

Planning Proposal for Land Reclassification of 4 parcels

Proposal Title : **Planning Proposal for Land Reclassification of 4 parcels**

Proposal Summary : **The planning proposal enables the reclassification of four parcels of land in Botany Bay local government area from community to operational land.**

PP Number : **PP_2012_BOTAN_001_00**

Dop File No : **12/01873**

Proposal Details

Date Planning
Proposal Received : **19-Jan-2012**

LGA covered : **Botany Bay**

Region : **Sydney Region East**

RPA : **The Council of the City of Botany Bay**

State Electorate : **HEFFRON**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **45 Coward St**

Suburb : **Mascot**

City :

Postcode : **2020**

Land Parcel : **Lot 1 DP 207389**

Street : **Cnr Tierney Ave and Flint St**

Suburb : **Hillsdale**

City :

Postcode : **2036**

Land Parcel : **Lots 1 & 2 DP 562501**

Street : **Coggins Pl**

Suburb : **Mascot**

City :

Postcode : **2020**

Land Parcel : **Lot 14 DP 248294**

Street : **James Bourke Pl**

Suburb : **Botany**

City :

Postcode : **2019**

Land Parcel : **Lot 1 DP 824042**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Catherine McMahon**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	5	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council considers that the preparation of a planning proposal is the most efficient manner to achieve the clasification of Council lands. Grouping all four parcels of land into the one planning proposal will ensure a transparent process and enable adequate community consultation, separate to the preparation and exhibition of Council's comprehensive draft LEP for the whole local government area.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : Botany Bay Council is seeking to reclassify the following four (4) parcels from community to operational land:

- Part of Lot 1 DP 207389, 45 Coward Street Mascot (known as the Mascot Child Care Centre);
- Part of Lots 1 & 2 DP 562501, corner of Tierney Ave and Flint Street (known as the Hillsdale Child Care Centre);
- Lot 14, DP 248294, Coggins Place Mascot (known as Coggins Place Land); and
- Lot 1, DP 824042, James Bourke Place Botany (known as land adjoining former RSL club).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council has advised that its Asset Management Inventories do not clearly indicate a classification for the sites on Coward Street, Mascot and Tierney Avenue/Flint Street, Hillsdale. Both "community" and "operational" classifications have been identified but the records are ambiguous. Therefore, this planning proposal seeks to clarify the classification for both sites to reflect the existing uses. The portions of the sites containing child care centres will be classified as operational land. Rezoning of the sites will be dealt with as part of the implementation of the draft Botany Bay Local Environmental Plan 2012.

- Lot 14 DP 248294, Coggins Place Mascot;

The reclassification of this parcel from "community" to "operational" facilitates the extension of Coggins Place through to Ossary Street. Due to the size and location of this parcel "operational" classification would be more suitable and will facilitate Council's intention to use it as public road.

- Lot 1 DP 824042, James Bourke Place Botany.

Council wishes to reclassify this strip of surplus land from "community" to "operational" to allow for the possible future sale of the site. The site was originally retained for future widening of James Bourke Place, however Council no longer requires the site for this purpose.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 3.1 Residential Zones
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

- SEPP No 6—Number of Storeys in a Building
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

It is recommended that;

The Director General or his delegate agree that the proposal is justifiably inconsistent with Section 117 Direction 6.2 Reserving Land for Public Purposes. The proposal results in a reduction in community land. This inconsistency is considered minor, as the proposal seeks to; rectify historical anomalies, reflect the existing site uses, reclassify surplus land, or reclassify land for use as a connecting road. The proposal will not have any major impact on the resulting land use or community access to public land.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The proposal is to be exhibited as follows:

- In accordance with section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the planning proposal will be placed on public exhibition for a minimum of 28 days, as the proposal is to reclassify land from community land to operational land and therefore is not considered to be a low impact' planning proposal;

- In accordance with section 29(1) of the Local Government Act 1993, a public hearing will be held. In accordance with the Department of Planning Circular (PN09-003) the public hearing will be held after the close of the 28-day exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing; and

- 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The proposal means to meet a number of historical anomalies related to the classification of the 4 parcels. The current use and public access to the area will not change as a result.

Proposal Assessment

Principal LEP:

Due Date : August 2012

Comments in relation to Principal LEP : The preparation of the Standard Instrument Local Environmental Plan 2012 for the City of Botany Bay is currently underway, and exhibition should occur in March/April 2012. Council has advised that they do not wish to include the reclassifications in the DLEP process, as the requirement for a public hearing would result in further delays to the process.

Assessment Criteria

Need for planning proposal : A short background and the reasons for the reclassification of each of the sites are provided as follows:

SITE 1 Mascot Child Care Centre (Part of Lot 1 DP 207389, 45 Coward Street Mascot)

As Council's Asset Management Inventories do not clearly indicate the classification of this site, the Planning Proposal seeks to clarify this by reclassifying part of the land to facilitate the current site uses. The site currently has two uses, a child care centre (Mascot Child Care Centre) and Jos Wiggins Reserve. The reclassification supports existing uses without any impact on their current operation by reclassifying the child care centre as operational land.

SITE 2 Hillsdale Child Care Centre (Part of Lots 1 & 2 DP 562501, corner of Tierney Ave and Flint Street)

Council wishes to seek a reclassification to facilitate the current use of the site. As with the site above, Council's Asset Management Inventories do not clearly indicate the classification of this site. The site currently has two uses, a child care centre (Hillsdale Child Care Centre) and Tierney Avenue Reserve. The reclassification supports existing uses without any impact on their current operation by reclassifying the child care centre as operational land.

SITE 3 Coggins Place Land (Lot 14, DP 248294, Coggins Place Mascot)

Council is proposing the reclassification of this site to facilitate the extension of Coggins Place through to Ossary Street to improve the flow of traffic in this locality. The site is currently classified as "community" land by default under the Local Government Act 1993 which does not allow for the works required for Council's proposal. Due to the size and location of the site the reclassification to "operational" is a suitable classification and does not present any adverse impacts.

SITE 4 Land adjoining former RSL Club (Lot 1, DP 824042, James Bourke Place Botany)

Council seeks to reclassify this land from "community" to "operational" to allow for potential sale. The site was reserved for the future widening of James Bourke Place and is no longer required by Council. The location of the strip and surrounding uses clearly show its original purpose is no longer required and its reclassification does not have any adverse impact.

Consistency with strategic planning framework :

1. Metropolitan Plan for Sydney 2036 and draft East Sub-Regional Strategy

The planning proposal to reclassify four separate Council properties from "community" to "operational" is minor and straightforward in nature and will have no impact on the objectives and actions contained in the Metropolitan Plan for Sydney 2036 or the draft East Sub-Regional Strategy relating to the Botany Bay LGA.

2. Botany Bay Planning Strategy 2031

The Botany Bay Planning Strategy 2031 provides the framework for growth and development for the next 25 years. This planning proposal is consistent with this plan.

3. State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with the relevant SEPPs.

4. Section 117 Directions

Section 117(2) Direction No. 3.1 Residential Zones

Site 1 and Site 2 are affected by this Direction. Mascot Child Care Centre (including Jos Wiggins Reserve) and Hillsdale Child Care Centre (including Tierney Ave Reserve) are currently zoned Residential 2(a) under the Botany Local Environmental Plan 1995. While this planning proposal does not propose to rezone these parcels, it is noted that under the draft BBLEP 2011 Council proposes to rezone part of the site R2 Low Density Residential and the other part of the site RE1 Public Recreation. The RE1 zone will better reflect the current and ongoing use of the land for open space and recreational purposes. As these two properties are currently used as open space, the planning proposal will have no impact on residential housing stock in the Botany Bay LGA.

Section 117(2) Direction No. 3.5 Development Near Licensed Aerodromes

The sites are all located within close proximity to a licensed aerodrome (Sydney Kingsford Smith Airport). Each of the sites is located on land within the Australian Noise Exposure Forecast (ANEF). Details are as follows:

- Mascot Child Care Centre: 20-25 ANEF
- Hillsdale Child Care Centre: 20-25 ANEF
- Coggins Place: 25-30 ANEF
- James Bourke Place: 25-30 ANEF

The reclassification of land for each of the parcels is to rectify historical classification anomalies. No rezoning is proposed. This reclassification will not create additional development entitlements. In the case of the Mascot and Hillsdale Child care centres, the buildings are existing. Coggins Place is a road and will not incur additional development as a result of this proposal, while the intention of reclassifying land at James Bourke Place is to rectify an anomaly.

Section 117(2) Direction No. 4.3 Flood Prone Land

Council does not have sufficient accurate ground level information to indicate the extent of the land that may be affected by flooding. However detailed assessments for the sites have been made by Council's Development Engineer who advises the following:

SITE 1 Mascot Child Care Centre

Based on Council's stormwater drainage pipe network map that is available to council, it is unlikely that this parcel is flood affected.

SITE 2 Hillsdale Child Care Centre

Based on information gathered from the surrounding area, this parcel is likely to be flood affected. A Sydney Water major stormwater drainage culvert (Bunnerong Main Drain) traverses these lots. In order to determine the extent of flooding, Council may require as part of any future development application seeking redevelopment of the child care centre a flood study to determine the extent of flooding for this land.

SITE 3 Coggins Place Land

Based on information gathered from the surrounding area, this parcel is likely to be flood affected. The parcel is shown to be affected in the 1:100 flood event (including impacts from Climate Change) in the Sydney Water Cooks River Flood Study (Feb 2009). However due to its proposed use as a road, it is not envisaged that this is an issue.

SITE 4 Land adjoining former RSL Club

Based on Council's stormwater drainage pipe network map that is available, it is unlikely that this parcel is flood affected.

Section 117(2) Direction No. 6.2 Reserving Land for Public Purposes

Reclassification of all four (4) parcels will alter reservations of land for public purposes in accordance with Direction No. 6.2. This proposal will result in a reduction in community land.

The Department is of the view that the proposal is justifiably inconsistent with Section 117 Direction 6.2 Reserving Land for Public Purposes. The proposal results in a reduction in community land. This inconsistency is considered of minor significance, as the proposal seeks to; rectify historical anomalies, reflect the existing site uses, reclassify surplus land, or reclassify land for use as a connecting road. The proposal will not have any major impact on the resulting land use or community access to public land.

Environmental social
economic impacts :

Environmental

The proposal will not impact upon any critical habitat, threatened species, populations or ecological communities or their habitats as the subject sites do not contain any of the above communities.

The planning proposal is of minor significance and it is not envisaged that there will be any adverse environmental effects on any of the four (4) sites as a result of the planning proposal:

- Each of the two child care centres are existing, no physical works are proposed and therefore there will be no impact on the sites nor adjoining sites.

- The reclassification and subsequent sale of a small strip of land at the rear of the former Botany RSL Club site, which adjoins a public laneway, will have a negligible, if any, impact on the environment, as no physical works are proposed.

Social

The proposal will not facilitate a net change in the social infrastructure in the Botany Bay Local Government Area. Council will continue to provide two child care centres at Hillsdale and Mascot.

Economic

The proposal will not have any negative economic effect. The two child care centres already exist. The strip of land adjoining the former Botany RSL club will be sold by Council who will benefit financially from the sale.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW**

Is Public Hearing by the PAC required? **Yes**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	Yes
Letter dated 23 February 2012 to the Department regarding the an amended planning proposal.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

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

1. The proposal is to be exhibited as follows:

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- In accordance with section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the planning proposal will be placed on public exhibition for a minimum of 28 days, as the proposal is to reclassify land from community land to operational land and therefore is not considered to be a low impact planning proposal;

- In accordance with section 29(1) of the Local Government Act 1993, a public hearing will be held. In accordance with the Department of Planning Circular (PN09-003) the public hearing will be held after the close of the 28-day exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing; and

- 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

3. SECTION 117 DIRECTIONS

It is also recommended that;

The Director General or his delegate agree that the proposal is justifiably inconsistent with Section 117 Direction 6.2 Reserving Land for Public Purposes. The proposal results in a reduction in community land. This inconsistency is considered minor.

Supporting Reasons :

The proposal seeks to: rectify historical anomalies, reflect the existing site uses, reclassify surplus land. The proposal will not have any major impact on the resulting land use or community access to public land.

Signature:



Printed Name:

ROSALIND LOUIS

Date:

2 MARCH 2012

