

Botany Bay LEP 2013 (Deletion of clause 4.3(2A) and 4.4B)

Proposal Title :	Botany Bay LEP 2013 (Deletion of clause 4.3(2A) and 4.4B)		
Proposal Summary :	The planning proposal seeks to amend the Botany Bay Local Environmental Plan 2013 by: a) deleting sub-clause (2A) in Clause 4.3 – Height of Buildings relating to a 22m height limit for sites greater than 2000 sq m zoned R3 and R4; and b) deleting Clause 4.4B - Exceptions to FSR in zones R3 and R4, which permits an FSR of 1.65:1 for sites greater than 2000 sqm, subject to certain criteria		
PP Number :	PP_2014_BOTAN_001_00	Dop File No :	14/01467

Planning Team Recommendation

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

S.117 directions : **3.1 Residential Zones**
 3.4 Integrating Land Use and Transport
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **DELEGATION OF PLAN MAKING FUNCTION**

While Council has not requested to do so, it is recommended that the plan making function be delegated to Botany Council, as the matter is considered to be of minor significance.

RECOMMENDATIONS AND CONDITIONS

It is recommended that the planning proposal should proceed, subject to the following conditions:

1. The planning proposal be exhibited for 28 days.
2. The planning proposal be completed within 9 months.
3. The plan making function be delegated to Botany Council.

The RPA should be advised that:

1. The planning proposal is considered to be consistent with S117 Directions 3.1 Residential Zones, 3.4 Integrating Landuse and Transport and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 and no further consideration of any other S117 Directions is required.
3. No further consultation with government agencies or further studies is required.

Supporting Reasons : Council considers that the assessed impacts of the additional height and FSR allowed under the current bonus provisions have resulted in building bulk and height out of context particularly in relation to adjoining R2 zones, and raised community concerns.

Council advised that the removal of the bonus provisions will not affect achieving Botany Bay's dwelling targets under the draft East Subregional Strategy.

Council also considers that variations to height and FSR development standards would be better dealt with on a merit basis under Clause 4.6 Exceptions to Development Standards under BBLEP 2013, rather than through the application of bonus provisions.

The proposal to remove the bonus 22m maximum height and 1.65:1 FSR provisions under BBLEP 2013 applying to sites greater than 2000 sqm is therefore supported.

Panel Recommendation

Recommendation Date : 30-Jan-2014

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to public exhibition the planning proposal should be amended to retain Clauses 4.3(2A) and 4.4B and to include a design clause to address the transition between low density and medium-high density residential areas.
2. 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 must be made publicly available for a minimum of 28 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).
3. 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).
4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

14/2/14