

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 : **14/01466**

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.**
- 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.**

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

Panel Recommendation

Recommendation Date : 30-Jan-2014

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal should be amended to accurately reflect the inconsistency with Section 117 Direction 3.1 Residential Zones. In doing so it is accepted that the inconsistency is of a minor nature as the school sites are long standing and not intended for residential purposes.
2. Prior to public exhibition the mapping in the planning proposal should be amended to identify the map sheet numbers to be amended and ensure the school sites are clearly identified on both existing and proposed land zone, height of building and floor space ratio maps.
3. Council is to consult directly with all eleven schools.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
5. Consultation is required with the Department of Education and Communities under section 56(2)(d) of the EP&A Act. Department of Education and Communities is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Plan Making Delegation:

The Minister delegated his plan making powers to Councils in October 2012. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

7/2/14