

**Rezone land under SEPP (Port Botany & Port Kembla) 2013 and Botany Bay LEP 2013 from IN1 General Industrial to B7 Business Park**

Proposal Title : **Rezone land under SEPP (Port Botany & Port Kembla) 2013 and Botany Bay LEP 2013 from IN1 General Industrial to B7 Business Park**

Proposal Summary : **The planning proposal seeks to remove land (9-15 Erith St, 5-9, 13-15, 21-23 Byrnes St, Botany) from SEPP (Port Botany & Port Kembla) 2013 and rezone this land and adjoining land (1 Bay Street & 2-10 Mc Fall St, Botany) from IN1 General Industrial to B7 Business Park under Botany Bay LEP 2013.**

**The proposal seeks to apply an FSR of 1.5:1 and a maximum height of 12m under the Botany Bay LEP 2013 to all the subject land.**

**In addition, an existing heritage item at 23 Byrnes St, Botany under SEPP (Port Botany & Port Kembla) 2013 is proposed to be incorporated as an item of environmental heritage under Schedule 5 of Botany Bay LEP 2013.**

PP Number : **PP\_2013\_BOTAN\_001\_00**      Dop File No : **13/18202**

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.1 Business and Industrial Zones  
2.3 Heritage Conservation  
3.4 Integrating Land Use and Transport  
3.5 Development Near Licensed Aerodromes  
4.1 Acid Sulfate Soils  
6.1 Approval and Referral Requirements  
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the proposal proceed subject to the following conditions:**

- 1. The removal of land from the State Environmental Planning Policy (Port Botany & Port Kembla) 2013 is not supported. The land at 9-15 Erith Street, Nos 5-9, 13-15, 21-23 Byrnes Street, Botany be excluded from this planning proposal.**
- 2. The planning proposal should be exhibited for 14 days.**
- 3. The planning proposal should be completed with 9 months.**
- 4. Consultation should be undertaken with:**
  - Roads and Maritime Services**
  - Sydney Ports Corporation**
  - Sydney Airport Corporation**
  - Department of the Commonwealth and the lessee of the Sydney Airport**
  - Department of Environment and Heritage**

**The RPA should be advised that with regard to the proposed removal of land from the State Environmental Planning Policy (Port Botany & Port Kembla) 2013, the planning proposal is considered to be inconsistent with:**

- 1. the directions and actions of the Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney to 2031 and the draft East Subregional State**
- 2. State Environmental Planning Policy (Port Botany & Port Kembla) 2013; and**
- 3. s.117 direction 1.1 Business and Industrial Zones & 7.1 Implementation of the Metropolitan Plan for Sydney 2036.**

**Should the LEP Review Panel agree with the removal of land under State Environmental Planning Policy (Port Botany & Port Kembla) 2013, it is recommended that the planning proposal be exhibited for 28 days.**

Supporting Reasons : **The proposal is contrary to aims 3(b) and 3(g) of the SEPP (Port Botany & Port Kembla)**

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2013 as the removal of the land from the SEPP will diminish land intended for port-related and industrial uses. The rezoning of the Ports SEPP land is inconsistent with the aims of the SEPP, particularly as the B7 Business Park zone will prohibit many uses that are essential to preserving the integrity of industrial land zoned under the SEPP for the purpose of supporting the operation of the Ports.

**Panel Recommendation**

Recommendation Date : **28-Dec-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to variations outlined in the following conditions:**

1. Prior to public exhibition, Council is to remove the component of the planning proposal that seeks to rezone land and apply development controls at 9-15 Erith Street and 5-9, 13-15, 21-23 Byrnes Street, Botany under SEPP (Port Botany and Port Kembla) 2013 to B7 Business Park under the Port Botany LEP 2013, including the heritage item at 23 Byrnes Street, Botany. The planning proposal is to proceed for the rezoning of land currently zoned IN1 General Industrial under the Botany Bay LEP 2013 at 1 Bay Street and 2-10 McFall Street only.

2. Prior to public exhibition, consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Roads and Maritime Services
- NSW Ports
- Sydney Airport Corporation
- Department of the Commonwealth and the lessee of the Sydney Airport

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Once the above information has been obtained and consultation with public authorities has been undertaken, Council is to update the planning proposal to reflect the outcomes of the work and consultation undertaken.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

**Plan Making Delegations:**

Council has not requested delegation for the making of this plan. The LEP Review Panel has recommended Council be issued with plan making delegation.

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Signature:

J. Matthews

Printed Name:

JAMES MATTHEWS

Date:

13/12/13