



New South Wales

Botany Bay Local Environmental Plan 2013 (Amendment No 2)

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*.

LARA KIRCHNER, GENERAL MANAGER, BOTANY BAY CITY COUNCIL
As delegate for the Minister for Planning

Botany Bay Local Environmental Plan 2013 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Botany Bay Local Environmental Plan 2013 (Amendment No 2)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land in Zone R3 Medium Density Residential and Zone R4 High Density Residential under *Botany Bay Local Environmental Plan 2013*.

4 Amendment of Botany Bay Local Environmental Plan 2013

(1) Clause 4.4C

Insert after clause 4.4B:

4.4C Consent to development in Zone R3 and Zone R4

Development consent must not be granted to development on land in Zone R3 Medium Density Residential or Zone R4 High Density Residential unless the consent authority is satisfied that the development will:

- (a) achieve acceptable amenity outcomes (including in terms of overlooking, overshadowing and comparative streetscape elevation) in relation to adjoining land, and
- (b) provide appropriate building setback, and
- (c) provide a transition in building scale to development on adjoining land, and
- (d) be compatible with the character of the area in terms of building bulk and scale, and
- (e) not impede the fulfilment of an objective of clause 4.3 or 4.4B.

Note. Because clauses 4.3 (2A), 4.4 (2A) and 4.4B also apply only to land in Zone R3 Medium Density Residential and Zone R4 High Density Residential, this clause applies to development on land to which those clauses apply.

(2) Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (b):

- (b1) clause 4.3 (2A),
- (b2) clause 4.4B (3),