



Ms Lara Kirchner
General Manager
Botany Bay Council
PO Box 331
Mascot NSW 1460

15/08673

Dear Ms Kirchner

Planning proposal to amend Botany Bay Local Environmental Plan 2013

I am writing in response to Council's 3 February 2015 letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to rezone land at 1545-1551 Botany Road, Botany, from B7 Business Park to B4 Mixed Use under Botany Bay Local Environmental Plan 2013 (the LEP).

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

The planning proposal is consistent with all relevant S117 Directions, except 1.1 Business and Industrial Zones, 4.1 Acid Sulfate Soils, and 7.1 Implementation of a Plan for Growing Sydney. I also agree, as the Secretary's delegate, that the inconsistency of the planning proposal with these Directions is considered to be of minor significance. No further approval is required in relation to any S117 Directions.

The amending LEP is to be exhibited for 28 days and 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.

The Minister's plan making powers were delegated to councils in October 2012 and Council accepted the delegation and requested its use in relation to this planning proposal. 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 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.



Should you have any queries in regard to this matter, I have arranged for Mr Michael Kokot of the Metropolitan Region (CBD) branch to assist. Mr Kokot can be contacted on (02) 8575 4126.

Yours sincerely,

Lee
Lee Mulvey
Director, Metropolitan Region (CBD)
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_BOTAN_002_00): to rezone land at 1545-1551 Botany Road, Botany, from B7 Business Park to B4 Mixed Use.

I, the Director, Metropolitan Region (CBD) at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Botany Bay Local Environmental Plan 2013 to rezone land at 1545-1551 Botany Road, Botany, from B7 Business Park to B4 Mixed Use should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be updated as follows:
 - (a) clearly state the objectives and intended outcomes of introducing this land use change; and
 - (b) demonstrate how the potential land use conflicts between residential and business uses will be managed.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (c) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (d) 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 and Environment 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 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 Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

Dated 5th day of June 2015


Lee Mulvey
Director, Metropolitan Region (CBD)
Planning Services

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Botany Bay Council is authorised to exercise the functions of the Minister for Planning 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_2015_BOTAN_002_00	Planning proposal to rezone land at 1545-1551 Botany Road, Botany from B7 Business Park to B4 Mixed Use.

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

Dated 5 June 2015


Lee Mulvey
Director, Metropolitan Region (CBD)
Planning Services
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Notes:

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

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_BOTAN_002_00
Date Sent to Department under s56	14 April 2015
Date considered at LEP Review Panel	
Gateway determination date	

Table 2 – To be completed by the RPA

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

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: