



Botany Local Environmental Plan 1995 (Amendment No 26)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00880/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2003 No 121

Clause 1 Botany Local Environmental Plan 1995 (Amendment No 26)

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1 Name of plan

This plan is *Botany Local Environmental Plan 1995 (Amendment No 26)*.

2 Aims of plan

This plan aims:

- (a) to allow, with the consent of the Council of the City of Botany Bay, the carrying out of development on the land to which this plan applies for the purpose of a caretaker's residence used in conjunction with an industrial use of the land, and
- (b) to introduce a definition of *caretaker's residence* into *Botany Local Environmental Plan 1995*, and
- (c) to remove a house on land to which this plan applies from the list of heritage items in *Botany Local Environmental Plan 1995* and add plantings of Canary Island Date Palms on that land to that list of heritage items.

3 Land to which plan applies

This plan applies to Lot 1 in DP 169307, known as 23 Byrnes Street, Botany.

4 Amendment of Botany Local Environmental Plan 1995

Botany Local Environmental Plan 1995 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Schedule 1 Definitions

Insert in alphabetical order:

caretaker's residence means a residence used for the purpose of providing ancillary support services to the principal industrial use of the land on which the residence is located, if:

- (a) the residence is necessary for the security and/or supervision of the principal use of the land, and
- (b) the principal use of the land has been established, and
- (c) the residence is physically linked to or within the curtilage of a building used for industrial purposes.

[2] Schedule 2 Development for certain additional purposes

Insert at the end of the Schedule:

- Land, being Lot 1, DP 169307, known as 23 Byrnes Street, Botany—Caretaker's residence.

[3] Schedule 3 Heritage items and heritage conservation areas

Omit from the Schedule:

70	House	23 Byrnes Street, Botany
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Insert instead:

70	Canary Island Date Palms (<i>Phoenix Canariensis</i>)	23 Byrnes Street, Botany
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