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Our ref: PP_2012_BOTAN_002_00 (12/02748)
Your ref: 12/50-02

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

Dear Ms Kirchner,

Planning proposal to amend the Botany Local Environmental Plan 1995 to rezone part of the British American Tobacco Australia (BATA) Site from 4(a) Industrial Zone to part 3(b) Business Restricted Zone with a maximum FSR of 3:1 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.

I am writing in response to your Council's letter dated 9 May 2012 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 the Botany Local Environmental Plan 1995 to rezone part of the British American Tobacco Australia (BATA) Site from 4(a) Industrial Zone to part 3(b) Business Restricted Zone with a maximum FSR of 3:1 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.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Council is to consult with Transport for NSW – Roads and Maritime Services in regards to the potential cumulative impact of the proposed development on the surrounding road network. Council needs to address any concerns or matters raised, prior to finalisation of the planning proposal.

It is noted that the planning proposal will facilitate the development of between 1,200 and 1,500 dwellings on the site depending on the amount of retail and commercial floor space developed. Having regard to the dwelling and employment targets for Metropolitan Sydney and the Eastern Subregion, Council should consider the proposed development yield and potential for further density given the sites favourable strategic location.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 6.3 Site Specific Provisions and 7.1 Implementation of the Metropolitan Strategy are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be 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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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, please contact Lise Sperling of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Sam Haddad
Director-General

16/6/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_BOTAN_002_00): amend the Botany Local Environmental Plan 1995 to rezone part of the British American Tobacco Australia (BATA) Site from 4(a) Industrial Zone to part 3(b) Business Restricted Zone with a maximum FSR of 3:1 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

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Botany Bay Local Environmental Plan 1995 to amend the Botany Local Environmental Plan 1995 to rezone part of the British American Tobacco Australia (BATA) Site from 4(a) Industrial Zone to part 3(b) Business Restricted Zone with a maximum FSR of 3:1 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 should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (b) 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 16th day of June 2012.



Sam Haddad
Director-General
Delegate of the Minister for Planning and Infrastructure