

Gateway Determination

Planning proposal (Department Ref: PP_2015_ROCKD_004_00): to insert a clause allowing bonus building height and floor space provided there is a community facility for land at 8-10 Martin Avenue, 9 Bidjigal Road and 47-49 Bonar Street, Arncliffe.

I, the Acting Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Rockdale Local Environmental Plan 2011 to include a clause providing incentives for building height and floor space development standards on land at 8-10 Martin Avenue, 9 Bidjigal Road and 47-49 Bonar Street, Arncliffe, should proceed subject to variations as outlined by the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated as follows:
 - a) Remove the requirement for public benefits in exchange for bonus height or floor space as a requirement of the Rockdale Local Environmental Plan 2011 (this includes all references that mandate or infer that a developer must dedicate land and/or undertake works in exchange for additional development height and density);
 - b) Include maximum building height and floor space ratio controls to provide certainty of the site's maximum development potential;
 - c) Remove reference to the proposal being an amendment to Schedule 1; and
 - d) Remove the draft clause and provide a plain English explanation of the intended effect of the proposed changes.
2. 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 2013)*.
3. 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 S117 Directions:
 - Roads and Maritime Services
 - Transport for NSW
 - Sydney Water
 - Ausgrid

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, or to indicate that they will require additional time to comment.

4. 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).
5. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated

24th

day of

July

2015.

Tim Hurst
A/Deputy Secretary
Planning Services

Delegate of the Minister for Planning