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Ms Lara Kirchner  
General Manager  
The Council of the City of Botany Bay  
PO Box 331  
MASCOT NSW 1460

Our ref: PP\_2014\_BOTAN\_002\_00 (14/01466)  
Your ref: S13/147 & S13/155

Dear Ms Kirchner,

### **Planning proposal to amend Botany Bay Local Environmental Plan (2013)**

I am writing in response to your Council's letter dated 20 December 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone eleven school sites to SP2 Infrastructure (Educational Establishments).

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council is to consult with the NSW Department of Education and Communities on the rezoning and amend the planning proposal to reflect the Department's position, prior to the commencement of public exhibition. Council is reminded that it must not use its delegation under section 59 of the Act where there is an unresolved agency objection to the draft LEP.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to Planning and Infrastructure for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.



## Planning & Infrastructure

Should you have any queries in regard to this matter, I have arranged for Ms Charlene Nelson of Planning & Infrastructure's regional office to assist you. Ms Nelson can be contacted on (02) 8575 4110.

Yours sincerely,

A handwritten signature in blue ink, followed by the date '18/3/14' written in blue ink.

**Richard Pearson**  
**Deputy Director General**  
**Growth Planning & Delivery**

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



## Gateway Determination

**Planning proposal (Agency Ref: PP\_2014\_BOTAN\_002\_00): to rezone eleven school sites to SP2 Infrastructure (Educational Establishments).**

I, the Deputy Director General, Growth Planning and Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Botany Bay Local Environmental Plan (2013) to rezone eleven school sites to SP2 Infrastructure (Educational Establishments) should proceed subject to the following conditions:

1. Consultation is required with the NSW Department of Education and Communities prior to the commencement of public exhibition. The public authority 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. The planning proposal is to be amended to include the outcome of this consultation.
2. Prior to public exhibition the planning proposal is to be amended to:
  - o Identify the subject land through the inclusion of relevant Land Application Maps;
  - o Identify the relevant map sheets from Botany LEP 2013 that are to be amended; and
  - o Ensure maps are included that clearly show the proposed and existing zoning, height and floor space ratio controls for the subject lands, which are to be prepared in accordance with Planning and Infrastructures *Standard Technical Requirements for LEP Maps* prior to finalisation of the plan.
3. 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 is classified as low impact as described in *A Guide to Preparing LEPs* (Planning and Infrastructure 2013) and must be made publicly available for a minimum of **14 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* (Planning & Infrastructure 2013).
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

18

day of

March

2014.

  
Richard Pearson  
Deputy Director General  
Growth Planning & Delivery  
Planning and Infrastructure

Delegate of the Minister for Planning and  
Infrastructure



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

The City of Botany Bay is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_BOTAN_002_00	Planning proposal to rezone eleven school sites to SP2 Infrastructure (Educational Establishments)

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 18 March 2014

A handwritten signature in blue ink, appearing to read "R. Pearson".

Richard Pearson  
Deputy Director General  
Growth Planning and Delivery  
Planning and Infrastructure

# Attachment 5 – Delegated plan making reporting template

## Reporting template for delegated LEP amendments

### Notes:

- Planning proposal number will be provided by Planning & Infrastructure following receipt of the planning proposal
- Planning & Infrastructure will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to Planning & Infrastructure with the RPA's request to have the LEP notified

**Table 1 – To be completed by Planning & Infrastructure**

Stage	Date/Details
Planning Proposal Number	PP_2014_BOTAN_002_00
Date Sent to P&I under s56	23/12/2013
Date considered at LEP Review Panel	30/1/2014
Gateway determination date	18/03/2014

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to P&I requesting notification		

**Table 3 – To be completed by Planning & Infrastructure**

Stage	Date/Details
Notification Date and details	

### Additional relevant information: