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

Our ref: PP_2014_BOTAN_003_00 (14/07018)
Your ref: S13/156

Dear Ms Kirchner,

Planning proposal to amend Botany Bay Local Environmental Plan 2013

I am writing in response to your Council's letter dated 8 April 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to introduce additional objectives into the IN1 General Industrial and B5 Business Development zones; permit 'airport-related land uses' and 'airport-related industries' as additional permitted uses on land at Mascot and increase the maximum floor space ratio for airport related purposes on land zoned IN1 to 1.5:1.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

As discussed with Council, the structure of the Schedule 1 clause needs to identify Standard Instrument Local Environmental Plan dictionary definitions before elaborating the more specific aspect of the uses having to be airport related. The Department of Planning and Environment will work with Council to establish the required wording when finalising the amendment. Therefore, this aspect needs to be clarified in the planning proposal for exhibition purposes.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for 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.

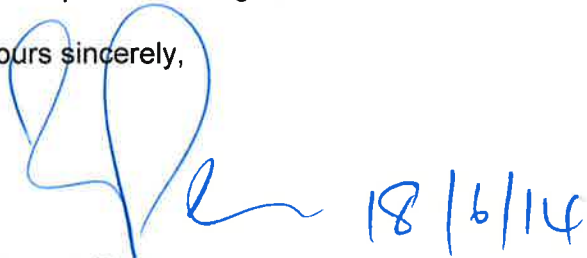
It is noted that on 30 January 2013, Council resolved to accept plan making delegations, however has not yet formally advised the Department the officers or employee of Council who has been nominated to exercise these delegations. Consequently, Council is requested to write to the Department advising that delegations have been accepted and the position of the nominated officer, as soon as possible.

The amending Local Environmental Plan is to be finalised within 12 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. Council's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environment Plans 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 Environmental Planning and Assessment 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 Andrew Watkins of the Department's regional office to assist you. Mr Watkins can be contacted on (02) 8575 4114.

Yours sincerely,

A handwritten signature in blue ink, followed by the date '18/6/14' written in the same ink.

Richard Pearson
Deputy Secretary
Growth Planning

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_BOTAN_003_00): to facilitate the development of 'airport-related land uses' and 'airport-related industries' for land at Mascot.

I, the Deputy Secretary, Growth Planning 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 that an amendment to the Botany Bay Local Environmental Plan 2013 to introduce additional objectives into the IN1 General Industrial and B5 Business Development zones; permit 'airport-related land uses' and 'airport-related industries' as additional permitted uses on land at Mascot and increase the maximum floor space ratio for airport related purposes on land zoned IN1 to 1.5:1 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to clarify that a Standard Instrument Local Environmental Plan dictionary definition will be included as part of the Schedule 1 additional permitted use in addition to the specific proposed airport related land uses.
2. Prior to undertaking public exhibition, a traffic impact assessment is to be carried out which assesses the cumulative impact of development in the precinct and identifies mitigation measures to accommodate traffic impacts, particularly at the O'Riordan Street/King Street intersection, in accordance with advice received from Roads and Maritime Services in February 2014. This assessment is to be placed on public exhibition with the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 5.5.2 of *A Guide to Preparing Local Environment Plans (Department of Planning and Environment 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act and/or to comply with the requirements of relevant S117 Directions:
 - Sydney Ports
 - Sydney Airport
 - Transport for NSW – Roads and Maritime Services
 - Adjoining LGAs
 - Commonwealth Department of Infrastructure and Regional Development - Aviation (S117 Direction 3.5 Development Near Licensed Aerodromes)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.



5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment 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).
6. The timeframe for completing the Local Environment Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated

18

day of

June

2014.


Richard Pearson
Deputy Secretary
Growth Planning

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Council of the City of Botany Bay 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_2014_BOTAN_003_00	Planning proposal to introduce additional objectives into the IN1 General Industrial and B5 Business Development zones; permit 'airport-related land uses' and 'airport-related industries' as additional permitted uses on land at Mascot and increase the maximum floor space ratio for airport related purposes on land zoned IN1 to 1.5:1.

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

18 June 2014

Richard Pearson
Deputy Secretary
Growth Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

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
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP 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 RPA's request to have the LEP notified

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

Stage	Date/Details
Planning Proposal Number	PP_2014_BOTAN_003_00
Date Sent to DoP&E under s56	08 April 2014
Date considered at LEP Review Panel	29 May 2014
Gateway determination date	18 June 2014

Table 2 – To be completed by the RPA

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

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: