

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

Attention: Mr Josh Ford

Dear Ms Wallace

Planning proposal to amend Rockdale Local Environmental Plan 2011

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of a planning proposal seeking to amend the zoning from R2 Low Density Residential to B4 Mixed Use, and amend the applicable building height and floor space ratio (FSR) and associated bonus provisions, and remove the existing minimum lot size controls for land bounded by Kingsland Road South, Abercorn Street, Stoney Creek Road and Bexley RSL, Bexley under Rockdale Local Environmental Plan 2011 (RLEP 2011).

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.

Council may need to obtain the agreement of the Department's Secretary to comply with the requirements of certain relevant S117 Directions. Council should ensure this occurs prior to the plan being publicly exhibited.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council wishes to exercise the Plan making delegation in relation to the 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.

The amending Local Environmental Plan (LEP) 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 for the Department of Planning and Environment to draft and finalise the LEP 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's regional team for administrative purposes.

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 queries in regard to this matter, I have arranged for Mr Michael Kokot of the Department's regional office to assist you. Mr Kokot can be contacted on (02) 9274 6564.

Yours sincerely



8/03/2017

Martin Cooper
Acting Director, Sydney Region East
Planning Services

Encl: Gateway Determination
Written Authorisation

Gateway Determination

Planning proposal (Department Ref: PP_2017_BSIDE_004_00): to rezone and amend the applicable building height and floor space ratio and associated bonus provisions and minimum lot size controls, for land bounded by Kingsland Road South, Abercorn Street, Stoney Creek Road and Bexley RSL, Bexley.

I, the Acting Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Rockdale Local Environmental Plan 2011 in respect of land bounded by Kingsland Road South, Abercorn Street, Stoney Creek Road and Bexley RSL, Bexley to rezone the land from R2 Low Density Residential to B4 mixed Use, amend the applicable building height and floor space ratio and associated bonus provisions, and minimum lot size controls, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to include:
 - (a) justification regarding inconsistency with the following Section 117 Direction and policy matters:
 - 1.1 Business and industrial zones;
 - 3.1 Residential zones;
 - 3.5 Development near licensed aerodromes;
 - 4.3 Flood prone land; and
 - (b) an assessment of consistency with the draft Central District Plan.
2. Prior to community consultation, the revised planning proposal is to be provided to the Department for approval in relation to the above matters.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act 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 LEPs (Department of Planning and Environment 2016)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Department of Education and Communities;
 - Transport for NSW - Roads and Maritime Services;
 - Sydney Airport Authority;

- Civil Aviation Safety Authority; and
- Commonwealth Department of Infrastructure and Regional Development.

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 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 LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 8TH day of MARCH 2017



Martin Cooper
Acting Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission