



Ms Lara Kirchner
General Manager
City of Botany Bay Council
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MASCOT NSW 2020

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Our ref: PP_2014_BOTAN_004_00 (14/20342)

Dear Ms Kirchner,

Planning proposal to amend the Botany Bay Local Environmental Plan 2013

I refer to Council's letter dated 15 October 2014 requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) in respect of the planning proposal for eight 'housekeeping' amendments to the Botany Bay Local Environmental 2013.

As delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Department agrees with Council's requested 28 day exhibition period for this planning proposal, in accordance with *A Guide to Preparing LEPs*. Council should amend the planning proposal by updating the project timeline, prior to public exhibition.

The former Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

I have agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

Please note that the progression of Item 4 (reducing height controls to 9m in areas H1 and H2) is not supported at this stage and needs to be removed from the planning proposal prior to exhibition. I encourage Council to pursue this matter as a separate planning proposal, together with further justification, including:

- precise mapping of the actual land to which the proposal applies;
- an explanation of the current heights and why these are considered to no longer be relevant;
- a dwelling yield analysis comparing outcomes under the current and proposed controls; and
- an analysis of the above to further assess the consistency of the proposal with *A Plan for Growing Sydney* and Section 117 Directions 3.1 Residential Zones and 7.1 Implementation of A Plan for Growing Sydney.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.



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The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Michael Kokot of the Metropolitan Region (East) branch of the Department of Planning and Environment on 02 8575 4126.

Yours sincerely,


Lee Mulvey
Director, Metropolitan Region (East)
Planning Services

27/2/15

Encl:
Gateway Determination
Written Authority to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Agency Ref: PP_2014_BOTAN_004_00): seven 'housekeeping' amendments to Botany Bay Local Environmental Plan 2013.

I, the Director, Metropolitan Delivery (CBD), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to *Botany Bay Local Environmental Plan (LEP) 2013* to include several 'housekeeping' amendments should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 **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).
2. Consultation is required with Roads and Maritime Services under section 56(2)(d) of the EP&A Act in relation to the proposal. The 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.
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 **9 months** from the week following the date of the Gateway determination.
5. Prior to undertaking exhibition, the planning proposal is to be revised to:
 - a) remove Item 4 (H1 and H2 sites proposed for height reduction to 9m);
 - b) demonstrate consistency with *A Plan for Growing Sydney*, released on 14 December 2014;
 - c) address consistency with relevant section 117 Directions in relation to Item 3A (128 Bunnerong Road, Pagewood) and Item 7 (284 Coward Street, Mascot); and
 - d) include a map showing the two items being actioned via Schedule 1, being Item 5 (2 Hollingshed Street, Mascot) and Item 6 (Linear Park, Mascot), together with all of Council's current Schedule 1 matters;
 - e) amend the Botany Bay Local Environmental Plan 2013 Floor Space Ratio map to show the 3:1 floor space ratio applying to Item 7 (Lot 7, DP 245170, 284 Coward Street, Mascot); and
 - f) amend the Botany Bay Local Environmental Plan 2013 Height of Buildings Map to correspond to the correct property boundary, as described in relation to Items 3 and 3A (128 Bunnerong Road, Pagewood).

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Infrastructure 2013).

Dated 27th day of February, 2015


Lee Mulvey
Director, Metropolitan Delivery (CBD)

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Botany Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_BOTAN_004_00	Planning proposal to undertake several housekeeping amendments to Botany Bay Local Environmental Plan 2013

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 27th February 2015


Lee Mulvey
Director, Metropolitan Delivery (CBD)

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated Local Environmental Plan amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_BOTAN_004_00
Date Sent to Department under s56	15 October 2014
Date considered at LEP Review Panel	N/A
Gateway determination date	27 February 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: