

Ms Lara Kirchner
General Manager
City of Botany Bay
141 Coward Street
MASCOT NSW 2020

15/08581

Attention: Ms Heather Warton

Dear Ms Kirchner

Botany Bay Local Environmental Plan 2013 (Amendment No 3)

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), requesting the making of Botany Bay Local Environmental Plan 2013 (Amendment No 3).

I advise that, as the Greater Sydney Commission's delegate, I have decided not to make the draft Plan under section 59(2)(b) of the EP&A Act.

The draft Plan is not in accordance with the Department of Planning and Environment's Practice Note (PN10-001) – Zoning for Infrastructure in LEPs. The Department of Education and Communities (DEC) has strongly objected to the Plan requesting that zoning for infrastructure be consistent with this Practice Note and its principle of providing for school infrastructure as outlined in the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). The Department acknowledges the issues raised in DEC's submission and notes DEC's preference to retain the current zoning in accordance with the Practice Note.

The Department of Education is obliged by law to provide access to any student seeking a quality, public education and students must be able to attend this designated local school. I am advised that current projections indicate that DEC will be providing approximately an additional 800 places in schools within the City of Botany Bay by 2031. The zoning of the land through the NSW planning system does not affect these obligations.

I also note that Educational Establishments in the Botany Bay local government area have consistently been zoned as the adjoining residential zone since 1995, under both the *Botany Bay Local Environmental Plan 1995* and the *Botany Local Environmental Plan 2013*.

Whilst I note that other Councils have been allowed flexibility to zone infrastructure sites SP2 Infrastructure, this has been done as part of their comprehensive Local Environmental Plans which were informed by the views of relevant state agencies. In light of DEC's strong objection to the draft Plan and their commitment to providing additional places in schools within the City of Botany Bay to support a growing population, I consider that there is insufficient justification to support the zoning of educational establishments SP2 Infrastructure.

Should you have any questions regarding this matter, I have arranged for Ms Karen Armstrong, Director, Sydney East Region to assist you. Ms Armstrong may be contacted on telephone number (02) 9228 6512.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

26/05/2016