

Our ref: 12/50-02

9 May 2012

Ms Juliet Grant
Regional Director, Sydney Region East
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Ms Lise Sperling

Dear Ms Grant

**Request for Gateway Panel consideration of Planning Proposal
British American Tobacco Australia (BATA) Site, Westfield Drive, Eastgardens**

I refer to Council's Development Committee Meeting of 21 March 2012 which considered the above BATA Site Planning Proposal. At this meeting the Council resolved that:

- 1. Council support the rezoning proposal relating to the BATA site at Eastgardens to amend the Botany Local Environmental Plan 1995; and*
- 2. That Council resolve to submit the BATA Site Planning Proposal prepared by JBA Planning dated March 2012 and accompanying letter dated 7 March 2012 from British American Tobacco Australasia to the Department of Planning and Infrastructure Gateway Panel for consideration.*

In accordance with this resolution, Council would appreciate if you could forward the enclosed Planning Proposal dated March 2012 and accompanying covering letter from BATA dated 7 March, to the Gateway Panel for their formal consideration. Please find attached three (3) hard copies of the Planning Proposal and letter submitted by the applicant in March 2012. An electronic copy of the Planning Proposal is also attached.

Should you wish to discuss the contents of the attached submission please do not hesitate to contact Lynne Sheridan on (02) 9366 3666.

Yours faithfully



**RJ DOWSETT
DIRECTOR PLANNING & DEVELOPMENT**

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CITY OF BOTANY BAY
07 MAR 2012

7 March 2012

Attention: Ms Rene Hayes

Dear Sir

SUBMISSION OF PLANNING PROPOSAL
BRITISH AMERICAN TOBACCO (AUSTRALIA) (BATA) SITE, WESTFIELD DRIVE – EASTGARDENS

We hereby lodge a Planning Proposal under section 55 of the Environmental Planning and Assessment Act 1979 (the Act) to rezone a portion of the BATA site at Eastgardens in a manner consistent with that already proposed by Council, and endorsed by the Department of Planning & Infrastructure, in the Draft Botany Bay LEP 2012 (the Draft Botany LEP).

The 16.5ha BATA site is currently zoned 4(a) Industrial with a maximum FSR of 1:1 under the Botany Local Environmental Plan (LEP) 1995. This zoning permits a variety of industrial uses and uses that support industrial development. BATA proposes to continue its general industrial operations at a reduced scale on approximately 6.1ha. of land over the medium to long term, and vacate the remaining 10.4ha. of land which is surplus to its needs.

The following provisions are proposed to apply to the BATA land, consistent with the current (but as yet not exhibited) Draft Botany LEP 2012:

- 3(b) Business Restricted Zone under Botany LEP 1995 (translates to the B4 Mixed Use Zone under the Draft Botany LEP 2012) with a maximum FSR of 3:1 and building heights up to 44m, covering 3.7ha. of the surplus BATA land on the southern side of the site immediately adjacent to the Eastgardens shopping centre;
- 2(b) Residential "B" Zone under Botany LEP 1995 (translates to the R3 Medium Density Residential Zone under the Draft Botany LEP 2012) with a maximum FSR of 1:1 and building heights of 11m to 39m, covering 6.7ha. of the surplus BATA land on the central and north west parts of the site; and
- Retention of the 4(a) Industrial Zone under Botany LEP 1995 (translates to the IN1 General Industrial Zone under the Draft Botany LEP 2012) with a maximum FSR of 1:1 on the remaining 6.1 ha. of the BATA land in the northeast part of the site. This is where BATA's industrial operation is proposed to continue at a reduced scale.

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BATA needs to sell the surplus land by the end of 2012, upon completion of the rezoning process. This time frame has been built into the BATA business case since 2009 and has previously been validated with Council officers as achievable on several occasions. However, due to delays in exhibiting the Draft Botany LEP 2012 and the inherent risks in achieving a rezoning by December 2012, BATA is now lodging this Planning Proposal to mitigate the risk of further delays.

We request that Council endorse the use of a Planning Proposal process to run in parallel with the processing of the draft Botany LEP. We also request that the Planning Proposal **not** be formally forwarded to the Department of Planning & Infrastructure for a Gateway Determination under section 56 of the Act until after the exhibition of the Draft Botany LEP scheduled for April 2012. This delay is to provide an opportunity for BATA and Council to consider any submissions made on the draft Botany LEP, as they relate to the proposed zoning of the BATA site, and if necessary to amend the BATA Planning Proposal before it is formally submitted to the Department. Should, however, the exhibition of the Draft Botany LEP be delayed beyond April 2012, BATA requests that the Planning Proposal proceed regardless to the Department for a Gateway Determination.

We anticipate the Planning Proposal process will be completed before the Draft Botany LEP is finalised. If, however, the Botany LEP 2012 is finalised by December 2012 and precedes the Planning Proposal, then the need for the Planning Proposal evaporates and it can be withdrawn.

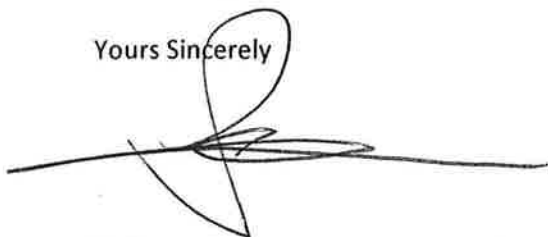
As noted above the enclosed Planning Proposal is consistent with Council's current Draft Botany LEP 2012. Furthermore, the array of specialist reports are the same as those already submitted to Council and which we understand Council will exhibit with the Draft Botany Bay LEP in April 2012. The common document set, as appended to the Planning Proposal is as follows:

- A Site Survey prepared by Denny Linker & Co.
- B Access, Transport & Traffic Report prepared by Colston Budd Hunt & Kafes, and Supplementary Traffic Modelling Report prepared by Parsons Brinckerhoff
- C Stormwater Management Report prepared by Aurecon
- D Flood Study Report prepared by Aurecon
- E ESD Report prepared by Aurecon
- F Utility Services Infrastructure Report prepared by Aurecon
- G Geotechnical Desk Top Study prepared by Douglas Partners
- H Phase 1 Contamination Assessment and supplementary Sampling Analysis and Quality Plan prepared by Douglas Partners
- I Economic Impact Assessment prepared by Hill PDA
- J Social Impact Assessment prepared by Hill PDA
- K BATA Contamination Assessment prepared for Botany Bay City Council by Environmental Risk Sciences
- L Indicative Masterplan prepared by Krikis Tayler Architects
- M Development Yield Schedules and Figures by Krikis Tayler Architects
- N Commentary on Olsson Associates Architects on BATA site density testing by Krikis Tayler Architects and JBA

Also enclosed in this package are a completed Political Donations Declaration and a cheque for the required fee.

We would be pleased to meet to expand on the Planning Proposal if required. Please do not hesitate to contact me on 9370 2531 or by mobile telephone on 0414 634 913 or via email at william_pegel@bat.com

Yours Sincerely

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line and a small flourish.

William Pegel
Project Manager
British American Tobacco (Australia) (BATA)

Enc 6x hard copies of Planning Proposal report and appended reports

2x disc copies of the above

1x cheque for Planning Proposal fee

1x political donations declaration