

Botany Bay Local Environmental Plan 2013 - Amendment No. 3: Zoning of School Sites

Proposal Title : **Botany Bay Local Environmental Plan 2013 - Amendment No. 3: Zoning of School Sites**

Proposal Summary : **This planning proposal will rezone all school sites from R2 (Low Density Residential) or R3 (Medium Density Residential) to SP2 (Educational Establishments) and will delete the height of buildings and floor space ratio controls from these sites, as they are not relevant to the SP2 Zone.**

PP Number : **PP_2014_BOTAN_002_00** Dop File No : **qA279652**

Proposal Details

Date Planning Proposal Received :	23-Dec-2013	LGA covered :	Botany Bay
Region :	Sydney Region East	RPA :	The Council of the City of Botany Bay
State Electorate :	HEFFRON MAROUBRA	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	Trevelyan Street		
Suburb :	Botany	City :	Sydney
		Postcode :	2019
Land Parcel :	Lot 1 & 2 DP 503435 Lot 1 & 2 DP 305773 Lot 12 DP 859010		
Street :	1076 Botany Road		
Suburb :	Botany	City :	Sydney
		Postcode :	2019
Land Parcel :	Lot 1 DP 433364 Lot 1 DP 194311		
Street :	Joffre Crescent		
Suburb :	Daceyville	City :	Sydney
		Postcode :	2032
Land Parcel :	Part Lot 1 & Lot 2 DP 997642		
Street :	Florence Avenue		
Suburb :	Eastlakes	City :	Sydney
		Postcode :	2018
Land Parcel :	Lot 4 DP 791176		
Street :	Sutherland Street		
Suburb :	Mascot	City :	Sydney
		Postcode :	2020
Land Parcel :	Lot 1 DP 735717		
Street :	King Street		
Suburb :	Mascot	City :	Sydney
		Postcode :	2020
Land Parcel :	Lot 1 DP 813088		
Street :	310 Bunnerong Road		
Suburb :	Matraville	City :	Sydney
		Postcode :	2036
Land Parcel :	Lot 238 & Lot 239 DP 752015		

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Street : **60 Page Street**
 Suburb : **Botany** City : **Sydney** Postcode : **2019**

Land Parcel : **Lot 1 DP 795104 Lot 18A DP 393556 Lot 600 - Lot 619 DP 12567**

Street : **Ramsgate Street**
 Suburb : **Botany** City : **Sydney** Postcode : **2019**

Land Parcel : **Lot 24 - Lot 28 DP 15897**

Street : **Haig Avenue**
 Suburb : **Daceyville** City : **Sydney** Postcode : **2032**

Land Parcel : **Part Lot 1 DP 186759**

Street : **43 Sutherland Street**
 Suburb : **Mascot** City : **Sydney** Postcode : **2020**

Land Parcel : **Lot 1 DP 87303 Lot 3 DP 523972**

DoP Planning Officer Contact Details

Contact Name : **Charlene Nelson**
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RPA Contact Details

Contact Name : **Cathy McMahon**
 Contact Number : **0293663250**
 Contact Email : **mcmahonc@botanybay.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

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Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department is not aware of any meetings or communications with registered lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **As part of the Standard Instrument process, Council has ensured sufficient land is zoned for residential purposes to meet its housing targets (6500 dwellings by 2031) in the draft East Subregional Strategy.**

Council considers it is important to retain existing educational establishments within the LGA to ensure sufficient educational establishments are provided for existing and future residents. The zoning of school sites as SP2 (Educational Establishments) has been supported in other Council areas (eg Randwick, Waverley and Marrickville).

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **This planning proposal aims to rezone all educational establishments from R2 (Low Density Residential) or R3 (Medium Density Residential) to SP2 (Educational Establishments) and delete the height of buildings and floor space ratio controls from the identified school sites.**

The objectives of the planning proposal are to:

- retain and preserve existing community education assets (primary and secondary) within the Botany Bay LGA;**
- ensure sufficient educational establishments are provided and available for the existing and future residents;**
- create certainty for the local community in relation to the retention of community assets; and**
- enable greater input from the community into the future uses of these sites.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to amend the Land Zoning Maps to rezone the following school sites from R2 (Low Density Residential) to SP2 (Educational Establishments) and amend the relevant maps to delete the height of buildings and floor space ratio controls from these sites.**

- Banksmeadow Public School: Trevelyan Street, Botany**
- Botany Public School: 1076 Botany Road, Botany**
- Daceyville Public School: Joffre Crescent, Daceyville**
- Eastlakes Public School: Florence Avenue, Eastlakes**
- JJ Cahill Memorial High School: Sutherland Street, Mascot**
- Mascot Public School: King Street, Mascot**
- Pagewood Public School: 60 Page Street, Botany**
- St Bernard's Catholic Primary School, Ramsgate Street, Botany**
- St Michael's Catholic Primary School, Haig Avenue, Daceyville**
- St Therese's Catholic Primary School, 43 Sutherland Street, Mascot**

The planning proposal seeks to rezone Matraville Public School from R3(Medium Density Residential) to SP2(Education Establishments) and delete the height of buildings and floor space ratio controls from this site.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **SEPP (Infrastructure) 2007**

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

3.1 Residential Zones

Council indicates that the proposal is consistent with this Direction. However, as the proposal will reduce the area of residential zones it is considered that the proposal is inconsistent with this Direction. As such Council should amend the planning proposal to include a discussion on this inconsistency and a justification.

Council maintains that residential development was not intended for these sites, however, Council should consult with the Department of Education and Communities to confirm this statement.

It is agreed with Council that the following S.117 Directions are relevant and that the planning proposal is consistent with them:

3.5 Development Near Licensed Aerodromes

The rezoning of the educational establishments and the removal of the height buildings control will not impact on the effective and safe operation of Sydney Airport.

4.1 Acid Sulfate Soils

Future developments (i.e. any works below the natural ground surface or by which watertable is likely to be lowered) will be subjected to Council's consent and an acid sulfate soil management plan will be required.

4.3 Flood Prone Land

Some of the existing educational establishments are subject to flooding. However, the planning proposal will not alter the potential flood impacts both on and off the subject lands.

6.1 Approval and Referral Requirements

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

6.3 Site Specific Provisions

The planning proposal seeks to remove site specific planning control (i.e. height of buildings) for all educational establishments within Botany Bay, which is consistent with this Direction.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007:

The planning proposal will not deter the effective delivery of infrastructure across NSW and does not contain provisions that contradict or would hinder future application of SEPP (Infrastructure) 2007.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal includes maps showing existing zoning plus height and FSR controls for each identified school site. However, it is very difficult to identify the boundaries of the school sites on these maps. Maps showing proposed planning controls for each identified school site are not provided.**

Prior to public exhibition, the planning proposal should be amended to:

- identify the map sheets from Botany Bay LEP 2013 which are to be amended;**
- clearly identify each school site;**
- include maps showing the existing zoning, height and FSR for each site; and**
- include maps showing the proposed zoning, height and FSR for each site.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **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 14 days and not 28 days as requested by Council. 14 days is sufficient given this is a relatively minor matter.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **Maps showing current zoning plus height and FSR controls are provided for each identified school site. However, maps showing proposed planning controls for each identified school site are not provided. These maps will be requested as a condition of support for the planning proposal to proceed.**

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP :

The Botany Bay Local Environmental Plan 2013 was notified on 21 June 2013.

In accordance with relevant Departmental Practice Notes and Circulars, all educational establishments within the Botany Bay LGA were zoned in conformity to the adjacent land uses (i.e. R2 – Low Density Residential or R3 – Medium Density Residential).

On 11 December 2013, Council at its meeting resolved to prepare a planning proposal to amend the Botany Bay Local Environmental Plan 2013 to rezone all land hosting educational facilities to SP2(Education Establishments).

Assessment Criteria

Need for planning proposal :

The planning proposal is the only means of achieving the objectives and intended outcomes as it involves a statutory amendment to the Botany Bay Local Environmental Plan 2013.

Consistency with strategic planning framework :

The planning proposal is consistent with:
Metropolitan Plan for Sydney 2036
 - **Objective H2: To ensure appropriate social infrastructure and services are located near transport, jobs and housing;**
 - **Action H2.1: Plan and coordinate the effective and timely provision of social infrastructure and services.**

Draft East Subregional Strategy
 - **A2.4: Utilise local assets to encourage learning and innovation.**

Standard Instrument LEP
 It is noted that some flexibility has been applied to the zoning of school sites in a number of Standard Instrument LEPs across the Sydney Metropolitan Region, where Councils have been permitted to zone schools as SP2 (Educational Establishments). Council considers the planning proposal is justified as it will ensure educational establishments are preserved and retained within the LGA. It is recommended that Council should consult with the Department of Education and Communities.

Environmental social economic impacts :

Environmental Impacts
 While Eastern Suburbs Banksia Scrub has been identified at Banksmeadow Public School (Lot 1 and 2 DP 503435; Lot 1 and 2 DP 305773 and Lot 12 DP 859070), physical works that may impact upon it are not proposed.

All educational establishments located in areas of aircraft noise exposure forecasts levels of greater than 25 ANEF have been insulated under the Sydney and Adelaide Noise Insulation Programs.

Social Impacts
 By 2021, it is forecast that the population of the LGA will grow from 41,669 to 59,386 including 11,828 persons between 0-19 age group. This is an increase of 2,110 persons between 0-19 age group, which represents growth of 21.7%. It is therefore essential that educational establishments be retained and preserved within the LGA to ensure sufficient educational establishments are provided for the existing and future residents.

Economic Impacts
 The planning proposal will have minimal economic effects. The proposal will not result in the reduction of employment within the Botany Bay LGA.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation :

Public Authority Consultation - 56(2)(d) : **Department of Education and Communities**

Is Public Hearing by the PAC required? **No**
 (2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **The proposal will not place additional demands or pressures on existing public infrastructure.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal (Final).pdf	Proposal	No
Attachment 1 - Botany Bay Local Environmental Plan 2013 - Zoning and Planning Controls.pdf	Proposal	No
Attachment 3 - Council's Report.pdf	Proposal	No
Attachment 3 - Council's Resolution.pdf	Proposal	No
Attachment 4 - List of State Environmental Planning Policies.pdf	Proposal	No
Cover Letter.pdf	Proposal Covering Letter	No

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **DELEGATION OF PLAN MAKING FUNCTION
Council has not requested that the plan making function be delegated to Council.**

As a matter of minor significance, it is recommended that the plan making function be delegated to Botany Council.

RECOMMENDATION AND CONDITIONS

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

- 1. Prior to public exhibition the planning proposal should be amended to:**
 - identify the map sheets from Botany Bay LEP 2013 which are to be amended;
 - clearly identify each school site;
 - include maps showing the existing zoning, height and FSR controls for each site;
 - include a discussion on the proposal's inconsistency with s117 direction 3.1 and provide a justification for this inconsistency; and
 - include maps showing the proposed zoning, height and FSR controls for each site;
- 2. The planning proposal is to be placed on public exhibition for a period of 14 days.**
- 3. Consultation with the NSW Department of Education and Communities is required.**

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4. The time frame for finalisation of the planning proposal is to be 9 months from the week following the date of the Gateway determination.

5. No further studies are required to be undertaken.


6. The plan making function be delegated to Botany Council.

Supporting Reasons :

Similar, flexibility has been applied to the zoning of school sites in a number of Standard Instrument LEPs across the Sydney Metropolitan Region, where Councils have been permitted to zone schools as SP2 (Educational Establishments) to ensure these school sites are retained within the LGA.

Council advise that the current proposal will not affect it's ability to meet housing targets for the LGA.

Signature:



Printed Name:

TIM ARCHER

Date:

24.1.14