

Ms Meredith Wallace
General Manager
Bayside Council
PO Box 21
ROCKDALE NSW 2216

Attention: Clare Harley

Dear Ms Wallace

**Planning Proposal PP_2017_BSIDE_007_00 to amend Botany Bay Local
Environmental Plan 2013**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and to additional information received on 25 October 2017 in respect of the planning proposal to rezone and amend the planning controls for land at 128 and 130-150 Bunnerong Road, Pagewood.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 117 Direction 1.1 Business and Industrial Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

I have considered the findings at the peer review and agree that further refinement of the concept should be undertaken by investigating street connectivity, building orientation and location of open space.

However, I consider that the review did not demonstrate that a reduced FSR of 2:1 was required to deliver these outcomes and therefore the FSR of 2.35:1 has been retained for the purposes of community consultation. In addition, further consideration should be given at the Development Application stage to achieving the Panel's recommendation of no further shadowing on existing and proposed open spaces in mid-winter between 12pm and 2pm and no additional shadowing on existing development to the eastern side of Bunnerong Road.

The Draft Revised Eastern City District Plan identifies the need for the delivery of affordable housing. I have conditioned the gateway to ensure Council and the proponent undertake discussions to identify the possible delivery of affordable

housing on the site as part of the planning proposal. Please inform the Sydney Region East team of the outcomes of these discussions by 28 February 2018.

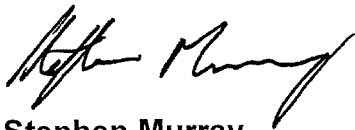
I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make the plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Elvie Magallanes at the Department to assist you. Ms Magallanes can be contacted on 9860 1439.

Yours sincerely



12 December 2017

Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway Determination