



Planning



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Department Generated Correspondence (Y)

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DoP Ref: PP_2010_BOTAN_001_00 (10/12084)
Your Ref: RJ Dowsett 10/49

Mr Peter Fitzgerald
General Manager
The Council of the City of Botany Bay
PO Box 331
MASCOT NSW 1460

Dear Mr Fitzgerald,

Re: Planning Proposal to amend Botany LEP 1995 and SEPP (Major Development) 2005 to permit a hardware and building supply warehouse development at 25-49 Smith Street and 132-148 Denison Street, Hillsdale

I am writing in response to your Council's letter dated 20 May 2010 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 amend Botany Local Environmental Plan 1995 and State Environmental Planning Policy (Major Development) 2005 to permit a hardware and building suppliers warehouse on land at 25-49 Smith Street and 132-148 Denison Street, Hillsdale.

As you would be aware, most of the land to which the planning proposal applied was State Significant Industrial land for Port related activities, and was subject to SEPP (Major Development) 2005. SEPPs generally undergo periodic review and it was considered pre-emptive to amend the subject environmental planning instruments prior to the findings of the Three Ports SEPP review by the Department's Policy Branch.

On 29 October 2010, SEPP (Major Development) Amendment (Port Botany) 2010 came into force when it was published on the NSW legislation website. The SEPP amendment removes land to which the planning proposal applied from the Three Ports SEPP boundary and therefore the associated development requirements.

In addition, the SEPP amendment also amended Schedule 1 of Botany LEP 1995 to include 'hardware and building supplies' as a definition within Council's principal plan, and also amended Schedule 2 to include land at Smith Street and Denison Street, Hillsdale as development for certain additional uses being a hardware and building supplies warehouse.

In light of the recent review and resulting amendments to the legislation to which the land is subject to, the Department has withdrawn the related planning proposal. Should Council wish to pursue the rezoning of Lot 1 DP18290 and Lot A DP 345700 from 2(a) Residential A to 6(a) Open Space and Recreation, a new planning proposal will be required and should be considered following the submission of a Development Application for land at the subject site.

Should you have any queries in regard to this matter please contact David Pitney, Regional Director Sydney East on 9228 6111.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal