



New South Wales

## **Botany Local Environmental Plan 1995 (Amendment No 14)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (R96/00239/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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Clause 1 Botany Local Environmental Plan 1995 (Amendment No 14)

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# Botany Local Environmental Plan 1995 (Amendment No 14)

## 1 Name of plan

This plan is *Botany Local Environmental Plan 1995 (Amendment No 14)*.

## 2 Aims of plan

This plan aims:

- (a) to encourage the development of higher residential densities and a greater housing mix on selected sites in line with metropolitan planning and local urban design objectives, and
- (b) to ensure that future development on selected sites has regard to principles of ecologically sustainable development, and
- (c) to replace a provision in *Botany Local Environmental Plan 1995* (the 1995 plan) relating to the remediation of contaminated land.

## 3 Objectives of this plan

The objectives of this plan are as follows:

### Policy framework

- (a) to rezone land to the Residential “B” Zone under the 1995 plan,
- (b) to facilitate innovative and site responsive design solutions through the inclusion of detailed provisions and objectives in a development control plan,

### Urban design

- (c) to promote housing forms of a scale and character that are in keeping with the locality,
- (d) to ensure that development preserves or enhances the special qualities of individual sites,
- (e) to ensure a variety of facades and roof forms within development,
- (f) to ensure the provision of varied and attractive streetscapes,

- (g) to enhance the appearance, amenity and energy efficiency of housing through integrated landscape design,
- (h) to ensure that site facilities, such as clotheslines and garbage receptacles, are integrated into development and are unobtrusive,

**Lifestyle opportunities**

- (i) to create attractive and varied street environments that serve as places for social interaction,
- (j) to encourage alternative modes of transport, particularly walking and cycling, through the provision of safe, attractive and convenient street networks,
- (k) to ensure adequate acoustic and visual privacy in housing design,
- (l) to ensure that public and private residential environments enjoy adequate access to sunlight,
- (m) to ensure the adequate provision of accessible public and private open space,
- (n) to ensure access to a diverse range of recreational opportunities,
- (o) to ensure that increased population densities are well served by public transport and local services and facilities,

**Safety and security**

- (p) to ensure a safe urban environment by promoting crime prevention through design,
- (q) to ensure streets are safe for pedestrians and motorists,

**Housing choice**

- (r) to encourage a variety of housing types and forms to accommodate a diverse and changing population,

**Resource conservation**

- (s) to promote energy efficient development,
- (t) to ensure the preservation of biodiversity,
- (u) to ensure development has regard to the principles of solar passive design,
- (v) to encourage the use of reusable, recyclable and renewable resources in construction,

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- (w) to minimise fuel use through the encouragement of efficient street networks and ensuring access to public transport and encouraging pedestrian activity,
- (x) to control stormwater and minimise discharge impacts on adjoining properties,
- (y) to encourage reduced water consumption.

### 4 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies:
  - (a) to the area of land generally bounded by Sandgate Street, Chelmsford Avenue, The Esplanade and Folkestone Parade, Botany, as shown edged heavy black on Sheet B of the map marked “Botany Local Environmental Plan 1995 (Amendment No 14)”, and
  - (b) to the area of land generally bounded by Myrtle Street, Bay Street and Jasmine Street, Botany, as shown edged heavy black on Sheet C of the map marked “Botany Local Environmental Plan 1995 (Amendment No 14)”,  
deposited in the office of the Council of the City of Botany Bay.
- (2) To the extent that this plan provides for the remediation of contaminated land, it applies to all land within the City of Botany Bay under *Botany Local Environmental Plan 1995*.
- (3) The land shown edged heavy black on Sheet A of the map marked “Botany Local Environmental Plan 1995 (Amendment No 14)” has been excluded from the operation of this plan.

### 5 Amendment of Botany Local Environmental Plan 1995

*Botany Local Environmental Plan 1995* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 5)

### [1] Clause 29

Omit the clause. Insert instead:

#### 29 Contaminated land

- (1) All land within the City of Botany Bay has the potential to be contaminated. It is a requirement that, on submission of a site specific rezoning application or development application (or both applications), an initial evaluation be carried out (in accordance with the guidelines set out in the document entitled *Managing Land Contamination: Planning Guidelines*, published in 1998 by the Department of Urban Affairs and Planning and the Environment Protection Authority) to establish whether there is a risk to health or the environment caused by the proposed use of the land.
- (2) Where contamination does exist and poses a risk to health or the environment, the Council must only grant consent to development if it is satisfied that the land can be made suitable through remediation for the proposed development.
- (3) A site audit is to be undertaken on completion of any investigation or remediation work carried out in respect of the actual or possible contamination of land and a site audit statement submitted to the Council.
- (4) In subclause (3), *site audit statement* has the same meaning as in section 47 (1) of the *Contaminated Land Management Act 1997*.

### [2] Schedule 1 Definitions

Insert in appropriate order in the definition of *the map*:

Botany Local Environmental Plan 1995 (Amendment No 14)—  
Sheets B and C

BY AUTHORITY

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