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City of Botany Bay

PLANNING PROPOSAL

Amendment to Botany Local Environmental Plan 1995

Schedule 6

23 February 2012

Reclassification from Community to Operational land for the following properties:

- Part Lot 1 DP 207389, Coward Street, Mascot
- Part Lot 1 & 2 DP 562501, Tierney Ave and Flint Street Reserve, Hillsdale
- Lot 14 DP 248294, Coggins Place, Mascot
- Lot 1 DP 824042, James Bourke Place, Botany

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PART 1 OBJECTIVES OR INTENDED OUTCOMES

To enable reclassification of the following four (4) parcels from community land 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).

This planning proposal does not propose any zoning changes for the subject lands. Zoning anomalies for the subject lands will be dealt with as part of the implementation of the draft Botany Bay Local Environmental Plan 2012.

PART 2 EXPLANATION OF PROVISIONS

Amendment to the Botany Local Environmental Plan 1995 to reclassify the following lands from community land to operational land:

- Part of Lot 1, DP 207389 (being the Mascot Child Care Centre), Coward Street Mascot;
- Part of Lot 1 and 2, DP 562501 (being the Hillsdale Child Care Centre), Tierney Ave and Flint Street Reserve Hillsdale;
- Lot 14 DP 248294, Coggins Place Mascot; and
- Lot 1 DP 824042, James Bourke Place Botany.

The subject properties will be incorporated within Schedule 6 of the Botany Local Environmental Plan 1995.

The reasons for the reclassification are varied for each site. A short background and the reasons for the reclassification of each of the sites are provided as follows:

Attachment A to this submission contains the locality maps, current zoning maps, DPs and Certificate of Titles for each of the sites which should be viewed when reading this submission.

SITE 1 **Mascot Child Care Centre**

Mascot Child Care Centre and Jos Wiggins Reserve are located on Lot 1 DP 207389. The land was acquired by Council on 26/03/1957.

Searches of the Council's Asset Management Inventories dated January 2000 do not clearly indicate the classification of the site as either "community" or "operational" under the provisions of the Local Government Act 1993. This Planning Proposal seeks to clarify the classification over the child care centre.

Council intends to subdivide the parcel in accordance with the physical use of the land. Essentially the objective is to ensure that the child care centre and the reserve are located on separate allotments. Council seeks to classified the site that the child care centre stands on as "operational". **Figure 1** below indicates the area to be reclassified to "operational".



Figure 1 - Area to be reclassified as "operational" being the Mascot Child Care Centre

Current Zone (BLEP 1995):	2(a) Residential A
Proposed Zone (draft BBLEP 2012):	RE1 Public Recreation / R2 Low Density Residential

This planning proposal is not proposing to re-zone the parcel. The zoning is to remain 2(a) Residential A under the Botany LEP 1995. Under the draft BBLEP 2012, and following subdivision, the parcels will be zoned RE1 Public Recreation and R2 Low Density Residential to reflect the current use of the land. The child care centre will be zoned R2 and the public park will be RE1. The change of zoning will be consistent with the existing use of the land for open space and recreational purposes.

SITE 2 **Hillsdale Child Care Centre**

The purpose of the reclassification of this land is to correct a historical anomaly in classification and facilitate the current use of the site by Hillsdale Child Care Centre.

Hillsdale Child Care Centre and Tierney Avenue Reserve are located on Lots 1 & 2 DP 562501. The allotments are zoned Residential 2(a) under the Botany LEP 1995. Lot 2 has no access to a public road and there are easements over the DP. The parcel was acquired by Council for use as a public reserve on 25/05/73.

Council intends to consolidate Lots 1 and 2 and then subdivide the consolidated parcel in accordance with the physical use of the land. Essentially the objective is to ensure that the child care centre and the reserve are located on separate allotments.

Searches of the Council's Asset Management Inventories dated January 2000 do not clearly indicate the classification of the site as either "community" or "operational" under the provisions of the Local Government Act 1993. This Planning Proposal seeks to clarify the classification over the child care centre. **Figure 2** below indicates the area to be reclassified to "operational".

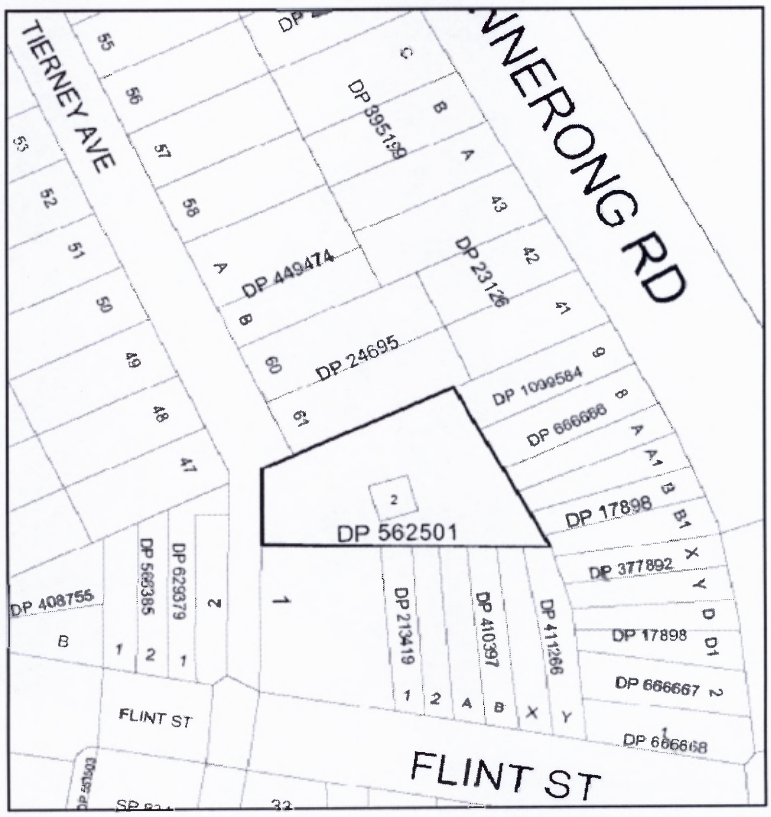


Figure 2 - Area to be reclassified to "operational" - being the Hillsdale Child Care Centre

Current Zone (BLEP 1995):	2(a) Residential A
Proposed Zone (draft BBLEP 2012):	RE1 Public Recreation / R2 Low Density Residential

This planning proposal is not proposing to re-zone the parcel. The zoning is to remain 2(a) Residential A under the Botany LEP 1995. Under the draft

BBLEP 2012 and following subdivision, the parcels will be zoned RE1 Public Recreation and R2 Low Density Residential to reflect the current use of the land. The child care centre will be zoned R2 and the public park will be RE1. The change of zoning will be consistent with the existing use of the land for open space and recreational purposes.

SITE 3 **Coggins Place Land**

The purpose of the reclassification of this land is to facilitate the extension of Coggins Place through to Ossary Street by way of a 20 metre wide carriageway, to improve traffic flow in this locality.

The land was classified as "community" land by default under the Local Government Act 1993. Lot 14 is required to be classified as operational under the Local Government Act for use as a public road and for the current title to be dissolved, to allow for the physical works to be undertaken. Council requires that Coggins Place be extended through to Ossary Street by way of a 20 metre wide carriageway, which has been dedicated to Council. This is to facilitate civil works and public domain works which are required as part of an approved subdivision at 34 Kent Road Mascot (DA09/131).

Council sought legal advice on whether or not this parcel can be dedicated to Council as public road under section 10 of the Roads Act 1993 without need to reclassify the land as operational. Council has been advised that since there is no Plan of Management applying to the land, Section 10 of the Roads Act 1993 does not apply.

Figure 3 indicates the site to be reclassified as "operational".



Figure 3 - Site to be reclassified to "operational" - Coggins Place

Current Zone (BLEP 1995): 4(c2) Industrial Special – Airport Related - Restricted

Proposed Zone (draft BBLEP 2012): B7 Business Park

This planning proposal is not proposing to re-zone the parcel. This will be implemented as part of the draft LEP 2012 process.

SITE 4 Land adjoining former RSL Club

The purpose of the reclassification of this land is to correct an anomaly in the classification of a strip of surplus land and to allow the potential future sale.

The land adjoins the former Botany RSL Club and was classified as "community" land (by default) under the Local Government Act 1993. This land is no longer required by Council to widen James Bourke Place.

Figure 4 indicates the site to be reclassified as "operational".

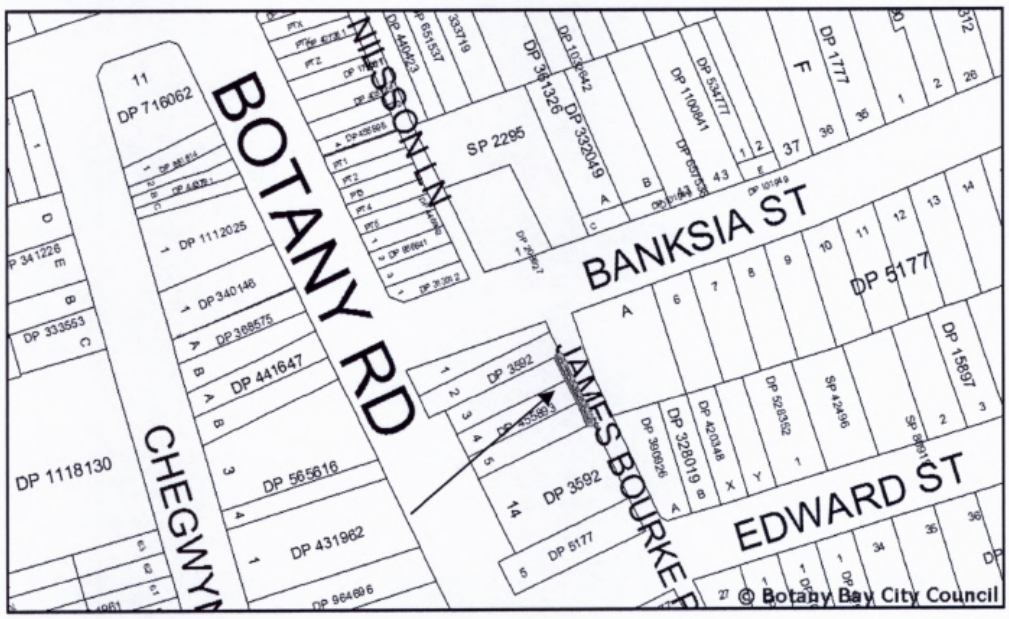


Figure 4 - The site to be reclassified to "operational" - James Bourke Place

Current Zone: 3(a) General Business

Proposed Zone (draft BBLEP 2012): B2 Local Centre

This planning proposal is not proposing to re-zone the parcel. This will be implemented as part of the draft LEP 2011 process.

Attachment A to this submission contains the locality maps, current zoning maps, DPs and Certificate of Titles for each of the sites which should be viewed when reading this submission.

Maps include the following:

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

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

SITE 3 Lot 14, DP 248294, Coggins Place Mascot (known as Coggins Place Land); and

SITE 4 Lot 1, DP 824042, James Bourke Place Botany (known as land adjoining former RSL club).

PART 3 JUSTIFICATION

Section A – Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

As part of the preparation of the Standard Instrument Local Environmental Plan for the City of Botany Bay, there was a need to consider if any public land under Council's control needed to be classified or reclassified pursuant to the provisions of the Local Government Act 1993. In order to meet this requirement, Council officers conducted an audit of Council owned properties in the LGA. This was undertaken in accordance with the *LEP's and Council Land – Best Practice Guideline January 1997* (Department of Urban Affairs & Planning), which requires information on the land Council owns or has an interest in to be placed on public exhibition along with the draft Botany Bay Local Environmental Plan 2012 (BBLEP 2012).

At the Development Committee meeting of 6 April 2011 a report was put forward with detailed information on each Council owned and care/controlled property within the Botany Bay LGA. This report included existing and/or proposed usage, classification under the Local Government Act 1993, existing land zoning under Botany LEP 1995 and proposed land zoning under the draft Botany Bay LEP 2012. In this report, Council considered four specific sites, accompanying legal advice and resolved, in part, as follows:

- That Councill re-subdivide and reclassify the land on which Mascot and Hillsdale Child Care Centres are built upon to "operational" in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, including the preparation of a planning proposal; and

- That Council reclassify land at Lot 14 DP 248294, Coggins Place, Mascot and land at Lot 1 DP 824042, James Bourke Place, Botany from "community" to "operational"; in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, including the preparation of a planning proposal.

This resolution of Council's Development Committee forms the basis of this planning proposal. This report is attached at **Attachment B** to this report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the reclassification of Council lands in a timely and efficient manner. It is considered that grouping all four parcels into the one planning proposal will ensure a transparent process and enable adequate community consultation.

Furthermore searches of the Council's Asset Management Inventories dated January 2000 do not clearly indicate the classification of the Hillsdale & Mascot Child care centre sites site as either "community" or "operational" under the provisions of the Local Government Act 1993. This Planning Proposal seeks to clarify the classification over the child care centre.

This reclassification proposal has the additional requirement of a public hearing under section 29 of the Local Government Act 1993. To ensure the comprehensive LEP can proceed without any potential time delays, this planning proposal has been separated from the draft Botany Bay LEP 2012 (under the Standard Instrument Order) which is currently with the Department of Planning and Infrastructure pending the issue of a section 65 certificate.

It is expected that this is the best means of achieving the objectives and intended outcomes of both the draft comprehensive LEP and this planning proposal.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

It is envisaged that each of the four reclassifications will provide a net community benefit, which will outweigh the cost of implementing and administering the planning proposal.

SITE 1 Mascot Child Care Centre

Reclassification of Proposed Lot 2 (the subdivided allotment from the proposed subdivision of Part Lot 1 DP 207389) to operational will allow the Mascot Child Care Centre to continue to operate on a proposed new allotment, which will be of benefit by providing facilities for the local community.

Searches of the Council's Asset Management Inventories dated January 2000 do not clearly indicate the classification of the site as either "community" or "operational" under the provisions of the Local Government Act 1993. This Planning Proposal seeks to clarify the classification over the child care centre.

SITE 2 Hillsdale Child Care Centre

Reclassification of Proposed Lot 11 (the subdivided allotment from the proposed consolidation and re-subdivision of Lots 1 and of Lot 2 DP 562501) to operational will allow the Hillsdale Child Care Centre to continue to operate. This will be of benefit to the community as it will ensure facilities are provided for the local community.

Searches of the Council's Asset Management Inventories dated January 2000 do not clearly indicate the classification of the site as either "community" or "operational" under the provisions of the Local Government Act 1993. This Planning Proposal seeks to clarify the classification over the child care centre.

SITE 3 Coggins Place Land

Reclassification of Lot 14 DP 248294 will enable civil works and public domain works associated with an approved subdivision at 34 Kent Road Mascot (DA09/131). This will enable completion of the extension of Coggins Place through to Ossary Street and it will improve traffic flow in this locality.

SITE 4 Land adjoining former RSL Club

Reclassification of this 50.7m^2 surplus strip of land will help correct an anomaly in land, enable the block to be consolidated with adjoining parcels after its future sale by Council.

Table 1 below addresses the evaluation criteria for conducting a net community benefit test from the Draft Centres Policy (2009) as required by the Department's guidelines.

Table 1 – Consistency with Net Community Benefit Evaluation Criteria

Evaluation Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg. Land release, strategic corridors, development within 800m of a transit node)?	The planning proposal is consistent with agreed State and Regional strategic directions for development in the area.
Is the LEP located in a global / regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	Neither of sites 1, 2, 3 or 4 are located within a strategic corridor nominated within the Metropolitan Strategy or other regional / sub regional strategy.
Is the LEP likely to create a precedent or create or change the expectations of the landowners or other landholders?	The LEP is not likely to create a precedent or change the expectations of landowners or other stakeholders.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	**SITE 1** – This planning proposal will not set a precedent on any other similar proposals. This Planning Proposal seeks to clarify the classification over the child care centre.

Evaluation Criteria	Comment
	SITE 2 – This planning proposal will not set a precedent on any other similar proposals. This Planning Proposal seeks to clarify the classification over the child care centre.
	SITE 3 – There will be no cumulative impact.
	SITE 4 – There will be no cumulative impact.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The planning proposal will not facilitate a permanent employment generating activity or result in loss of employment lands for neither of the four sites.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The planning proposal will not have any impact on the supply of residential land, housing supply or affordability.
Is the existing public infrastructure (roads, rail and utilities) capable of servicing the proposal site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	**SITE 1** – Existing public infrastructure is capable of servicing the site. There is adequate pedestrian and cycling access and public transport is available in the vicinity of the site.
	SITE 2 – Existing public infrastructure is capable of servicing the site. There is adequate pedestrian and cycling access and public transport is available in the vicinity of the site.
	SITE 3 – The parcel will be returned to road, therefore there are no public infrastructure issues created from this proposal.
	SITE 4 – Existing public infrastructure is capable of servicing the site. There is adequate pedestrian and cycling access and public transport is available in the vicinity of the site.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road	There will be no impact on distances travelled by customers, employees and suppliers. There will be no impacts in terms of greenhouse gas emissions, operating costs and road safety.

Evaluation Criteria	Comment
safety?	
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No impacts are expected.
Will the proposal impact on land that the Government has identified a need to protect (eg. Land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No significant environmental impacts are envisaged. Flooding constraints for each of the four sites is discussed under section 117(2) Direction No. 4.3 Flood Prone Land.
Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	There will be no impacts on the public domain or the amenity in the location and wider community for each of the sites.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The planning proposal will rectify past land classification anomalies. It is not expected that these changes will have any significant effect on the public interest.

Section B – Relationship to strategic planning framework.

1. **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Metropolitan Plan for Sydney and exhibited draft strategies)?**

   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. **Is the planning proposal consistent with the local Council's Community Strategic Plan, or other strategic plan?**

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

3. **Is the planning proposal consistent with applicable state environmental planning policies?**

   The planning proposal is consistent with the relevant State Environmental Planning Policies (SEPP's). Details are included in **Attachment C** to this report.

4. **Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?**

   The planning proposal is consistent with the applicable section 117 directions. Table 1 in **Attachment D** outlines compliance with each of the section 117 directions. Discussion is included below with regard to the main section 117 directions.

   Section 117(2) Direction No. 3.1 Residential Zones

   - Site 1 and Site 2 are affected by this 117 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 Hilldale 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. 4.1 Acid Sulfate Soils

- The sites are affected by Acid Sulfate Soils (ASS) as follows:

    - Mascot Child Care Centre: Class 5 ASS
    - Hillsdale Child Care Centre: Not affected
    - Coggins Place: Class 2 ASS
    - James Bourke Place: Class 4 ASS

    It is not considered that an Acid Sulfate Soils Study is required as no intensification of land uses is proposed for any of the sites as a result of this planning proposal.

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. 6.1 Approval and Referral Requirements

- No concurrence, consultation or referral of a Minister or public authority is required for any of the sites.

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. Therefore, the City of Botany Bay seeks the approval of the Director-General of the Department of Planning in order to reclassify sites 1, 2, 3 and 4 as discussed in this report. It is envisaged that the provisions of the planning proposal that are inconsistent with this direction are of minor significance. The planning proposal rectifies historical anomalies and will not have any major impact on the resulting land use or community access to public land.

Section 117(2) Direction No. 6.3 Site Specific Provisions

- Reclassification of all four (4) parcels will ensure consistency with Direction No. 6.3.

Section C – Environmental, social and economic impact.

1. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

   The proposal will not impact upon any critical habitat, threatened species, populations or ecological communities or their habitats as neither of the subject sites contain any of the above communities.

2. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

   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.

3. **How has the planning proposal adequately addressed any social and economic effects?**

   Social effects: The proposal will not facilitate a net change on the social infrastructure in the Botany Bay Local Government Area. Council will continue to provide two child care centres at Hillsdale and Mascot. This Planning Proposal seeks to clarify the classification over the child care centre.

   Economic effects: 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.

Section D – State and Commonwealth interests.

1. **Is there adequate public infrastructure for the planning proposal?**

   There will be no net change in the demands on public infrastructure for any of the sites as a result of this planning proposal. The reclassification of the parcel of land at Coggins Place to "operational" will enable its use as a public road and therefore increase the provision of public infrastructure in the LGA. The linkage has been approved at Councils Local Traffic Committee dated 1 November 2010.

2. **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

   It is envisaged that consultation with State and Commonwealth government authorities is not required for this planning proposal for the following reasons:
   - No further intensification of land uses is proposed.
   - There will be no social or economic impact.
   - Critical habitat, threatened species, ecological communities or their habitats will not be adversely affected.
   - No exemptions are proposed from relevant Ministerial Directions under section 117 of the EP&A Act 1979.

   Should the gateway determination deem it necessary for Council to consult with specific State and Commonwealth government authorities, Council will forward a copy of the planning proposal to the relevant authorities.

PART 4 COMMUNITY CONSULTATION

The Council resolution to reclassify the four parcels was placed on public exhibition for a period of 28 days from 27 April 2011 until 25 May 2011 in accordance with the *Local Government Act* 1993. No submissions were received. Council proposes that the planning proposal 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.
- Any other requirements as determined by the Gateway under section 56 of the EP&A Act.

Council intends to advertise the proposal by providing written notification in the local *Southern Courier* newspaper, notification on Councils website and letters to adjoining landowners. Formal staffed display of the statutory exhibition will be available for viewing at the Council Chambers Administrative Centre, Ground Floor, 141 Coward Street Mascot for 28 days.

For the purpose of informing the public generally, Council will also have key exhibition materials on display on Council's website (http://www.botanybay.nsw.gov.au), at Mascot Library (Hatfield Street, Mascot) and at the Central Library (Westfield Shoppingtown, Banks Avenue, East gardens). It is noted that the key exhibition material at these locations and on the website is not the statutory exhibition under the Environmental Planning and Assessment Act 1979. The statutory exhibition is that as on display at Council's Administration Centre, Grown Floor Administration Centre, 141 Coward Street, Mascot.

The following documents will be placed on public exhibition:

- The planning proposal;
- The gateway determination;
- Council report and Council resolution dated 6 April 2011 with regard to reclassification of Council Land;
- The LEP Practice Note: Classification and reclassification of land through a Local Environmental Plan (PN09-003);
- LEPs and Council Land Best Practice Guidelines January 1997; and
- Any additional information deemed necessary.

Extinguishment of Interests in the land

There will be no requirement to extinguish any interests in respect of any of the four (4) sites.

The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Each of the four sites are in Council ownership.

ATTACHMENT A SITE MAPS

SITE 1	**Mascot Child Care Centre, Coward Street, Mascot**
SITE 2	**Hillsdale Child Care Centre, Tierney Ave and Flint Street Reserve, Hillsdale**
SITE 3	**Coggins Place Land, Mascot**
SITE 4	**Former RSL Club Land, James Bourke Place, Botany**

SITE 1 **Mascot Child Care Centre** Part Lot 1 DP 207389, Coward Street, Mascot

1. Aerial Map
2. Current Zone (Botany Local Environmental Plan 1995)
3. Deposited Plan and s88B Instrument
4. Certificate of Title
5. Proposed Plan of Subdivision



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Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Botany Bay City Council nor the Department of Lands makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

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GDA

True North, Grid North and Magnetic North are shown diagrammatically for the centre of the Botany Bay Local Government Area. Magnetic North is correct for 2001 moving easterly by 0.04° in about five years.

Important

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights.
For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

Aerial Photography:	
Contour Interval:	
Projection:	MGA94 Zone 56
Cost:	
Date:	Wednesday, 14 September 2011
Drawn By:	user
Map Zoom:	399.3 m

Aerial Photo

Lot 1, DP 207389, Coward Street, Mascot

Map Scale: 1:2,102 at A4
Map Zoom: 399.3 m



City of Botany Bay

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Projection: MGA94 Zone 56

Date: Wednesday, 14 September 2011

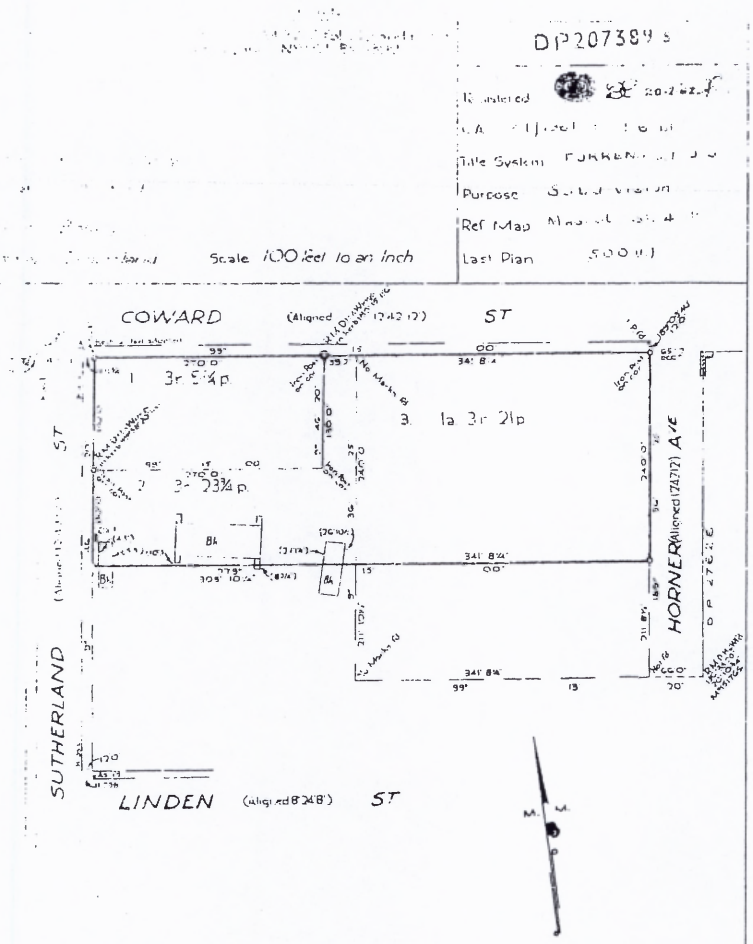
Map Zoom: 330 m

Current Zone (Botany Local Environmental Plan 1995)

Lot 1, DP 207389, Coward Street, Mascot

Map Scale: 1:1,737 at A4
Map Zoom: 330 m

Mascot Childcare Centre



11	9	3/4	1,597
11	11		1,642
11	11	3/4	1,651
21	10	3/4	0.765
28	10	1/2	8,192
27	1	1/4	8,201
35	2		11,938
42	-		12,802
42	1	1/4	12,833
65	7		19,960
81	-		20,117
110	-		33,528
210	-		55,624
211	8	1/2	64,524
211	10	1/2	64,560
240	-		73,152
270	-		82,296
309	10	1/4	94,444
341	0	1/4	104,148

-	3	8 3/4	3236
-	3	23 3/4	3636
1	1	21	7613

I, Bruce Richard Debus, Registrar General for New South Wales, certify that this negative is a photographic image of a permanent record or a document in my custody this 16th day of March, 1977

Land and Property Management Authority

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/207389

SEARCH DATE	TIME	EDITION NO	DATE
16/2/2011	5:14 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 1 IN DEPOSITED PLAN 207389
AT MASCOT
LOCAL GOVERNMENT AREA BOTANY BAY
PARISH OF BOTANY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP207389

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF BOTANY BAY (CA103338)

SECOND SCHEDULE (5 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

* 2 QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT 1900. THIS TITLE WAS CREATED USING LAND AND PROPERTY INFORMATION RECORDS IN ACCORDANCE WITH SECTION 28D OF THE REAL PROPERTY ACT 1900. DELIVERY OF THE TITLE AND/OR REGISTRATION OF ANY DEALING WILL REQUIRE LODGMENT OF A STATEMENT OF TITLE PARTICULARS SUPPLYING COMPLETE OWNERSHIP DETAILS.

* 3 QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 12-12-2006 BK 2399 NO 921

* 4 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

* 5 LAND EXCLUDES THE MINERALS REFERRED TO IN DEED BK 2399 NO 921

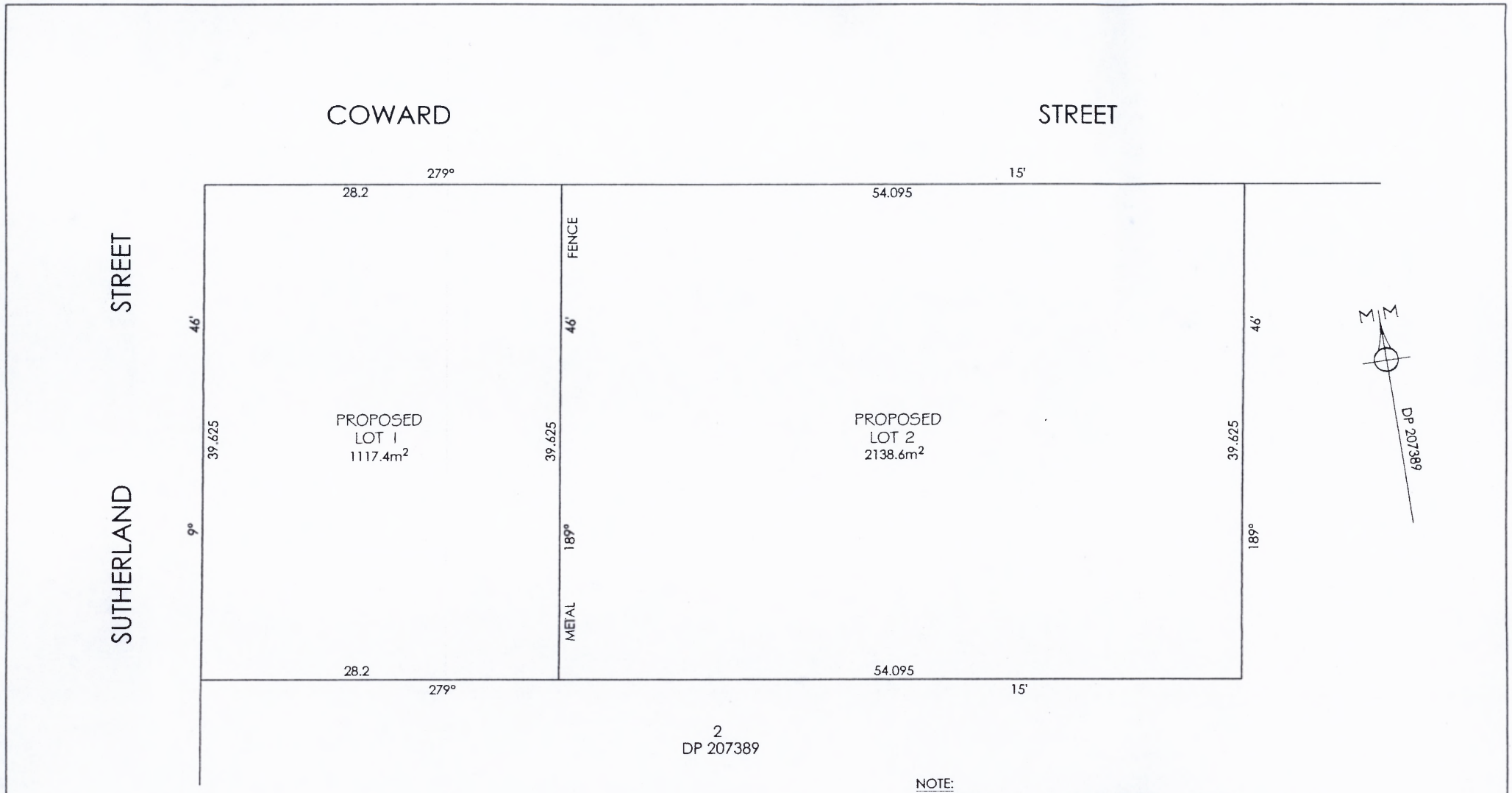
NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

lg:bota-pward c mcmahon PRINTED ON 16/2/2011

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.



NOTE:

ALL DIMENSIONS & AREAS HAVE BEEN COMPILED FROM DP 207389 & ARE SUBJECT TO FINAL SURVEY

NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.

AMENDMENTS:	ERIC SCERRI & ASSOCIATES PTY LTD LAND SURVEY CONSULTANTS P.O. BOX 3018, TAMARAMA NSW 2026 PH: 9386 4161 FAX: 9386 4171 MOB: 0417 452 852	CLIENT: BOTANY BAY CITY COUNCIL PLAN SHOWING: PLAN OF PROPOSED SUBDIVISION LOT 1 IN DP 207389 PROPERTY: MASCOT CHILDCARE CENTRE LGA: BOTANY BAY	SCALE: A3@1:300 PLAN REFERENCE: 1814/11 DATE OF SURVEY: 16/6/11 SHEET 1 OF 1 SHEET

SITE 2 **Hillsdale Child Care Centre** Lot 1 & 2, DP 562501, Hillsdale

1. Aerial Map
2. Current Zone (Botany Local Environmental Plan 1995)
3. Deposited Plan and s88B Instrument
4. Certificate of Title
5. Proposed Plan of Subdivision



Botany Bay City Council
141 Coward Street
PO Box 331
Mascot NSW 1460
Ph: (02) 9366 3666
Fax: (02) 9366 3777
Email: council@botanybay.nsw.gov.au

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GDA

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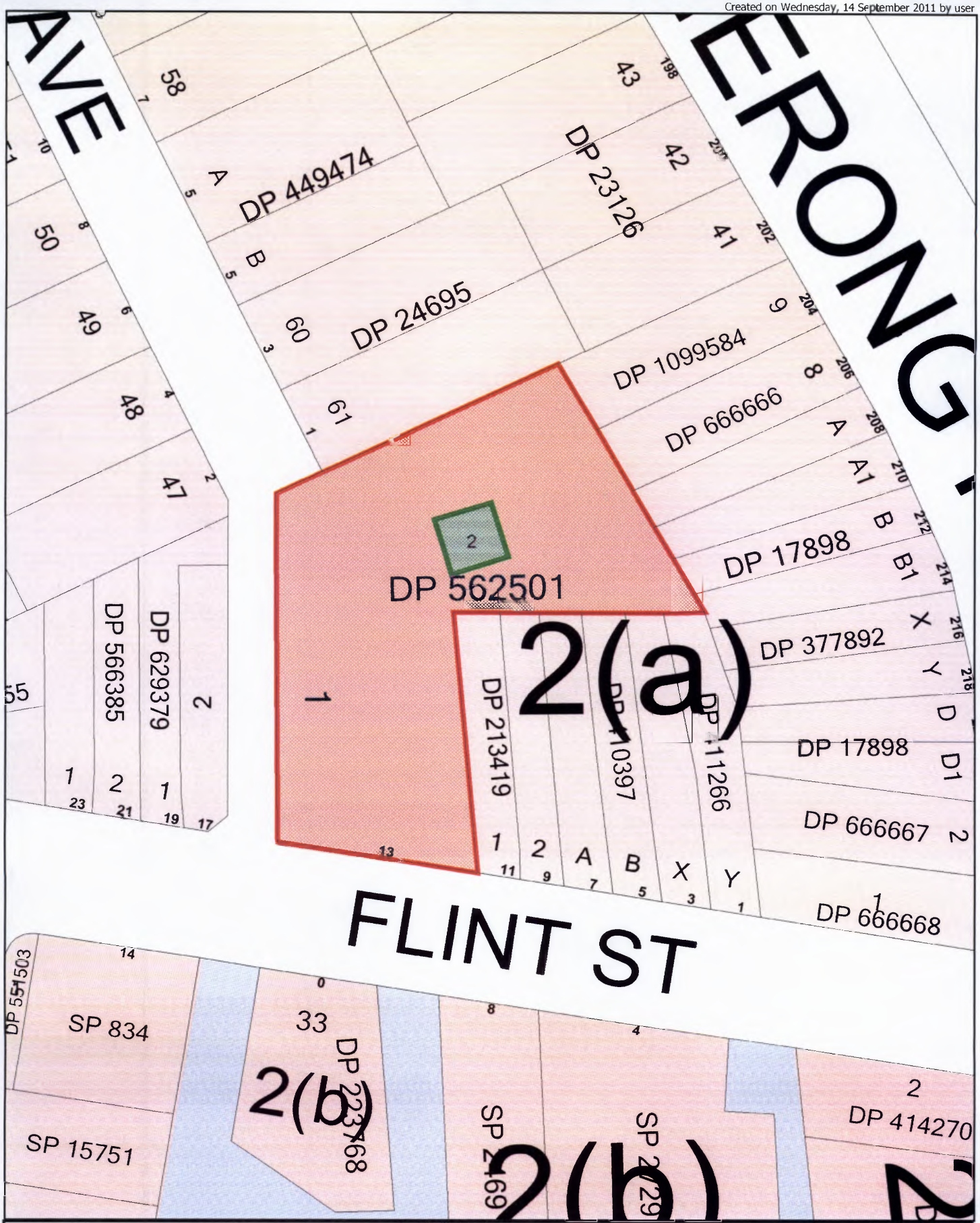
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For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

Aerial Photography:	
Contour Interval:	
Projection:	MGA94 Zone 56
Cost:	
Date:	Wednesday, 14 September 2011
Drawn By:	user
Map Zoom:	150.5 m

Aerial Photo

Lots 1 & 2, DP 562501, Tierney Ave and Flint Street Reserve, Hillsdale

Map Scale: 1:791.9 at A4
Map Zoom: 150.5 m



City of Botany Bay
Botany Bay City Council
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Aerial Photography:	
Contour Interval:	
Projection:	MGA94 Zone 56
Cost:	
Date:	Wednesday, 14 September 2011
Drawn By:	user
Map Zoom:	150.5 m

Current Zone (Botany Local Environmental Plan 1995)

Lots 1 & 2, DP 562501, Tierney Ave and Flint Street Reserve, Hillsdale

Map Scale: 1:791.9 at A4
Map Zoom: 150.5 m

PLAN FORM 2 — Plan Drawing only to appear in this space — OFFICE USE ONLY

Signatures and seals only

"C"

THIS IS THE ANNEXURE MARKED "C" REFERRED TO IN THE MEMORANDUM OF TRANSFER (LEASE) (THE PARTIES HERETO DATED THE 15th DAY OF MAY 1973.

Council Clerk's Certificate

I certify that the requirements of the Local Government Act, 1919 (which sets the requirements for the registration of plans), and

The requirements of section 328 of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended (Hunter District Water, Sewerage, and Drainage Act, 1938, as amended)

have been complied with by the applicant in relation to the proposed Subdivision

Dated 73/13

12th April 1973

Council Clerk

D.P. 24695

D.P. 24695

AVENUE

TIERNEY

FLINT

STREET

EASEMENT FOR WATER SUPPLY (E) (26.164)

EASEMENT FOR STORMWATER DRAINAGE (N) 10.058 WIDE D 484467

EXISTING EASEMENT (B) SEWERAGE PURPOSES 10.058 WIDE D 360412

EXISTING 4.267 WIDE

1 2819 m²

2 89.61 m²

M.P.S. (R.P.) 24691

C.M.P.S. (R.P.) 24691

55° 30' 00" 48.617 (27.919)

62° 34' 9.144 265° 34' 9.144 115° 34' 9.144

39.027 28° 00'

166° 42' 56.56 28° 00'

550.97

DP 562571

Registered: 4.22.3.1974

C.T. No 73/13 OF 11.4.1973

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: BOTANY SH 11.

Last Plan: D.P. 325691

PLAN OF SUBDIVISION OF LAND IN C.T. VOL. 6744 FOL 99 BEING PART LOT B IN D.P. 325691

Reduction Ratio 1: 250

Lengths are in metres.

Locality: HILLSDALE

Parish: BOTANY

County: CUMBERLAND

(Delete if inapplicable).

I, JOHN KIRKWOOD CURDIE of KENT & CURDIE, 80A Wyndale St, Potts Point, a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan was completed on 22nd March 1972 & P.P. 325691

11th December 1972

Signature

Surveyor registered under the Surveyors Act, 1929, as amended

Date of survey

Parcel for use only for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.

Table of mm

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Hillsdale Child Care Centre

Land and Property Management Authority

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/562501

SEARCH DATE	TIME	EDITION NO	DATE
16/2/2011	5:17 PM	-	-

VOL 12439 FOL 180 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 1 IN DEPOSITED PLAN 562501
AT HILLSDALE
LOCAL GOVERNMENT AREA BOTANY BAY
PARISH OF BOTANY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP562501

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF BOTANY

SECOND SCHEDULE (4 NOTIFICATIONS)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
2 D48467 EASEMENT FOR STORMWATER DRAINAGE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
3 D360412 EASEMENT FOR SEWERAGE PURPOSES AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
4 N609814 EASEMENT FOR WATER SUPPLY AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

lg:bota-pward c mcmahon PRINTED ON 16/2/2011

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.

Land and Property Management Authority

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/562501

SEARCH DATE	TIME	EDITION NO	DATE
16/2/2011	5:18 PM	-	-

VOL 12439 FOL 181 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 2 IN DEPOSITED PLAN 562501
AT HILLSDALE
LOCAL GOVERNMENT AREA BOTANY BAY
PARISH OF BOTANY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP562501

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF BOTANY

SECOND SCHEDULE (2 NOTIFICATIONS)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
2 N609814 EASEMENT FOR WATER SUPPLY AFFECTING THE WHOLE OF THE LAND ABOVE DESCRIBED

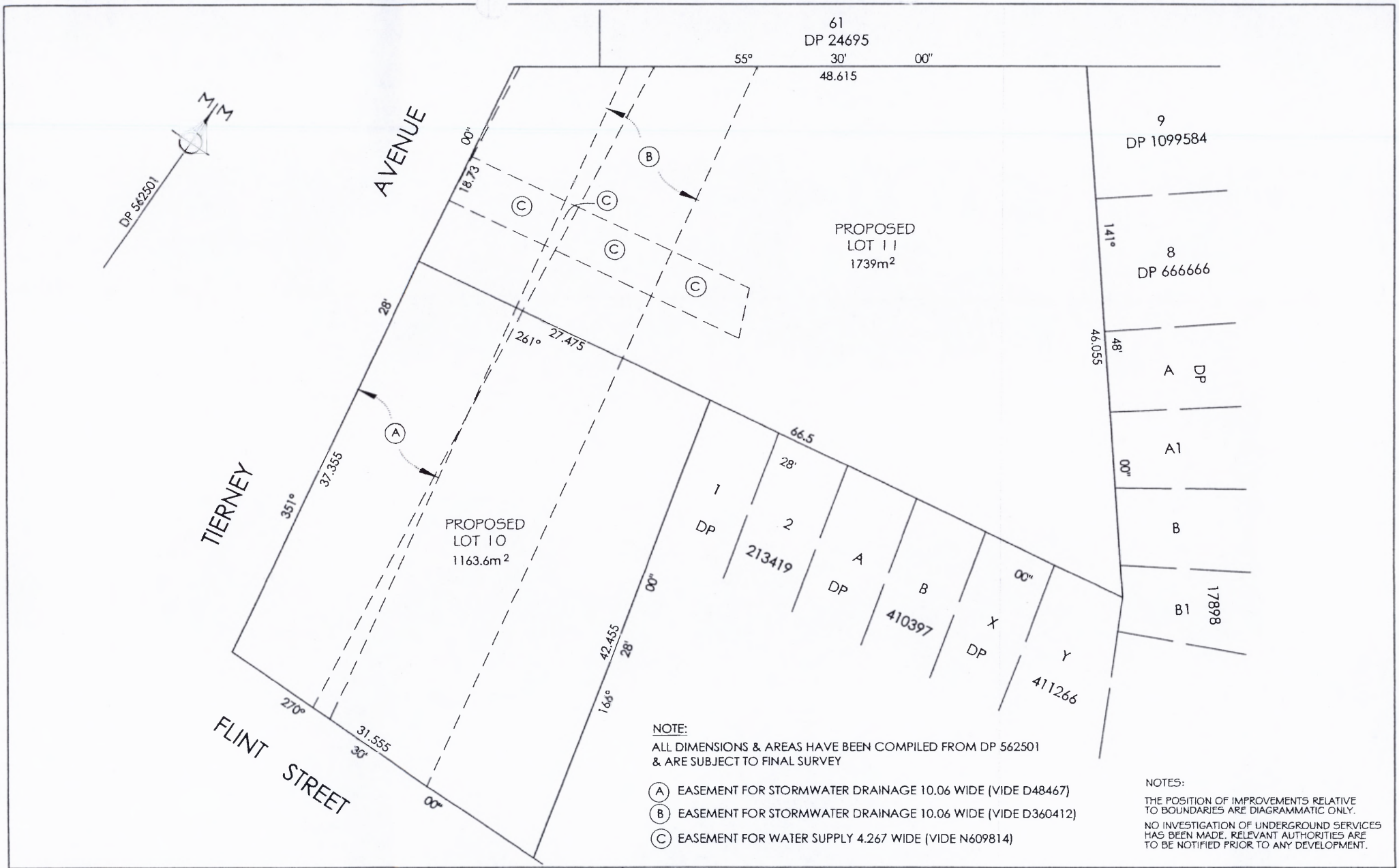
NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

lg:bota-pward c mcmahon PRINTED ON 16/2/2011

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NOTE:
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(A) EASEMENT FOR STORMWATER DRAINAGE 10.06 WIDE (VIDE D48467)
(B) EASEMENT FOR STORMWATER DRAINAGE 10.06 WIDE (VIDE D360412)
(C) EASEMENT FOR WATER SUPPLY 4.267 WIDE (VIDE N609814)

NOTES:
THE POSITION OF IMPROVEMENTS RELATIVE TO BOUNDARIES ARE DIAGRAMMATIC ONLY.
NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.

AMENDMENTS:

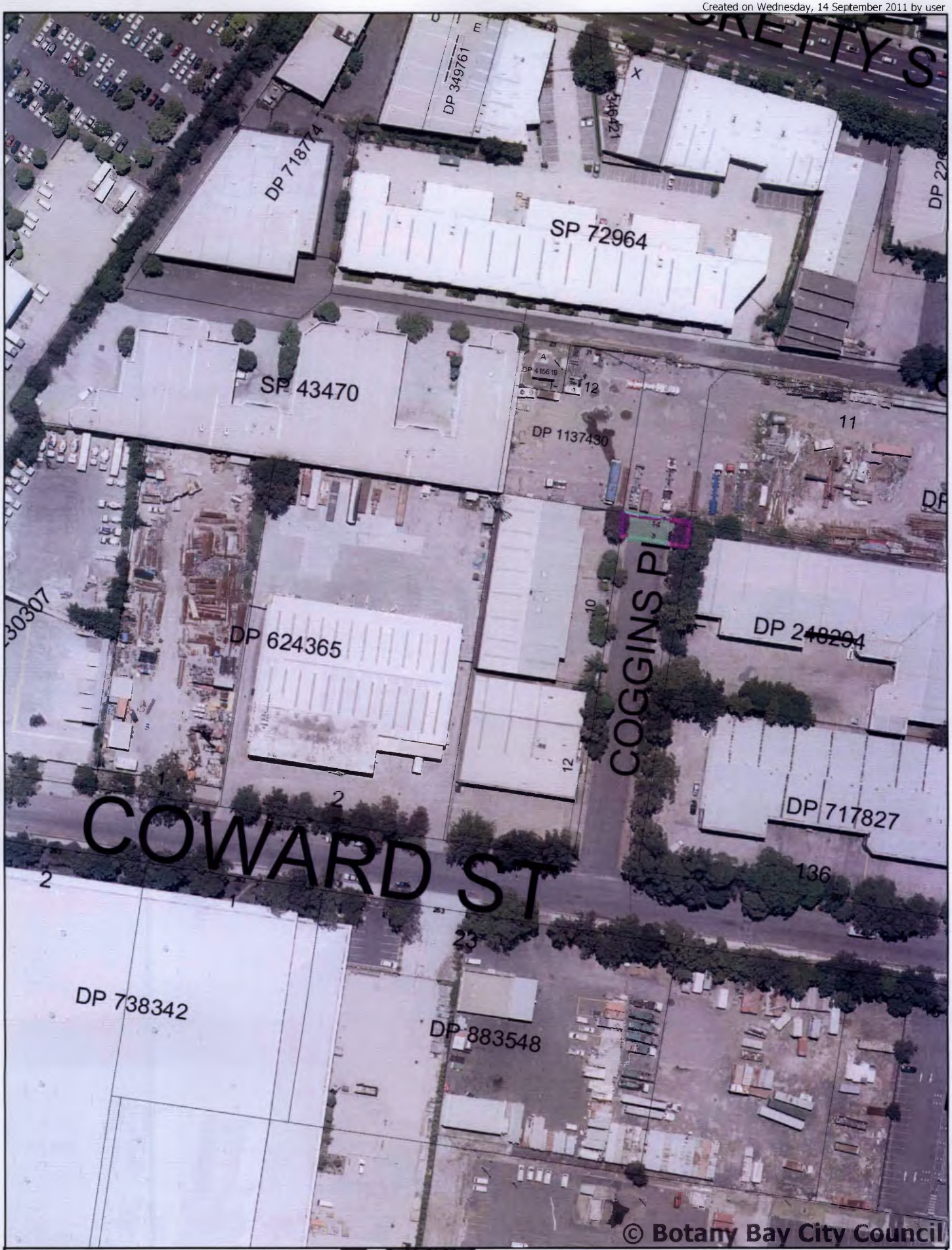
ERIC SCERRI & ASSOCIATES PTY LTD
LAND SURVEY CONSULTANTS
P.O. BOX 3018, TAMARAMA NSW 2026
PH: 9386 4161 FAX: 9386 4171 MOB: 0417 452 852

CLIENT:	BOTANY BAY CITY COUNCIL
PLAN SHOWING:	PLAN OF PROPOSED SUBDIVISION LOTS 1 & 2 IN DP 562501
PROPERTY:	HILLSDALE CHILDCARE CENTRE
LGA:	BOTANY BAY

SCALE: A3@1:300	
PLAN REFERENCE: 1813/11	
DATE OF SURVEY: 16/6/11	
SHEET 1 OF 1 SHEET	

SITE 3 **Coggins Place Land** Lot 14 DP 248294, Coggins Place, Mascot

1. Aerial Map
2. Current Zone (Botany Local Environmental Plan 1995)
3. Deposited Plan and s88B Instrument
4. Certificate of Title



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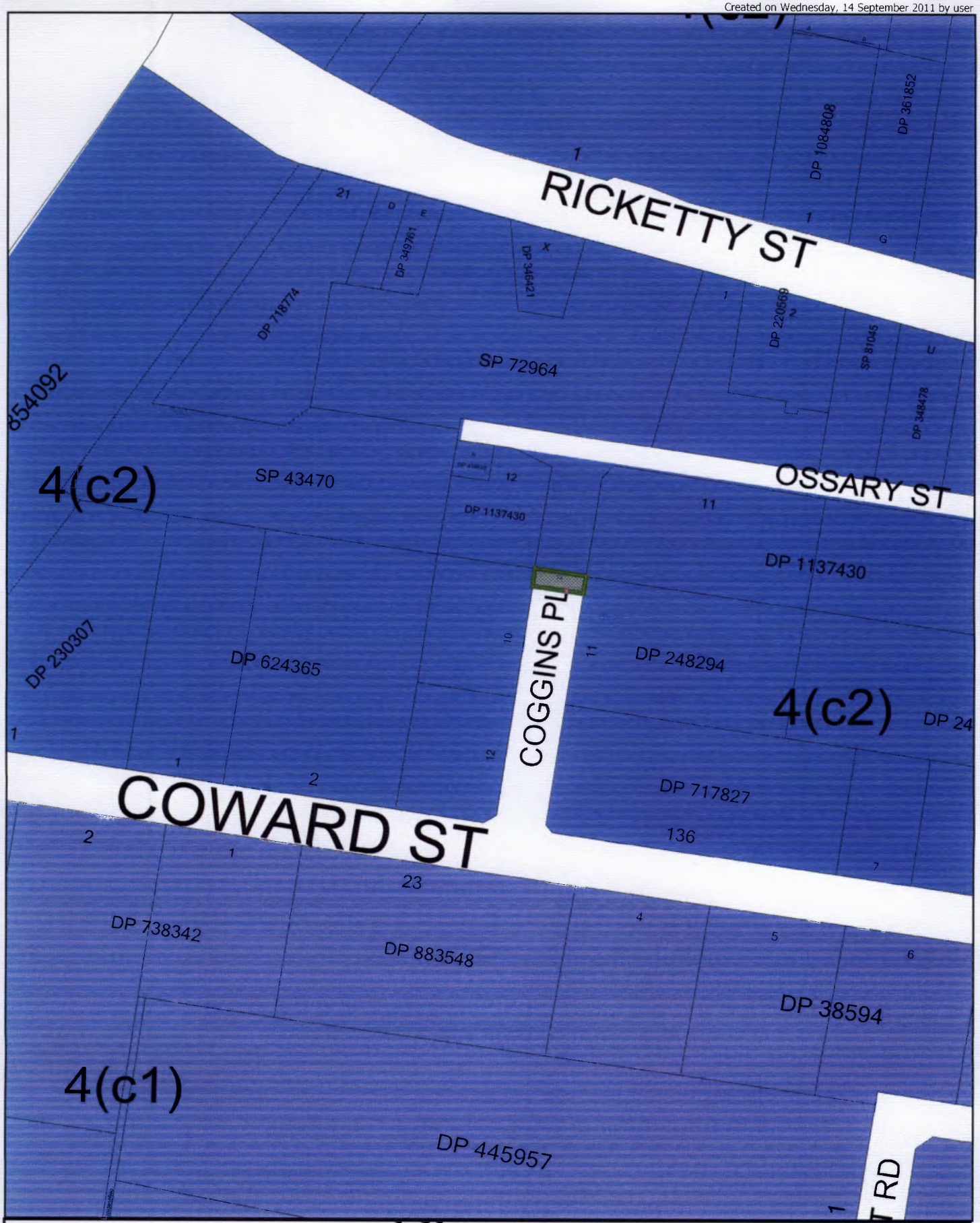
For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

Aerial Photography:	
Contour Interval:	
Projection:	MGA94 Zone 56
Cost:	
Date:	Wednesday, 14 September 2011
Drawn By:	user
Map Zoom:	294.1 m

Aerial Map

Lot 14, DP 248294, Coggins Place, Mascot

Map Scale: 1:1,548 at A4
Map Zoom: 294.1 m



City of Botany Bay
Botany Bay City Council
143 Coward Street
PO Box 331
Mascot NSW 1460
Ph: (02) 9366 3666
Fax: (02) 9366 3777
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Aerial Photography:	
Contour Interval:	
Projection:	MGA94 Zone 56
Cost:	
Date:	Wednesday, 14 September 2011
Drawn By:	user
Map Zoom:	294.1 m

Current Zone (Botany Local Environmental Plan 1995)

Lot 14, DP 248294, Coggins Place, Mascot

Map Scale: 1:1,548 at A4

Map Zoom: 294.1 m

430 P /Rev:29-Jan-2010 /Sts:SC.OK /Prt:30-Jan-2010 03:01 /Pgs:ALL /Seq:2 of 2
Document Supplied by LPI NSW for Your Internal Use Only.

Coggins Place

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 1 sheet(s)

* OFFICE USE ONLY

ATURES, SEALS and STATEMENTS of intention to dedicate
ic roads, to create public reserves, drainage reserves, easements,
strictions on the use of land or positive covenants.

IT IS INTENDED TO DEDICATE THE ROAD WIDENING ALONG OSSARY STREET AND THE EXTENTION TO COGGINS PLACE TO THE PUBLIC AS ROAD.

K. GIANNIKOURIS
N. GIANNIKOURIS

Mortgagee under Mortgage No. AC691239
Signed at Sydney this 21 day of JANUARY 2010 for National Australia Bank Limited ABN 12 004 044 937
by JENNIFER DESILVA
its duly appointed Attorney under Power of Attorney No. 39 Book 4512

Level 3 Attorney

Witness/Bank Officer INGRID VONKOWITSKI
255 George Street, Sydney NSW

Use PLAN FORM 6A
for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I.....in approving this plan certify
(Authorised Officer)
that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature:.....
Date:.....
File Number:.....
Office:.....

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed SUBDIVISION set out herein
(insert 'subdivision' or 'new road')

* Authorised Person/General Manager/~~Accredited Certifier~~

Consent Authority: CITY OF BOTANY BAY
Date of Endorsement: 19 JANUARY 2010
Accreditation no: —
Subdivision Certificate no: 09-131 SC1
File no: DA 09-131

* Delete whichever is inapplicable.

DP1137430 S

Registered: 29.01.2010 *
Title System: TORRENS
Purpose: SUBDIVISION

PLAN OF SUBDIVISION OF LOT 1 DP 120732

LGA: BOTANY BAY
Locality: MASCOT
Parish: BOTANY
County: CUMBERLAND

Surveying Regulation, 2006

I, ANDREW PHILIP MASON
of FRANK M MASON & CO PTY LTD,
2 Winslow Street, Kirribilli NSW 2061
a surveyor registered under the *Surveying Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying Regulation, 2006* and was completed on: 17 October 2008

The survey relates to Lots 10, 11 & 12
(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature Andrew Mason *Dated 17/10/2008*
Surveyor registered under the Surveying Act, 2002

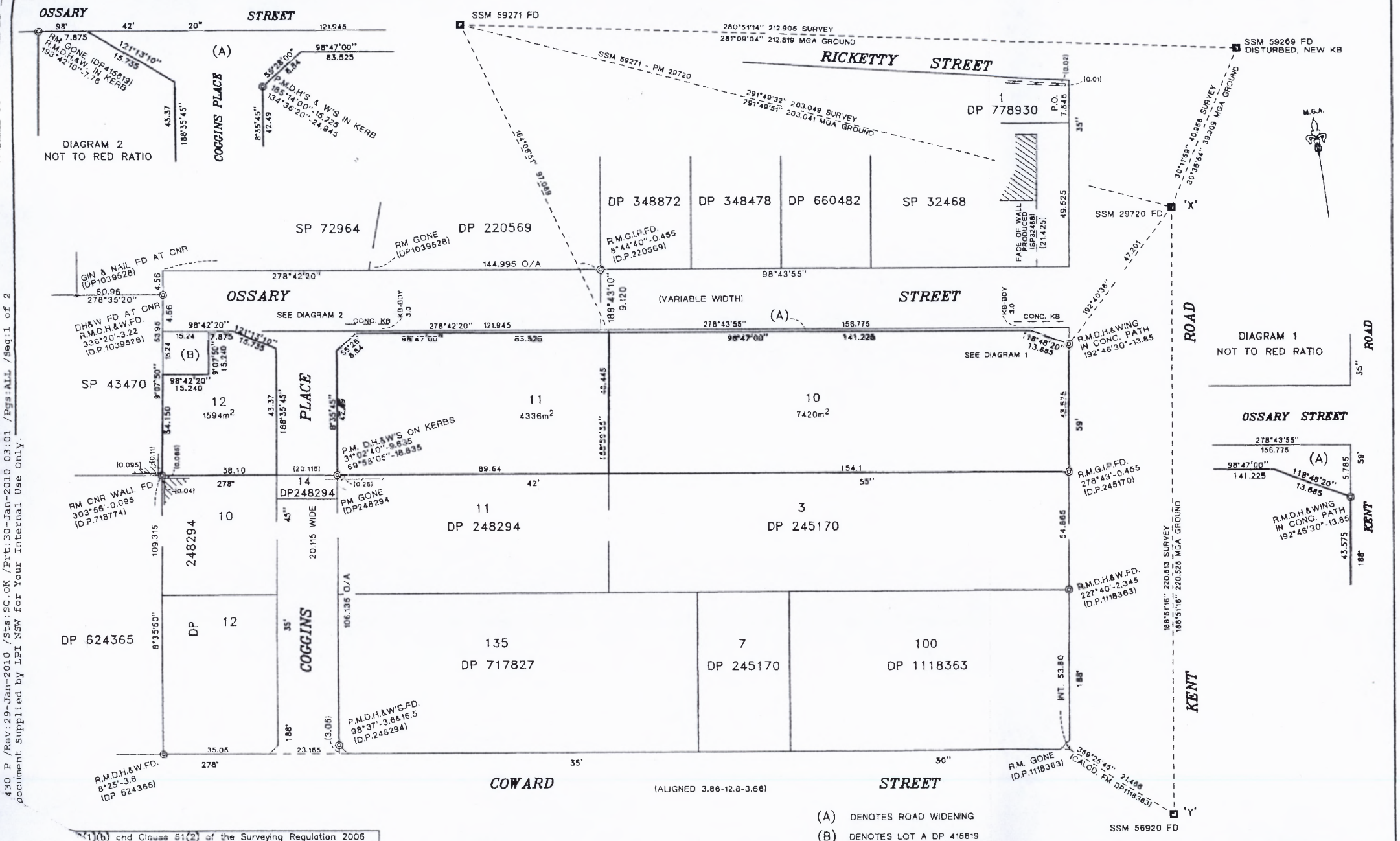
Datum Line: X-Y
Type: Urban

Plans used in the preparation of survey/compilation
DP'S 120732, 245170, 248294, 1118363, 624365, 718774, 1039528, 220569, 778930, SP'S 32468, 43470 & 72964

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 32369-10

PLAN FORM 2 | WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION | Sheet 1 of 1 sheets



EASTING	MGA NORTHING	CLASS	ORDER	METHOD	ORIGIN
173	6245009.273	B	2	CAD TRAV	SCIMS
	6244791.385	B	2	CAD TRAV	SCIMS
	45043.617	B	2	CAD TRAV	SCIMS
	4.773	B	2	CAD TRAV	SCIMS

FACTOR: 0.999947 ZONE 56

Surveyor : ANDREW P. MASON
Date of Survey : 17.10.2008
YOUR'S REFERENCE 89-10

PLAN OF SUBDIVISION OF LOT 1 DP 120732

L G A BOTANY BAY
Suburb/Locality: MASCOT
Revision No: 09-131 SC1
Lengths are in metres. Reduction Ratio 1:800

Registered: 29.01.2010

DP1137430 P

430 P /Rev:29-Jan-2010 /Sts:SC.OK /Prt:30-Jan-2010 03:01 /Pgs:ALL /Seq:1 of 2
Document Supplied by LPI NSW for Your Internal Use Only.

PLAN FORM 2

D. P. 246214

Registered 17-10-1974

C.A. No 74/11 of 26-7-1974

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: MASCOT SH. 1

Last Plan: D P 245170

PLAN OF SUB^N LOTS 1, 2, 4 & 5 ON D P 245170

Reduction Ratio 1: 600

Lengths are in metres

Municipality/Shire: Botany

Locality: Mascot

Parish: Botany

County: Cumberland

I, Richard John Holmes of 50 York St., Sydney a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made [in accordance with the Surveyors (General) Regulation, 1933, and was completed on 1 ...

25/6/74

Signature: R J Holmes

Surveyor registered under the Surveyors Act, 1929, as amended

Datum Line: AHD Origin: A.H.D.

*Strike out either (1) or (2) (insert date of survey)

Parcel (or use) only for purposes of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user

IT IS INTENDED TO DEDICATE COGGINS PLACE TO THE PUBLIC AS PUBLIC ROAD PURSUANT TO SEC. 1888 OF THE CONVEYANCING ACT 1919 (CA. IT IS INTENDED TO CREATE ... AN EASEMENT TO DRAIN WATER (1.5 wide)

* Instrument filed as P 362493

Council Clerk's Certificate

I hereby certify that

(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans) and

*(b) the requirements of section 340 of the Metropolitan Water, Sewerage and Drainage Act, 1924, as amended (Hunter District Water, Sewerage and Drainage Act, 1938, as amended)

have been complied with by the applicant in relation to the proposed SUBDIVISION OF LOTS 1, 2, 4 & 5 ON D P 245170 (insert "plan" or "subdivision" or "consolidation" or "dedication" as the case may be)

Subdivision No 74/11

Dated 26th day of July 1974

(signature) ... Council Clerk

*This certificate is to be deleted where the application is only for a consolidation of or the dedication of a road or where the land is to be subdivided by a county council the areas of which comprise the Metropolitan, Hunter District Water, Sewerage and Drainage Board and the Hunter District Water Board.

(Delete if inapplicable)

M.F.O.

PERMANENT MARKS

Number	Bearing & Distance		From
①	54° 36'	4.42	Bk. cor. no. 1868
	81° 21'	15.695	- - -
②	90° 05' 40"	5.6	- - -
	90° 05' 40"	15.3	- - -

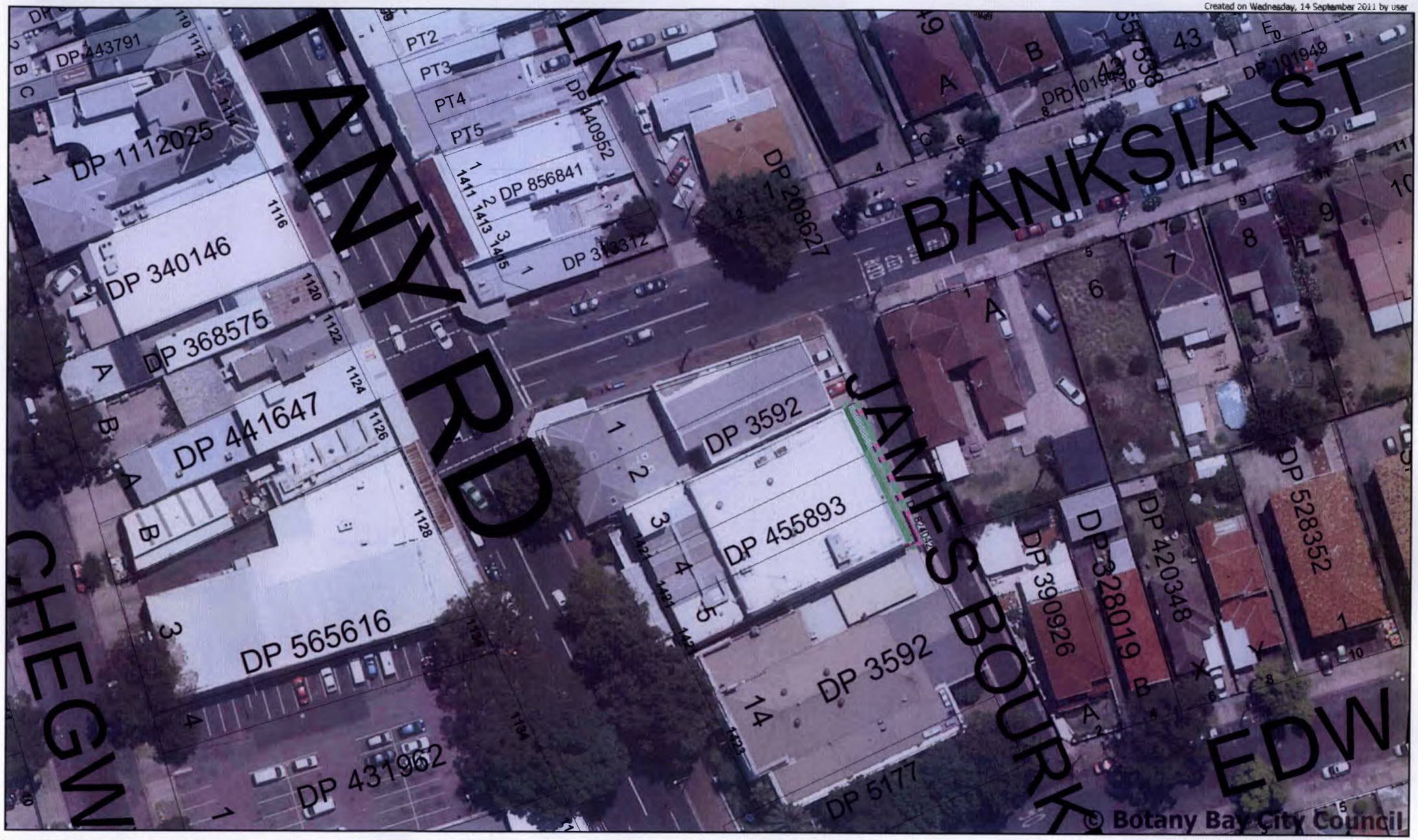
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

I, Jack Hayward Watson, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 8th day of October, 1974.

Registrar General

SITE 4 **James Bourke Place** Lot 1 DP 824042, James Bourke Place, Botany

1. Aerial Map
2. Current Zone (Botany Local Environmental Plan 1995)
3. Deposited Plan and s88B Instrument
4. Certificate of Title



City of Botany Bay
Botany Bay City Council
141 Coward Street
PO Box 331
Mascot NSW 1460
Ph: (02) 9366 3666
Fax: (02) 9366 3777
Email: council@botanybay.nsw.gov.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Botany Bay City Council nor the Department of Lands makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

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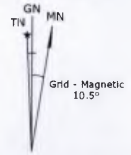
GDA

True North, Grid North and Magnetic North are shown diagrammatically for the centre of the Botany Bay Local Government Area. Magnetic North is correct for 2001 moving easterly by 0.04° in about five years.

Important

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights.

For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.



Aerial Photography:	
Contour Interval:	
Projection:	MGA94 Zone 56
Cost:	
Date:	Wednesday, 14 September 2011
Drawn By:	user

Aerial Photo

Lots 1, DP 824042, James Bourke Place, Botany

Map Scale: 1:749.9 at A4

Map Zoom: 212.9 m



City of Botany Bay
Botany Bay City Council
141 Coward Street
PO Box 331
Mascot NSW 1460
Ph: (02) 9366 3666
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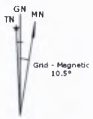
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Aerial Photography:

Contour Interval:

Projection: MGA94 Zone 56

Cost:

Date: Wednesday, 14 September 2011

Drawn By: user

Current Zone (Botany Local Environmental Plan 1995)

Lot 1, DP 824042, James Bourke Place, Botany

Map Scale: 1:512.2 at A4

Map Zoom: 145.4 m

KSC

Land and Property Information Division
[illegible]
[illegible]
[illegible]
[illegible]

NSW Land & Property Management Authority

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/824042

SEARCH DATE	TIME	EDITION NO	DATE
18/3/2011	10:50 AM	2	26/9/1995

LAND

LOT 1 IN DEPOSITED PLAN 824042
LOCAL GOVERNMENT AREA BOTANY BAY
PARISH OF BOTANY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP824042

FIRST SCHEDULE

COUNCIL OF BOTANY

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 18/3/2011

#8 /Doc:DP 0824042 P /Rev:26-Jun-1995 /Sts:OK.OK /Prt:17-Mar-2011 12:50 /Pgs:ALL /Seq:1 of 1
Auburn - 103 /Src:T

PAPER No. MN 94 H 202

D.P. 824042

Registered 23.6.1995

Purpose Roads Act 1993

Ref. Map U1837-41 #

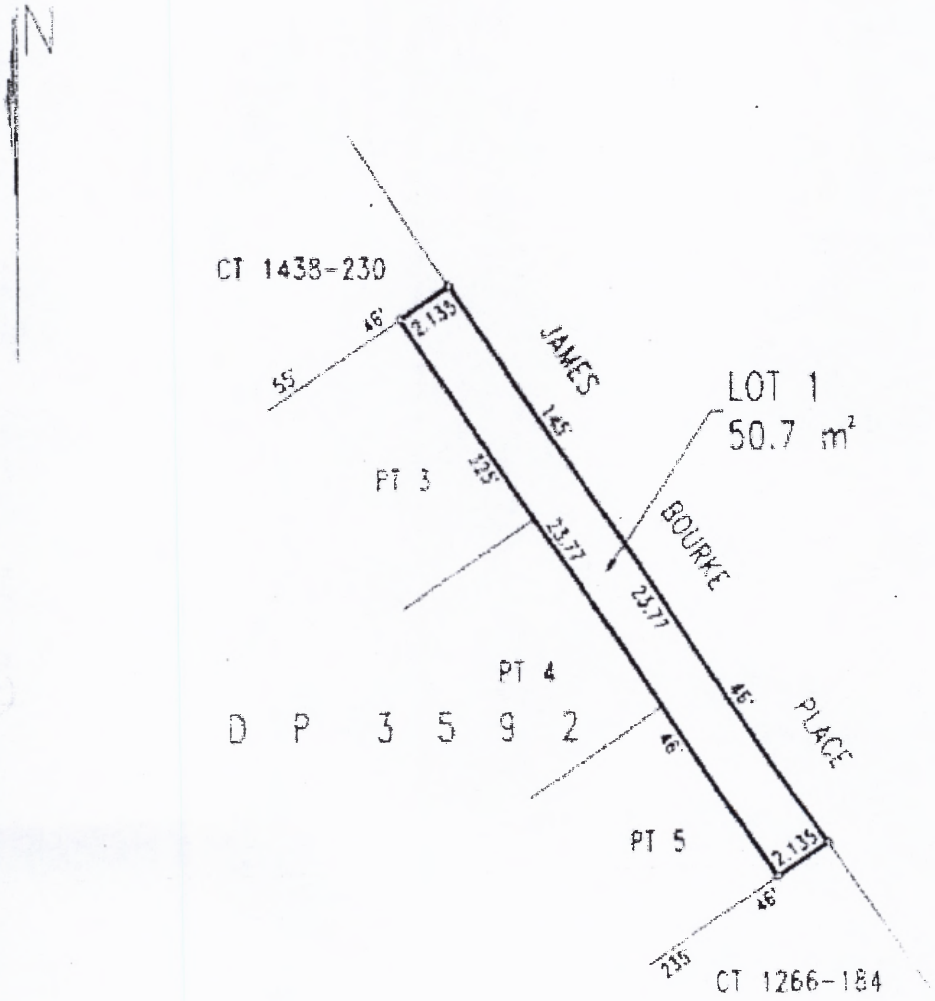
LOCALITY: BOTANY

COUNCIL: BOTANY

LAND DISTRICT: METROPOLITAN

PARISH: BOTANY COUNTY: CUMBERLAND

PLAN OF PART OF JAMES BOURKE PLACE, CREATING LOT 1
AND BEING PART OF THE LAND IN CT 1301-98



COMPILED IN THE CROWN LANDS OFFICE

REDUCTION RATIO 1:250

LENGTHS ARE IN METRES

ATTACHMENT B Development Committee Meeting 6 April 2011

4.14 RECLASSIFICATION OF COUNCIL LAND

File No: S11/53

Submitted to Development Committee

on ..... and resolved:

COUNCIL RESOLVED THAT:

1. The contents of the report be noted;

2. That the proposed zoning of the Council land in the draft Botany Bay LEP 2011 be noted;

3. That Council re-subdivide and reclassify the land on which Mascot and Hillsdale Child care centres are built upon to "operational" in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, including the preparation of a planning proposal; and

4. That Council reclassify land at Lot 14 DP.248294, Coggins Place, Mascot and land at Lot 1 DP.824042, James Bourke Place, Botany from "community" to "operational"; in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, including the preparation of a planning proposal; and

5. That Council write to the Botany Historic Trust requesting that it suggest historical based names for the new park at Mascot Station Precinct – located on the corner of Coward and Bourke Streets, Mascot.

6.

   a) That Council write to the Minister for Lands to see what the Minister's position will be with respect to the granting of a right of way over Mascot Oval to access the carpark for private use; and

   b) That the matter be returned to Council once a reply is received for its further consideration.

4.14 RECLASSIFICATION OF COUNCIL LAND

File No: S11/53

Responsible Officer: Mr Rodger Dowsett, Director Planning & Development

Date of Preparation: 21 March 2011

EXECUTIVE SUMMARY

This report:

- Provides an overview of the classification of Council owned or managed land; the existing zoning of Council land under the Botany LEP 1995; and the proposed zoning of the land under draft Botany Bay LEP 2011; and
- Outlines the process Council should need to follow should it wish to reclassify community land to operational land; and
- Investigates landuse and subdivision options for Mascot Oval, Mascot Child Care Centre & Jos Wiggins Reserve and Hillsdale Child Care Centre & Tierney Reserve; and
- Recommends that Council resubdivide and reclassify the land on which Mascot and Hillsdale Child care centres are built upon to "operational" and
- Recommends that Council reclassify land at Lot 14 DP.248294, Coggins Place, Mascot and land at Lot 1 DP.824042, James Bourke Place, Botany from "community" to "operational"; and
- Recommends that Council write to the Minister for Lands to see what the Minister's position will be with respect to the granting of a right of way over Mascot Oval to access the carpark for private use; and
- Recommends that Council write to the Botany Historic Trust requesting that it suggest historical based names for the new park at Mascot Station Precinct – located on the corner of Coward and Bourke Streets, Mascot.

Background

Council, in accordance with *LEPs and Council Land – Best Practice Guideline January 1997* (Department of Urban Affairs & Planning), is required to provide a range of information on the lands it owns or has an interest in as part of the exhibition material for draft Botany Bay LEP 2011 (BBLEP 2011). The aim is to provide information on public land where a change to the existing zoning, height and floor space ratio is proposed within draft BBLEP 2011. This will clarify Council's interest in the land and the reasons for the proposed changes to assist in making the plan preparation process more open and allow the community to assess all relevant information. Council Officers have prepared the following Table - *Table 1 - Supporting Information for the draft Botany Bay LEP 2011* which includes this information.

The proposed changes to Council owned and/or managed land are a result of a comprehensive new plan for the Botany Bay Local Government Area prepared in accordance with the Standard Instrument (an LEP template all councils in NSW must use). Where land is going to an equivalent zone no change to the value of land is anticipated.

However, for those sites where the proposed zone and planning controls permit new or increased development property values may increase.

The information provided in Table 1 includes the type of asset, its name, street address, how it is currently used, what interest Council has in the land, its existing and proposed new zone and a comment on what the changes entail. Where details of the land acquisition are unknown, this is generally due to Council's records not dating back to acquisition date.

Under the Local Government Act 1993 there are two (2) classifications for public land—"community" and "operational". ***Public land*** is defined under the Local Government Act 1993 as meaning any land (including a public reserve) vested in or under the control of the council, but does not include:

(a) a public road, or
(b) land to which the *Crown Lands Act 1989* applies, or
(c) a common, or
(d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
(e) a regional park under the *National Parks and Wildlife Act 1974*.

It should be noted that there are a number of parks & reserves within the Botany Bay LGA that are owned by the State Government with Council having care/control & management.

It should also be noted that no reclassification of public land is proposed under the draft BBLEP 2011. Should Council wish to reclassify land from "community" to "operational" land after reviewing the following table then it is the recommendation of Council Officers that it be the subject of a separate local environmental planning process as that process requires a public hearing.

Table 1 - Supporting Information for the draft Botany Bay LEP 2011

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
Arthur Park	Cnr Botany Road & Chelmsford Avenue (Lot 1, 2, 3, & 4, Section 6 DP773 & Lot 1/ DP.432376)	Botany	Open space & Botany Early Childcare Centre	Owned – purchased by Council in two parcels in 1936 & 1937. In 1945 additional land was acquired from Sydney Water.	Community Operational – Botany Early Childcare Centre	6(a) Open space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Astrolabe Park	Isaac Smith Street, Gwea Avenue (Lot 2825/ DP.752015)	Daceyville	Open Space	Care/control only, owned by Sydney Water Corporation	N/A	6(c) Open space Recreation Restricted	SP1 – Special Activities	Land is owned by Sydney Water Corporation. The SP1 Zone has been requested by Sydney Water. Refer to Note 1 at the end of this table for information on the SP1 zoning.

[1] Classification is based on the information contained in the Asset Management Inventories dated January 2000 prepared by the City of Botany Bay

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
Booralee Park (containing the Botany Aquatic Centre) Booralee Park (P500129, R59907 & R.65712) Reserve Trust	Bordered by Bay, Daniel, Jasmine, and Myrtle Streets. (Lot 7078/DP.1027 047, Lot 1 DP.909015 & Lot 1 DP.1148910)	Botany	Open space & Swimming pool	Care/control – owned by Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Botany Golf Course	Botany Road	Banksmeadow	Clubhouse and golf course	Care/control – Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Bridget Tight Reserve	Evans Avenue/Dalby Place (Lot 7 DP.230264)	Eastlakes	Open space/ playground	Owned – dedicated to Council for use as a public reserve in 1966.	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Chant Avenue Reserve	Towner Gardens, Chant Avenue, Siddins Avenue (Lot 7012/DP.1028 526)	Pagewood	Open space	Care/Control – owned by Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Coleman Reserve	Robey/Coleman/Duguid Street	Mascot	Garden	Care/control – owned by Sydney Water, Commonwealth of Australia & Rail Estate Part dedicated to Council for use as public reserve on 11/12/70 (Lot 5182/DP.752015)	N/A Community	4(c2) Industrial Special – Airport Related – Restricted	RE1 – Public Recreation	The change of zoning to open space corresponds to the existing use of the land for open space purposes.
Dacey Gardens	General Bridges Crescent & Gardeners Road (Lot 7003 DP.1027005)	Daceyville	Open space & formal gardens	Care/control – owned by Department of Lands. Established in May 1960.	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Devitt Place Reserve	Devitt Place (Lot 3 & 8 DP.234511)	Hillsdale	Open space	Owned – dedicated to Council on 21/09/67.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
Dransfield Avenue Reserve	Dransfield Avenue (Lots 1& 2 DP.525659, Lots 1 & 2, DP.571247 & Lot 41 DP.221071)	Mascot	Open space	Owned – acquired 29/01/64.	Community	6(a) Public Open Space & Residential 2(a)	RE1 – Public Recreation	Partly Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*. The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Dr Darragh Reserve	Corner Wentworth Avenue & Botany Road (Lot 10 DP.234967)	Mascot	Open space	Owned by RTA and was placed in the care control & management of Council for use as a public reserve on 30/05/69.	N/A	4(b) Mixed Industrial	RE1 – Public Recreation	The change of zoning to open space corresponds to the existing use of the land for open space & recreational purposes.
Eastlakes Reserve	Evans Avenue, Barber Avenue & Longworth Avenue (Lot 1 DP.565621 & Lot 7 DP.237132)	Eastlakes	Open space/ playground /basketball keyhole	Owned – first part was dedicated to Council for use as a public reserve in 1966, with remainder of reserve registered in Council's name in 1980 (as per conditions of subdivision consent relating to Eastlakes).	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Edmund Thornton Reserve	O'Rourke Crescent & Gray Crescent (Lot 31 & 32 DP.218089)	Eastlakes	Open space	Owned – dedicated to Council for use as a public reserve on 16/08/63.	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Elliot Place Reserve	Elliot Place (Lot 21, 22 & 23 DP.220490)	Hillsdale	Open space	Owned – dedicated to Council for use as a public reserve on 23/01/64.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Elphick Avenue Reserve	Elphick Avenue (Lot 2 DP.213431)	Mascot	Open space	Owned – dedicated to Council for use as a public reserve on 22/10/62.	Community	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
Firmstone Reserve	Keysor Road, Wark Avenue, Murray Street, Park Parade (Lot 701 DP.1027023)	Pagewood	Open space	Care/control – owned by Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Flack Reserve	Beauchamp Road/Flack Avenue (Lot 14 DP.224867)	Hillsdale	Open space	Owned – dedicated to Council for use as a public reserve on 10/03/65.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Flint Street Reserve	Flint Street (Lot 33 DP.223768)	Hillsdale	Open space/ Playground	Owned – dedicated to Council for use as a public reserve on 03/11/64.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Florence Avenue Reserve	Gardeners Road and cnr Evans Avenue/Florence Avenue (Lot 2 DP.221796)	Hillsdale	Open space	Owned RTA & dedicated to Council for use as a public reserve on 07/09/73.	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Gaiarine Gardens	Cnr Ocean Street and Banksia Street (Lot 1 DP.954176)	Pagewood	Open space/ formal gardens/ playground	Care/control – owned by Minister Administering the EP&A Act /Freight Rail. The open space was originally established in 1984.	N/A	6(a) Public Open Space & Special Uses 5(a) Railway	RE1 – Public Recreation & SP2 – Infrastructure	Equivalent zones – see description in *Botany Bay LEP 2011 Explanatory Notes*
Garnet Jackson Reserve Garnet Jackson (R.76695) Reserve Trust	Victoria Street & Stephen Road (Lot 1, 2 DP.302617 & Lots 8, 9, 10, 11, 12, 13, 14, 15 & 16 DP.3684)	Botany	Open space / basket ball keyhole	Care/control – owned by Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Glanville Avenue Reserve	Glanville Avenue, White Road and Kerr Crescent (Lot 7013 DP.1027018)	Pagewood	Open space	Care/control – owned by Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Glenn McEnallay Reserve	Corner Brussels Street & Sutherland Street	Mascot	Commemorative garden	Road	N/A	Unzoned (Roads are unzoned under the Botany LEP 1995)	R2 – Low Density Residential	Public road. Roads are zoned the same as adjacent zoning under the draft Botany Bay LEP 2011.

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
Grace Campbell Crescent Reserve No. 1	19-21 Grace Campbell Crescent (Lots 21 & 22 DP.224496)	Hillsdale	Open space	Owned/ playground	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Grace Campbell Crescent Reserve No. 2)	13 Grace Campbell Crescent (Lot 26 DP.224496	Hillsdale	Open space	Owned – dedicated to Council for use as a public recreation space on 02/08/66.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Grace Campbell Crescent No. 3	7 Grace Campbell Crescent & Rhodes Street (Lot 33 DP.224496 & Lot A DP.101148)	Hillsdale	Open space	Owned - – dedicated to Council for use as a public reserve on 02/08/66.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Grace Campbell Crescent No. 4	1 Grace Campbell Crescent (Lot 40 DP.224496)	Hillsdale	Open space	Owned - – dedicated to Council for use as a public recreation on 02/08/66.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Griffith Park	Corner of Maloney & Robinson Streets (Lot 11 DP.3209)	Eastlakes	Open space	Owned – acquired by Council for use as a public open space on 31/01/74.	Community	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Haig Park	Via Willis Crescent or Colenso Crescent (MP5166)	Daceyville	Open space	Care/control – owned by Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Harris Reserve	Cnr Bunnerong Road & Harris Parade (Lot 7011 DP.1027015)	Pagewood	Open space	Owned by Department of Lands and Council is appointed as Reserve Trustee.	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Hensley Athletic Field Henley Athletic Field (R.97202) Reserve Trust	Corish Circle, Wentworth Avenue & Denison Street Lot 182 DP.752015 & Lot 3 DP.79069)	Pagewood	Sportsground	Part Care/control - Department of Lands. Council was appointed Trust Manager on 23/03/84 (Lot 182 DP.752015) Part – owned (Lot 3	N/A Community - Lot 3 DP.79069	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land	LEP1995	LEP2011	Comment
				DP.79069)				
High Street (Sewer Reserve)	High and King Streets (Lot 2 DP.736194)	Mascot	Open space	Care/control – owned by Sydney Water and is under licence by Council for public recreation purposes (lease date 07/04/67).	N/A	Special uses 5(a)	SP2 – Infrastructure	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*. Sydney Water owns the site.
Holloway Street Reserve	Holloway Street (Lot1 DP.547003)	Pagewood	Open space	Owned - – dedicated to Council for use as a public reserve on 01/03/56.	Community	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Hughes Reserve	17-23 Hughes Avenue (Lots 12, 13, 14 & 15 DP.20146)	Mascot	Open space	Owned	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Jauncey Place Reserve	Jauncey Place (Lot 12 DP.229481)	Hillsdale	Open space	Owned – dedicated to Council for use as a public reserve on 29/07/66.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Jellicoe Park Jellicoe Park (D.500446 & D.500130) Reserve Trust	Park Parade (Lot 7067 DP.1059870 & Lots 7325, 7326, 7327 DP.1153726)	Pagewood	Open Space	Care/control – owned by Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Jerome Dowling Reserve	Mascot Drive (Lot 12 DP.218214 & Lot 5 DP.749402)	Eastlakes	Open space	Owned – dedicated to Council for use as a public reserve on 16/08/63.	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
John Curtin Reserve	Off High Street & Robey Street (Lots 4 & 5 DP.632359)	Mascot	Open space	Owned – originally purchased in 1979 for use as recreational open space.	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Lauriston Park	Cnr Coward Street & Middlemiss Street (Lot 1 DP771111)	Mascot	Open space	Owned – dedicated to Council for use as a public reserve in 1987.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
Laycock Street	Laycock Street between John & Coward Streets	Mascot	Pedestrian way	Closed road	N/A	Unzoned Roads are unzoned under the Botany LEP 1995	B2 – Local Centre	The change of zoning to B2 corresponds to the use of the land as a pedestrian way and plaza.
Leon Lachal Reserve	Mascot Drive (Lot 66 DP.218214)	Eastlakes	Open space & community garden	Owned – dedicated to Council for use as a public reserve on 16/08/63.	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Lever Street Reserve	Lever Street (Part Lot 1 DP395261, Lot A DP.317365, Lot C DP.359530 & Lot 1 DP.1108215)	Mascot	Open space	Party owned by Council & partly owned by Department of Planning. Land owned by Council placed under care control of Council in July 1981. Council acquired first part of land in 1946.	Community	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
L'Estrange Park L'Estrange Park (D.500317) Reserve Trust	Corner King Street & Sutherland Street (Lot 7068 DP.1028505)	Mascot	Open space, sports fields & basketball keyhole. Mascot Depot	Care/control – owned by Department of Lands	N/A	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Mascot Memorial Park	Coward Street, Botany Road & Aloha Street (Lot 1 DP.72528, Lot 2 DP.611027, Lot 1 DP.1136361)	Mascot	Formal garden, open space, playground & tennis courts, Senior Citizens Centre & Family Day Care	Owned – acquired in 1920.	Community – Mascot Memorial Park Operational – Family Day Care Centre & Mascot Senior Citizen Centre	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Mascot Oval/Mascot Park Mascot Park (P500499) Reserve Trust	Corner Coward Street, O'Riordan Street & Forster Street (Lot 1 DP.668903, Lot 11 DP.669112, Lot 1 DP.1128607, & Lot 7073 DP.93716, Lots 1 & 2 DP.15118)	Mascot	Open space	Part Care/control – owned by Department of Lands Part owned by Council (Lots 1 & 2 DP.15118, Lot 11 DP.669112, & Lot 1 DP.1128607)	N/A Community	Residential 2(a)/ 6(a) Public Open Space	RE1 – Public Recreation	The change of zoning from part residential to open space corresponds to the existing use of the land for open space & recreational purposes. RE1 is an Equivalent zone to the 6(a) Public Open Space Zone under the Botany LEP 1995 – see

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
								description in *Botany Bay LEP 2011 Explanatory Notes*
Mascot Station Park (to be confirmed)	Corner Coward Street & Bourke Street (Lot 1 DP.1144167)	Mascot	Open space	Owned by Council – date of acquisition: 03/03/2010	Community	10(b) Mixed Uses Commercial/Warehouse	RE1 – Public Recreation	The change of zoning from mixed use to open space corresponds to the existing use of the land for open space & recreational purposes.
Mascot Station Square East	1-5 Bourke Street (Lot 102 DP.1128404)	Mascot	Open space	Stratum owned by Council – date of acquisition: 07/10/2008	Community	3(b) Business Restricted	B2 – Local Centre	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*. The B2 Zoning is proposed, as the lot owned by Council is a stratum lot and not Torrens title.
55 McBurney Avenue	55 McBurney Avenue (Lots 76 & 77 DP.5033)	Mascot	Open space	Owned by Minister Administering the EP&A Act– Council was given care control of the reserve on 02/10/91.	N/A	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
McBurney Avenue Reserve	McBurney Avenue and Botany Road (Lot 1 DP.127031)	Mascot	Open space	Owned – acquired by Council about February 1969.	Community	Unzoned Roads are unzoned under the Botany LEP 1995.	RE1 – Public Recreation	The change of zoning to open space corresponds to the existing use of the land for open space & recreational purposes.
Morgan Street Reserve	Cnr Morgan Street & William Street (Lots 1, 2 & 3 DP.1125951)	Botany	Open Space	Owned – acquired by Council for the purposes of a children's playground on 02/04/31.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Muller Reserve Mathewson Street (R.74316) Reserve Trust	Tierney Avenue, Mathewson Street & Smith Street (Lot 3995 DP.752015)	Hillsdale	Open space	Care/control – owned by Department of Lands. Council appointed reserve trustee with the park dedicated on 20/07/51 for public recreation usage purposes.	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[3]	LEP1995	LEP2011	Comment
Mutch Park	Wentworth Avenue & Heffron Road (Lot 3881 & 3882 DP.752015) (Lots 1 & 2 DP.308496)	Pagewood	Open space	Care/control – owned by Sydney Water - Lot 3881 & 3882 DP.752015 Owned - Lots 1 & 2 DP.308496. Transfer date 12/02/1924	N/A Community	6(c) – Open space – Recreation – Restricted Residential 2(a)	SP1 – Special Activities RE1 – Public Recreation	Land is owned by Sydney Water Corporation. Sydney Water has requested the SP1 zoning. The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes. Refer to Note 1 at the end of this table for information on the SP1 zoning.
Nilson Avenue Reserve	3 Nilson Avenue (Lot 45 DP.224496)	Hillsdale	Open space	Owned - dedicated to Council for use as a public reserve on 10/04/80.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Nilson Avenue Reserve No. 2	10 Nilson Avenue (Lot 1 DP.1019567)	Hillsdale	Open space	Owned by Council - transferred to Council on 21/11/2000	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Rhodes Street Reserve	Rhodes Street (Lot 245 DP.752015, Lot 1 DP.122212, & Lot 1 DP.813900)	Hillsdale	Open space	Care/control – owned by Sydney Water.	N/A	Residential 2(b) east and 6(a) Public Open Space – west	SP1 – Special Activities	Land is owned by Sydney Water Corporation. Sydney Water has requested the SP1 zoning. Refer to Note 1 at the end of this table for information on the SP1 zoning.
Robey Street Reserve	Corner Robey Street/Botany Road (Lot 4, 5, 6 & 7 DP.836735)	Mascot	Open space	Owned	Community	6(a) Public Open space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Rowland Park Rowland Park (D.500338) Reserve Trust	Bunnerong Road, Banks Avenue, Birdwood Avenue and Prince Edward Circle (Lot 7081 DP.1026991)	Pagewood	Open space/ sports field & playground	Care/control – owned by Department of Lands	N/A	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
Sir Joseph Banks Park Sir Joseph Banks (R.91289, R.100087 & R.100088) Reserve Trust	Fremlin Street, Waratah Road, Tupia Street, Hayden Place, The Esplanade and Foreshore Drive (various allotments)	Botany	Regional open space	Care/control – owned by Department of Lands/Sydney Water and partially owned by Council	Community - Sir Joseph Banks Pleasure Gardens - purchased date C1926 N/A - Foreshore Park – placed in care/control of Council on 29/07/85	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Sparks Street Reserve	Sparks Street (Lots 1 & 2 DP.548533)	Mascot	Open space – part leased to Lakes Golf Club	Owned - placed in trust with Council in 1959 by the Cumberland County Council for the purpose of public reserve.	Community	6(c) – Open space – Recreation – Restricted	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Sparks Street Road Closure	Sparks Street & Wentworth Avenue (Lot 5183 DP.752015)	Mascot	Open space	Owned – dedicated to Council for use as a public reserve in 1970.	Community	Residential 2(a)	RE1 - Public Open Space	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Jos Wiggins Reserve (Former Sutherland Street Reserve)	Corner Coward Street & Sutherland Street (Lot 1 DP.207389)	Mascot	Part Open space and part child care centre	Owned – acquired by Council for use as a public reserve on 26/03/57.	Community – Open space Operational – Childcare centre/early childhood centre Note: The classification in the Asset Management Inventories in incorrect as land is either classified as both community and operational.	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Templeman Crescent Reserve	Templeman Crescent (Lot 23 DP.219427)	Hillsdale	Open space	Owned - dedicated to Council for use as a public reserve on 17/10/63.	Community	Residential 2(b)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Tierney Avenue Reserve & Hillsdale Child Care Centre	Corner of Tierney Avenue & Flint Street (Lots 1 & 2 DP.562501)	Hillsdale	Open Space & child care centre	Owned – acquired by Council for use as a public reserve on 25/05/73.	Community – Reserve Operational – Hillsdale Child Care	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
					Centre Note: The classification in the Asset Management Inventories in incorrect as land is either classified as both community and operational.			of the land for open space & recreational purposes.
Todd Reserve	Between Wentworth Avenue & Dransfield Avenue (Lot C DP.369108, Lot 3 DP.344910, Lot 1 DP.542529)	Mascot	Open space	Part owned by Department of Planning & Council and has been dedicated as open space and placed in care/control under Council – December 1976.	Part Community	Residential 2(a) & 6(a) Public Open Space	RE1 – Public Recreation	RE1 - Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes* The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Vernon Street Reserve	Corner Vernon Street & O'Connor Street Lot 116, 117, 118 & 119 DP.17209)	Eastlakes	Open space Eastlakes Senior Citizens Centre	Owned – dedicated to Council for use as a public reserve on 21/06/46.	Land – Community Building - operational	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Wall Street Reserve	Cnr Tenterden Road and Hastings Street (Lots A 7 B DP.329460)	Botany	Open space	Owned – appropriated by Council for use as a public reserve on	Community	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Wentworth Avenue Reserve	Wentworth Avenue, near intersection with Page Street (Lot 1 DP.550537)	Pagewood	Open space	Care/control – owned by RTA	N/A	Residential 2(a)	RE1 – Public Recreation	The change of zoning from residential to open space corresponds to the existing use of the land for open space & recreational purposes.
Botany Shopping Centre carpark	1134 Botany Road (Lot 4 DP.565616 & Lot 1 DP.431962)	Botany	Carparking plus toilet block	Owned	Operational	General Business 3(a)	B2 – Local Centre	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Botany Town Hall	1423 Botany Road, cnr of Edward Street	Botany	Town Hall & Botany Senior	Owned	Operational	General Business 3(a)	B2 – Local Centre	Equivalent zone – see description in

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
	(Lot 14 DP.3592 & Lot 5 DP.5177)		Citizens Centre					*Botany Bay LEP 2011 Explanatory Notes*
Botany Works Depot	23A Clevedon Street and 68 Pemberton Street, (being Lot 1 DP.191664, Lot 1 DP.669008 and Lot A DP.359739)	Botany	Works Depot	Owned	Operational	Mixed Industrial 4(b)	B4 – Mixed Use	Council in 2001 undertook a project to assess the potential for renewal of the Botany south area in Botany Bay LGA. The purpose of the Botany south project was to enhance the attractiveness, liveability and overall amenity of the Botany south area to ensure that it is a well serviced and suitable area for both residents and businesses The Botany Works Depot is part of the Botany south Industrial Precinct. The Study proposed live/work as a buffer area. The proposed B4 zone follows the buffer area of the Botany south Industrial Study.
Council Administration Offices & Coronation Hall	141-143 Coward Street, Mascot (Lot 1 DP.202492, Lot 2 DP.213130, Lot 6, Section 1 DP.4089, Lot 7 DP.456420, Lots 1 & 2 DP.233247, Lots 1 & 2 DP.504204)	Mascot	Administration & Town Hall	Owned	Operational	Residential 2(a)	B2 – Local Centre	The upzoning is in accordance with the Neustein Urban Study, which recommends that a B2 Local Centre to all lots fronting Botany Road.
Cottage (Council Assets Building)	1011 Botany Road (Lot A DP.349471)	Mascot	Office (former SSROC Building)	Owned	Operational	General Business 3(a)	B2 – Local Centre	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Hatfield Street Carpark	King Street to High Street, west of Botany Road	Mascot	Carpark	Owned	Operational	Part Residential 2(a) and part General Business	B2 – Local Centre	The change of zoning from part residential/part business to business

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land[1]	LEP1995	LEP2011	Comment
						3(a)		corresponds to the existing use of the land as a public carpark.
Mascot Library	Hatfield Street	Mascot	Library	Owned	Operational	Residential 2(a)	R2 Low Density Residential	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
King Street Carpark	King Street – east of Botany Road	Mascot	Carparking	Owned	Operational	General Business 3(a)	B2 – Local Centre	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Eastlakes Community Hall	Florence Avenue & Evans Avenue	Eastlakes	Community Hall	Owned	Operational	6(a) Public Open Space	RE1 – Public Recreation	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*
Hillsdale Community Hall	234 Bunnerong Road	Hillsdale	Hall, Senior Citizens Centre & Community Services	Owned	Operational	Residential 2(b)	B2 – Local Centre	The change of zoning from residential to business corresponds to the existing use of the land.
John Brotchie Nursery School	1361 Botany Road	Botany	Childcare	Owned	Operational	Residential 2(b)	B2 – Local Centre	The change of zoning from residential to business corresponds to the Neustein Urban Study, which recommends that a B2 Local Centre zoning apply to all lots fronting Botany Road.
Botany SES Headquarters	1355 Botany Road	Botany	SES	Owned by Methodist Church and leased to Council	Operational	Residential 2(b)	B2 – Local Centre	The change of zoning from residential to business corresponds to the Neustein Urban Study, which recommends that a B2 Local Centre zoning apply to all lots fronting Botany Road.
Mascot Public Toilets	898 Botany Road	Mascot	Toilets	Owned	Operational	Residential 2(a)	B2 – Local centre	The change of zoning from residential to business corresponds to the Neustein Urban Study, which recommends that a B2 Local Centre zoning apply to all lots

Property Name & Trust Name (if known)	Street	Suburb	Usage	Interest / Acquisition date (if known)	Community/ Operational land	LEP1995	LEP2011	Comment
								fronting Botany Road.
Pagewood Early Childhood Centre	Dalley Avenue	Pagewood	Early Childhood Centre	Owned	Operational	Residential 2(a)	B1 – Neighbourhood Centre	The change of zoning from residential to business corresponds to the Neustein Urban Study, which recommends a B1 zoning for the Pagewood Neighbourhood Centre.
Pagewood Senior Citizens Centre	Dalley Avenue, corner Holloway Street	Pagewood	Senior Citizen centre	Owned	Operational	General Business 3(a)	B1 – Neighbourhood Centre	Equivalent zone – see description in *Botany Bay LEP 2011 Explanatory Notes*

Note 1: **SP1 Special Activities:** This zone is generally intended for special land uses or sites with special characteristics that cannot be accommodated in other zones. This zone should be used where the use cannot be provided for in another zone. This zone is not the same as traditional Special Uses zones that appear in a number of existing LEPs. There is no equivalent zone in the Botany LEP 1995. Sydney Water Corporation requested an SP1 –Special Uses zoning for the land occupied by the Lakes Golf Course, Eastlakes Golf Course and Bonnie Doon Golf Course, as well as Astrolabe Park and Mutch Park & Rhodes Street Reserve. There is currently no easy translation of the existing 6(c) zoning and current lands uses on the sites into the Standard Instrument Template. The Department of Planning and Sydney Water Corporation have advised that the most appropriate zoning of this land is a SP1 zoning which would apply over the golf courses and recreational land owned by Sydney Water. The uses permitted with consent in the SP1 zoning are: The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Building identification sign; Business identification sign; Community Facilities; Drainage; Flood Mitigation Works; Rainwater tanks; Roads.

Investigation of particular sites

Council officers have investigate five (5) of the Council sites as follows:

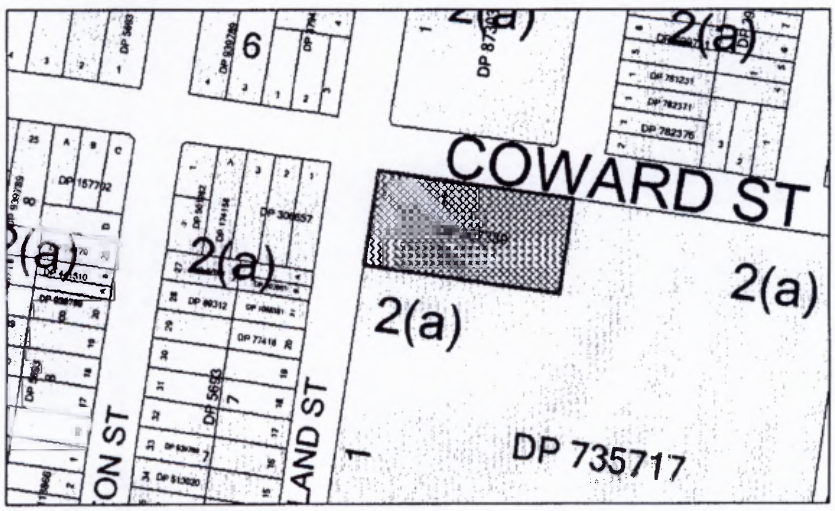
- **Site No. 1 – Mascot Oval**
  Mascot Oval comprises of the following allotments: Lot 1 DP.668903, Lot 11 DP.669112, Lot 1 DP.1128607, & Lot 7073 DP.93716, Lots 1 & 2 DP.15118. The allotments owned by Council are highlighted below.



In June 1994 the sites owned by Council were not classified as "operational" and are therefore "community" land under the Local Government Act 1993. It is proposed to Council that it reclassify and rezone Lots 1 & 11 to allow their use as carparking **not** in association with the adjacent open space use. This will involve a right-of-way (to allow vehicular access from O'Riordan Street) being required over Lots 1 and 7073 (the main part of the oval) which are both Crown Reserves.

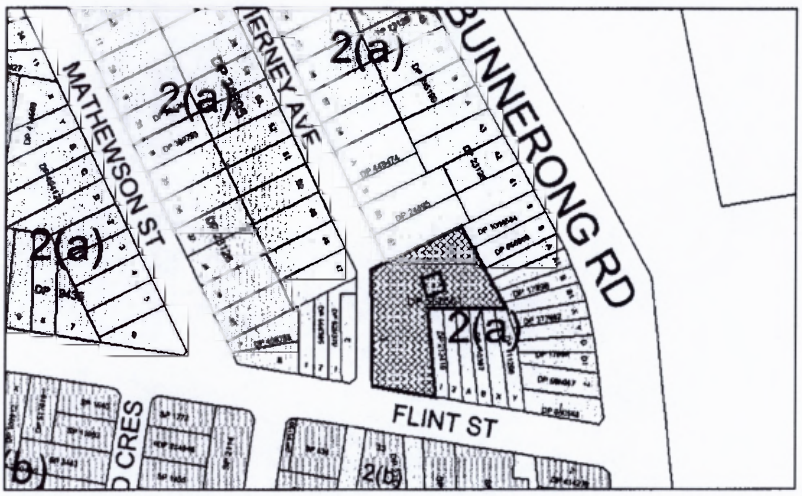
- **Site No. 2 –Lot 1 DP.207389 – Mascot Child Care Centre & Jos Wiggins Reserve**
  This allotment is owned by Council and was acquired by Council for use as a public reserve on 26 March 1957. The allotment contains a park and a childcare centre and is zoned Residential 2(a) under the Botany LEP 1995.

  It is a subdivision dated 1962 that separates Lot 1 from what is now JJ Cahill High School. It is proposed to Council that it resubdivide the allotments so that the child care centre and the Reserve are on separate allotments. However issues with the classification of the allotments under the LGA 1993 have arisen and advice was sought from Council Solicitors. In June 1994 the site were classified as "operational". In the Asset Management Inventories dated January 2000 prepared by the City of Botany Bay the Reserve is classified as "community" and the child care centre as "operational".



- **Site No. 3 – Lots 1 and 2 DP.562501 – Tierney Avenue Reserve & Hillsdale Child Care Centre**
  Hillsdale Child Care Centre and Tierney Avenue Reserve are located on Lots 1 & 2 DP.562501 (1974 subdivision) and are owned by Council. The allotments are zoned Residential 2(a) under the Botany LEP 1995. Lot 2 has no access to a public road and there are easements over the DP.

  It is proposed to Council that it resubdivide the allotments so that the child care centre and the Reserve are on separate allotments. However similar issues to Site 2 have arisen and advice has been sought from Council Solicitors. In June 1994 the site (both allotments) were classified as "operational". In the Asset Management Inventories dated January 2000 prepared by the City of Botany Bay the Reserve is classified as "community" and the child care centre as "operational".



- **Site 4 – Lot 14 DP.248294, Coggins Place Mascot**
  Council officers are currently assessing a Development Application (DA10/103) for the civil works and public domain works required as part of the approved subdivision at 34 Kent Road Mascot (DA09/131). The approved subdivision involves the extension of Coggins Place through to Ossary Street by way of a 20 metre wide carriageway, which has now been dedicated to Council. In order to physically connect the dedicated land to Coggins Place, physical works are required to occur on Council owned land, being Lot 14 DP 248294. The land was by default classified as "community" land under the Local Government Act 1993.

  Lot 14 is required to be appropriately classified under the Local Government Act for use as a public road and for the current title to be dissolved to allow physical works to be undertaken. Lot 14 is identified on the map below. Council is unable to use the provisions of the Roads Act to open a road in land classified as "community" land. Therefore Lot 14 is required to be reclassified from "community" to "operational".



- **Site 5 – Lot 1 DP.824042, James Bourke Place, Botany**
  Lot 1 DP.824042 is a strip of land (50.7m2 in area) owned by Council behind the former Botany RSL Club. Lot 1 is identified on the map below.



Again the land was by default classified as "community" land under the Local Government Act 1993.

Legal Advice

In light of the dual classifications legal advice was sought from Houston Dearn O'Connor on a number of matters. The advice was received under letter dated 8 March 2011 Houston Dearn O'Connor and is on file. The following table details the issue and the response from Houston Dearn O'Connor.

Table 2 – Identified issues and Legal Advice received

Issue	Response from Houston Dearn O'Connor
Can a property owned by Council have a dual classification under the Local Government Act 1993?	Land cannot have a dual classification under the Local Government Act.
Mascot Oval: • Are there any implications in Council intent for the land	• As the carpark land and the Crown reserve were zoned Public Open Space on 1 July 1993 they would have been automatically classified as Community Land. • Therefore should Council wish to classified the land as "operational" under Chapter 6 Division 1 of the Local Government Act it will need to do so through the preparation and gazettal of a local environmental plan. • Council will require a right of way over the Crown Reserve part of Mascot Oval to access the carpark from O'Riordan Street. • Before Council goes to the expense of preparing and amending the LEP Council should approach the Minister for Lands to see what the Minister's position will be with respect to the granting of a right of way over Mascot Oval to access the carpark. • Section 46 of the LGA provides that a lease of licence, or other estate in respect of community land may be granted for various purpose, including the express authorisation in the plan of management, for the provision of public utilities or for the purpose of providing pipes, conduits or other connections under the surface of the ground. • The present plan of management would have to include some reference to the right of way and its purpose and we would find it most unlikely that this would be the case. For it to proceed the Plan of Management would have to be amended to include reference to such easement. (The Committee should note that the current Plan of Management was adopted in August 1996 and does not make reference to the required right of way.) • Council would still need to overcome the further hurdle that the right of way may only be granted if the purpose for which it is granted is "consistent with

Issue	Response from Houston Dearn O'Connor
	the core objectives as described in this Part of its categorisation. • It is clearly a sportsground use and one of the core objectives for the management of Community Land categorised as a sportsground is: to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games. • To remove parking presently being used by the persons attending Mascot Oval would not be consistent with the above objective.
Mascot Child Care Centre & Jos Wiggins Reserve: • Given the dual classifications of the land - in 1994 & 2000, is the allotment still classified as "operational" under the LGA 1993? • Was the site originally designated as public reserve in the original title? • Are there any other implications that Council should be aware of in subdividing and reclassifying the land?	• Clearly if the reserve was being used as a public park back on 1 July 1993 than it could not be classified as operational land by resolution. • Should Council wish to subdivide the land, then it will need to follow through with the provisions laid down in Chapter 6 Division 1 and Division 2 of the Local Government Act relating to classification and reclassification of community land which will involve the preparation and gazettal of a local environmental plan.
Hillsdale Child Care Centre & Tierney Avenue Reserve: • Given the dual classifications of the land - in 1994 & 2000, are the allotments still classified as "operational" under the LGA 1993? • Was the site originally designated as public reserve in the original title? • Are there any other implications that Council should be aware of in re-subdividing and reclassifying the land?	• Notwithstanding that Council classified Lot 1 as being operational the land is classified as "community" as part of the land is a public park. • Should Council wish to consolidate and resubdivide the land, then it will need to follow through with the provisions laid down in Chapter 6 Division 1 and Division 2 of the Local Government Act relating to classification and reclassification of community land which will involve the preparation and gazettal of a local environmental plan.

Legislation dealing with classification and reclassification of public land

Local Government Act:

- Section 27 states that classification or reclassification of public land may be made by a local environmental plan.

- Section 28 requires the owners consent where Council is not the owner and that a LEP may that reclassifies public land may apply to one or more areas of public land.
- Section 29 requires that Council must arrange a public hearing under section 57 of the EP&A Act in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land.
- Section 34 requires that Council give public notice of a proposed resolution to classify or reclassify public land.

Environmental Planning & Assessment Act 1979: Under Part 3 Division 4 relating to LEPs Council is required to follow the LEP process when reclassifying community land to operational land:

- A planning proposal is forwarded by council to the Minister, including a proposal to classify or reclassify public land. This proposal contains an appropriate level of information including for the following: a justification for the planning proposal; reasons why council acquired an interest; details that would also accompany a plan at exhibition; stage any proposal to extinguish or retain other interests in the land through the reclassification a justification /explanation as to why such interests are being extinguished; any rezoning associated with the classification/reclassification; any preliminary comments by a relevant government agency, including an agency in which the land is vested or held; consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, etc.
- Following review, at the Gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council.
- Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 57(6) of the EP&A Act.
- Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
- Consultation for a planning proposal under section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing. Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (section 59 of the EP&A Act).
- The Minister (or Minister's delegate) determines whether to make the LEP under section 59 of the EP&A Act.

Unnamed park at Mascot Station

Council acquired land at the corner of Coward Street and Bourke Street being Lot 1 DP.1144167, as a park on 3 March 2010. It is currently unnamed and in accordance with Council Policy it is the recommendation of this report that Council write to the Botany Historic Trust requesting that it suggest historical based names for the new park at Mascot Station Precinct.

Financial Implications

There will be financial implications in Council proceeding down the reclassification process, including legal fees, surveyors fee, exhibition fees (advertisements) etc; estimated at this stage to be in the order of $15,000.00.

Conclusion

This report provides an overview of the classification of Council owned or managed land; the existing zoning of Council land under the Botany LEP 1995; and the proposed zoning of the land under draft Botany Bay LEP 2011. It contains a series of recommendations, which are outlined in the recommendation section of this report.

RECOMMENDATION

THAT:

1. The contents of the report be noted;

2. The proposed zoning of the Council land in the draft Botany Bay LEP 2011 be noted;

3. Council resolve to resubdivide and reclassify the land on which Mascot and Hillsdale Child care centres are built upon to "operational" in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, including the preparation of a planning proposal; and

4. Council resolve to reclassify land at Lot 14 DP.248294, Coggins Place, Mascot and land at Lot 1 DP.824042, James Bourke Place, Botany from "community" to "operational"; in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, including the preparation of a planning proposal; and

5. Council write to the Botany Historic Trust requesting that it suggest historical based names for the new park at Mascot Station Precinct – located on the corner of Coward and Bourke Streets, Mascot.

6.

   a) Council write to the Minister for Lands to see what the Minister's position will be with respect to the granting of a right of way over Mascot Oval to access the carpark for private use; and

   b) The matter be returned to Council once a reply is received for its further consideration.

ATTACHMENT C SEPP Compliance

SEPP	SITE 1 - Mascot Child Care Centre	SITE 2 - Hillsdale Child Care Centre	SITE 3 - Coggins Place Land	SITE 4 - James Bourke Place
1 Development Standards	N/A	N/A	N/A	N/A
4 Development without consent and miscellaneous complying development	N/A	N/A	N/A	N/A
6 Number of storeys in a building	Consistent	Consistent	Consistent	Consistent
14 Coastal Wetlands	Not Applicable to Botany Bay LGA.			
15 Rural Land-Sharing Communities	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.
19 Bushland in Urban Areas	N/A	N/A	N/A	N/A
21 Caravan Parks	N/A	N/A	N/A	N/A
22 Shops and Commercial Premises	N/A	N/A	N/A	Consistent
26 Littoral Rainforests	Not Applicable to Botany Bay LGA.			
29 Western Sydney Recreation Area	Not Applicable to Botany Bay LGA.			
30 Intensive Agriculture	N/A	N/A	N/A	N/A
32 Urban Consolidation	Consistent	Consistent	Consistent	Consistent
33 Hazardous and Offensive Development	N/A	N/A	N/A	N/A
36 Manufactured Home Estates	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.
39 Spit Island Bird Habitat	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.
41 Casino/ Entertainment Complex	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.

SEPP	SITE 1 - Mascot Child Care Centre	SITE 2 - Hillsdale Child Care Centre	SITE 3 - Coggins Place Land	SITE 4 - James Bourke Place
44 Koala Habitat Protection	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.
47 Moore Park Showground	Not Applicable to Botany Bay LGA.			
50 Canal Estate Development	N/A	N/A	N/A	N/A
52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.
55 Remediation of Land	N/A	N/A	N/A	N/A
59 Central Western Sydney Regional Open Space and Residential	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.	Not Applicable to Botany Bay LGA.
60 Exempt and Complying Development	N/A	N/A	N/A	N/A
62 Sustainable Aquaculture	N/A	N/A	N/A	N/A
64 Advertising and Signage	N/A	N/A	N/A	N/A
65 Design Quality of Residential Flat Development	N/A	N/A	N/A	N/A
70 Affordable Housing (Revised Schemes)	N/A	N/A	N/A	N/A
71 Coastal Protection	Not Applicable to Botany Bay LGA.			
SEPP (Housing for Seniors of People with a Disability) 2004	N/A	N/A	N/A	N/A
SEPP (Building Sustainability Index) BASIX 2004	N/A	N/A	N/A	N/A
SEPP (Major Development) 2005	N/A	N/A	N/A	N/A
SEPP (Infrastructure) 2007	N/A	N/A	N/A	N/A

SEPP	SITE 1 - Mascot Child Care Centre	SITE 2 - Hillsdale Child Care Centre	SITE 3 - Coggins Place Land	SITE 4 - James Bourke Place
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A	N/A	N/A
SEPP (Temporary Structures) 2007	N/A	N/A	N/A	N/A
SEPP (Repeal of Concurrence and Referral Provisions) 2008	N/A	N/A	N/A	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A	N/A	N/A	N/A
SEPP (Affordable Rental Housing) 2009	N/A	N/A	N/A	N/A
SEPP (Western Sydney Parklands) 2009	Not Applicable to Botany Bay LGA			
SEPP (Western Sydney Employment Area) 2009	Not Applicable to Botany Bay LGA			
SEPP (Rural Lands) 2008	Not Applicable to Botany Bay LGA			
SEPP (Kosciusko National Park – Alpine Resorts) 2007	Not Applicable to Botany Bay LGA			
SEPP (Sydney Region Growth Centres) 2006	Not Applicable to Botany Bay LGA			
SEPP (Development on Kurnell Peninsula) 2005	Not Applicable to Botany Bay LGA			
State Environmental Planning Policy (State and Regional Development) 2011	Consistent	Consistent	Consistent	Consistent
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	N/A	N/A	N/A	N/A

SEPP	SITE 1 - Mascot Child Care Centre	SITE 2 - Hillsdale Child Care Centre	SITE 3 - Coggins Place Land	SITE 4 - James Bourke Place
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not Applicable to Botany Bay LGA			

DEEMED SEPP Compliance (Former REPS)

SEPP	SITE 1 - Mascot Child Care Centre	SITE 2 - Hillsdale Child Care Centre	SITE 3 - Coggins Place Land	SITE 4 - James Bourke Place
REP 5 – Chatswood Town Centre	Not Applicable to Botany Bay LGA			
REP 8 – Central Coast Plateau Areas	Not Applicable to Botany Bay LGA			
REP 9 – Extractive Industry	Not Applicable to Botany Bay LGA			
REP 11 – Penrith Lakes Scheme	Not Applicable to Botany Bay LGA			
REP 13 – Mulgoa Valley	Not Applicable to Botany Bay LGA			
REP 16 – Walsh Bay	Not Applicable to Botany Bay LGA			
REP 18 – Public Transport Corridor	Not Applicable to Botany Bay LGA			
REP 19 – Rouse Hill Development Area	Not Applicable to Botany Bay LGA			
REP 20 – Hawkesbury-Nepean River	Not Applicable to Botany Bay LGA			
REP 24 – Homebush Bay Area	Not Applicable to Botany Bay LGA			
REP 25 – Orchard Hills	Not Applicable to Botany Bay LGA			
REP 26 – City West	Not Applicable to Botany Bay LGA			
REP 28 – Parramatta	Not Applicable to Botany Bay LGA			
REP 29 – Rhodes Peninsula	Not Applicable to Botany Bay LGA			
REP 30 – St Marys	Not Applicable to Botany Bay LGA			
REP 33 – Cooks Cove	Not Applicable to Botany Bay LGA			

ATTACHMENT D Section 117 Directions Compliance

Directions	SITE 1 – Mascot Child Care Centre	SITE 2 – Hillsdale Child Care Centre	SITE 3 – Coggins Place Land	SITE 4 – Former RSL Club Land
1.1 Business and Industrial Zones	N/A	N/A	N/A	N/A
1.2 Rural Zones	N/A	N/A	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A	N/A	N/A
1.4 Oyster Aquaculture	N/A	N/A	N/A	N/A
1.5 Rural Lands	N/A	N/A	N/A	N/A
2.1 Environment Protection Zones	N/A	N/A	N/A	N/A
2.2 Coastal Protection	N/A	N/A	N/A	N/A
2.3 Heritage Conservation	N/A	N/A	N/A	N/A
2.4 Recreation Vehicle Areas	N/A	N/A	N/A	N/A
3.1 Residential Zones	Currently zoned Residential 2(a) under the Botany LEP 1995. This planning proposal does not propose to rezone this parcel.	Currently zoned Residential 2(a) under the Botany LEP 1995. This planning proposal does not propose to rezone this parcel.	N/A	N/A
3.3 Home Occupations	N/A	N/A	N/A	N/A

Directions	SITE 1 – Mascot Child Care Centre	SITE 2 – Hillsdale Child Care Centre	SITE 3 – Coggins Place Land	SITE 4 – Former RSL Club Land
3.4 Integrating Land Use and Transport	N/A	N/A	Reclassification of this parcel will enable completion of the extension of Coggins Place through to Ossary Street and it will improve traffic flow in this locality	N/A
3.5 Development Near Licensed Aerodromes	20-25 ANEF	20-25 ANEF	25-30 ANEF	25-30 ANEF
3.6 Shooting Ranges	N/A	N/A	N/A	N/A
4.1 Acid Sulfate Soils	Class 5 ASS	Not affected	Class 2 ASS	Class 4 ASS
4.2 Mine Subsidence and Unstable Land	N/A	N/A	N/A	N/A
4.3 Flood Prone Land	A comprehensive flood study has not been undertaken for the City of Botany Bay. Details of each individual site are discussed in the body of this report.			
4.4 Planning for Bushfire Protection	N/A	N/A	N/A	N/A
5.1 Implementation of Regional Strategies	N/A	N/A	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North	N/A	N/A	N/A	N/A

Directions	SITE 1 – Mascot Child Care Centre	SITE 2 – Hillsdale Child Care Centre	SITE 3 – Coggins Place Land	SITE 4 – Former RSL Club Land
Coast				
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	N/A	N/A
6.1 Approval and Referral Requirements	No concurrence, consultation or referral of a Minister or public authority is required for either of the sites.			
6.2 Reserving Land for Public Purposes	Reclassification of all four (4) parcels will alter reservations of land for public purposes. Proposal will result in a reduction in community land. Approval of the Director-General of the Department of Planning is sought for the reclassification of sites 1, 2, 3 and 4. The provisions of the planning proposal that are inconsistent with this direction are of minor significance. The planning proposal rectifies historical anomalies and will not have any major impact on the resulting land use or community access to public land.			
6.3 Site Specific Provisions	Consistent	Consistent	Consistent	Consistent
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Consistent	Consistent	Consistent	Consistent