



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

Contact: Sandy Shewell
Phone: (02) 8575 4115
Fax: (02) 9228 6191
Email: sandy.shewell@planning.nsw.gov.au
Our ref: PP_2012_BOTAN_002_00
Your ref: 12/50-02

Dear Mr Kirchner

Planning proposal for the British American Tobacco Australia Site

I refer to your gateway determination request of 9 May 2012, for the planning proposal to rezone part of the British American Tobacco Australia Site from 4(a) Industrial Zone to part 3(b) Business Restricted Zone with a maximum FSR of 1:1 and building height of 44m and part 2(b) Residential "B" Zone with a maximum FSR of 1:1 and building height of 11m to 39m. The planning proposal was issued a gateway determination on 16 June 2012.

As delegate of the Minister for Planning and Infrastructure, I have determined under section 59(2)(b) of the *Environmental Planning and Assessment Act 1979* that the amendment to the *Botany Bay Local Environmental Plan 1995* (now repealed) should not be made. The basis of this decision is due to the provisions of the planning proposal being incorporated into the *Botany Bay Local Environmental Plan 2013* which was gazetted on 21 June 2013.

Should you have any questions in relation to this matter, please contact Ms Sandy Shewell, A/Team Leader, in the Department of Planning and Infrastructure's Sydney Region East office, on (02) 8575 4115.

Yours sincerely,

**Acting Executive Director
Metropolitan Planning
Planning Operations & Regional Delivery**

16.8.13