue of clause 2.5 (1) and clause 9A of Schedule 1 of the Botany Bay LEP 2013.
- In relation to the latter, the proposed development is not defined within Schedule 1 or 2 of SRD SEPP and therefore does not trigger the criteria to be automatically considered SSD.

Call-in power

- Section 4.36 (3) of the EP&A Act also allows specified development (flight training centre) on specified land to be declared SSD, provided the Independent Planning Commission (IPC) has reviewed the request and provided advice to the Minister, and is referred to as the 'call-in power'.
- In this regard, Urbis, on behalf of Qantas, have requested that the Minister declare the project SSD.

Call-in Guideline

- The DPE has issued the 'Guideline on 'call-in' of State significant development under the *Environmental Planning and Assessment Act 1979*', which provides six issues to be considered by the IPC when determining the State or regional planning significance of a development proposal. The 'Request for State Significant Development Declaration' prepared by Urbis and dated December 2018 has addressed the Guideline and provides justification for consideration of the project as SSD.
- Council notes the justification provided in the 'Request for State Significant Development Declaration' prepared by Urbis and dated December 2018.

Independent Planning Commission to review call-in

- Council understands that the IPC will review the request for the project to be called in and provide advice to the Minister regarding the state or regional significance of the proposed development. The IPC will take into consideration any submission from Bayside Council and may also request a meeting with Bayside Council.

Minister for Planning is consent Authority

- Council notes that if the proposal is considered to be SSD it would then be assessed by the DPE and that the Minister would act as consent authority. Bayside Council would also be invited to provide comment on the project during the assessment process.

Council's DCP would not apply

- Council notes that under clause 13 of the SRD SEPP, the *Botany Bay Development Control Plan 2013* would not apply to the development if the development is declared to be SSD.

If you have any queries regarding this submission please contact Howard Taylor, Urban Planner on 9562 1663 or email: howard.taylor@bayside.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'mcb', with a long horizontal flourish extending to the right.

Michael McCabe
Director City Futures

