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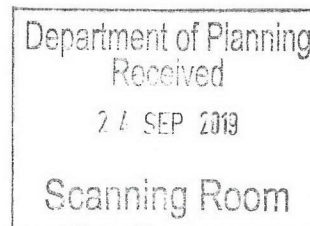


Bayside Council

Serving Our Community

17 September 2019

Our Ref: F18/24
Contact: Howard Taylor - 9562 1663



Ms Laura Locke
NSW Department of Planning, Industry & Environment
Sydney Region East Team
GPO Box 39
SYDNEY NSW 2001

via email: laura.locke@planning.nsw.gov.au

Dear Laura,

Re: Request for Gateway Determination – Draft Planning Proposal: 2 and 4 Guess Avenue, Wolli Creek

At its ordinary meeting of 11th September 2019, Council resolved:

1 That, pursuant to section 3.34 of the Environmental Planning & Assessment Act 1979 (EP&A Act), the draft Planning Proposal for land known as Lots 101 and Lot 102 in DP808944 be submitted to the Department of Planning, Industry & Environment (DPIE) for a Gateway Determination, incorporating the proposed amendments to the Rockdale Local Environmental Plan 2011 outlined in Figures 2-5 of this report.

*2 That, should a Gateway Determination be issued by DPIE to permit exhibition of the Planning Proposal, a post-exhibition report be provided to the Bayside Local Planning Panel and Council, outlining any submissions received during the exhibition period.
Council Meeting 11/09/2019 5*

3 That the Mayor write to the Honourable Melinda Pavey MP - Minister for Water, Property and Housing and the Honourable Rob Stokes MP - Minister for Planning and Public Spaces to request that Lot 102 DP 808944 (known as No 4 Guess Ave), currently owned by Property NSW, be transferred/sold to Bayside Council at minimal cost to accelerate the delivery of the Wolli Creek Town Park in accordance with this draft Planning Proposal.

4 That Council writes to Local Members Steve Kamper, Chris Minns and Ron Hoenig seeking their support.

A copy of the meeting minutes and resolution (Item 8.2) can be found in the following link:

<https://www.bayside.nsw.gov.au/sites/default/files/2019-09/11%20September%202019%20Council%20Meeting%20-%20Minutes.pdf>

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Council now requests that the Department considers the draft Planning Proposal and supporting documents and issues a Gateway Determination pursuant to Section 3.33 of the *Environmental Planning and Assessment Act, 1979*.

A copy of the draft Planning Proposal and supporting documents can be found in the following links:

https://www.bayside.nsw.gov.au/sites/default/files/2019-09/11%20September%202019%20Council%20Meeting%20-%20Agenda_0.pdf

and,

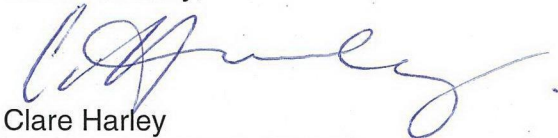
<https://www.bayside.nsw.gov.au/sites/default/files/2019-09/11%20September%202019%20Council%20Meeting%20-%20Under%20Separate%20Cover%20Attachment.pdf>

A 12 month timeframe is considered appropriate for this LEP amendment.

Council also requests plan-making functions for this LEP amendment, and a completed **Attachment 4** is also enclosed in this regard.

If you have any questions, or require further information to assist with your assessment of this Planning Proposal, please contact Howard Taylor, Urban Planner on 9562 1663 or howard.taylor@bayside.nsw.gov.au

Yours faithfully,



Clare Harley
Manager Strategic Planning

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Bayside

Name of draft LEP:

Rockdale Local Environmental Plan 2011

Address of Land (if applicable):

2 and 4 Guess Avenue, Wolli Creek

Intent of draft LEP:

No 2 Guess Avenue: Lift the Land Reservation Acquisition Layer except for a 423 m2 portion; apply a B4 mixed use zone; a height of buildings of 42 metres; and a Floor Space Ratio of 3:1

No 4 Guess Avenue: Retain the Land Reservation Acquisition Layer

Additional Supporting Points/Information:

Council has a financial interest in the land.

An independent planning consultant was engaged to prepare the Planning Proposal.



| Evaluation criteria for the issuing of an Authorisation | | | | |
|--|------------------|--------------|-----------------------|-----------|
| (NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed) | Council response | | Department assessment | |
| | Y/N | Not relevant | Agree | Not agree |
| Is the planning proposal consistent with the Standard Instrument Order, 2006? | Y | | | |
| Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment? | Y | | | |
| Are appropriate maps included to identify the location of the site and the intent of the amendment? | Y | | | |
| Does the planning proposal contain details related to proposed consultation? | Y | | | |
| Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General? | Y | | | |
| Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions? | Y | | | |
| Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)? | Y | | | |
| Minor Mapping Error Amendments | Y/N | | | |
| Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed? | N | | | |
| Heritage LEPs | Y/N | | | |
| Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office? | | X | | |
| Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study? | | X | | |
| Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained? | | X | | |
| Reclassifications | X/N | | | |
| Is there an associated spot rezoning with the reclassification? | | | | |
| If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy? | | | | |
| Is the planning proposal proposed to rectify an anomaly in a classification? | | | | |
| Will the planning proposal be consistent with an adopted POM or other strategy related to the site? | | | | |
| Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ? | | | | |

| | | | | |
|--|-----|---|--|--|
| If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal? | | | | |
| Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ? | | | | |
| Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation? | | | | |
| Spot Rezoning | Y/N | | | |
| Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy? | N | | | |
| Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format? | N | | | |
| Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed? | N | | | |
| If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed? | | X | | |
| Does the planning proposal create an exception to a mapped development standard? | N | | | |
| Section 73A matters | | | | |
| Does the proposed instrument | | | | |
| a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; | | X | | |
| b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or | | X | | |
| c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? | | X | | |
| (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A1)(c) of the Act in order for a matter in this category to proceed). | | | | |

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.