

Gateway Determination

Planning proposal (Department Ref: PP_2020_BSIDE_001_00): to consolidate the Rockdale Local Environmental Plan (LEP) 2011, Botany Bay LEP 2013 and Botany LEP 1995 to create a single Local Environmental Plan for the Bayside local government area.

I, the A/Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that a proposal to consolidate the Rockdale LEP 2011, Botany Bay LEP 2013 and Botany LEP 1995 to create a single Local Environmental Plan for the Bayside local government area, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to amend the planning proposal to:
 - a) clearly state that the draft instrument attached to the planning proposal is for exhibition purposes only and is subject to change as part of the drafting of the final LEP;
 - b) retain multi dwelling housing and residential flat buildings as permitted land uses in the R2 Low Density Residential zone in Botany Bay LEP 2013 areas;
 - c) retain residential flat buildings as a permitted use in the R3 Medium Density Residential zone in Botany Bay LEP 2013 areas;
 - d) address the consistency with Ministerial Direction 6.2 – Reserving Land for Public Purposes in relation to the Dransfield Avenue deferred site and consolidation of land reservation and acquisition clauses;
 - e) accurately reflect all amendments made to 128 Bunnerong Road, Pagewood and 120 Banks Avenue, Eastgardens (Amendment No.8 to the Botany Bay LEP 2013);
 - f) ensure proposed clause 6.1 – Acid Sulfate Soils is consistent with the adopted model provision;
 - g) include the supporting information regarding the deletion of the bonus building height (Cl. 4.3(2A)) and floor space (Cl.4.4B) clauses under the Botany Bay LEP 2013, including the concept plans that support retention of the provisions on identified sites;
 - h) delete the bonus floor space clause (cl.4.4(2A)) under the Botany Bay LEP 2013;
 - i) include the additional information provided on the proposed amendments for dual occupancy, attached dwellings and semi-detached dwellings;

- j) include discussion about proposed clause 4.1(3A) concerning the exclusion of the access handle from lot area calculations for a battle-axe lot;
 - k) include a map to clearly identify the *intensive urban development area*, referenced in Part 7 of the Rockdale LEP 2011 and meaning the Arncliffe and Banksia Planned Precincts;
 - l) ensure no amendments on land identified under *State Environmental Planning Policy (Three Ports) 2013*; and
 - m) include a savings provision which will not result in the proposed amendments affecting current development applications or appeal processes.
2. The final LEP should be updated where required to have regard to any endorsed Local Strategic Planning Statement (LSPS).
 3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018);
 - (c) write to the landowners and operators of the Botany Industrial Park; and
 - (d) write to the affected landowners in the residential zones under the Botany Bay LEP 2013.
 4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW
 - Department of Education;
 - NSW Port Authority;
 - Heritage NSW;
 - Sydney Airport;
 - Civil Aviation Safety Authority;
 - Commonwealth Department of Infrastructure, Transport, Regional Development and Communications;
 - NSW Land and Housing Corporation;
 - Office of Environment, Energy and Science;
 - Sydney Water Corporation;
 - Natural Resource Access Regulator;

- Office of Environment, Energy and Science;
- State Emergency Service;
- Environmental Protection Authority; and
- Adjoining Councils.

Each public authority/organisation 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 3.34(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 time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Date 19th day of March 2020.



Amanda Harvey
A/Executive Director, Eastern
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Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces