

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

Dear Ms Wallace

Planning proposal PP-2022-1147 to amend Bayside Local Environmental Plan 2021

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to facilitate a residential development at 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North by rezoning the land and increasing the maximum building height and floor space ratio.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions, or demonstrate that any inconsistency is minor and/or justified, with the relevant section 9.1 Directions 4.1, 4.4 and 4.5.

Please note that a Gateway condition is not included to require the preparation of a draft development control plan (DCP) for exhibition purposes. This is a matter for Council to consider and address as the planning proposal authority (PPA). Whilst not a Gateway condition, the Department encourages Council to include any draft DCP documentation (or the like) with the exhibited planning proposal to improve the effectiveness of the community consultation period. However, the continued preparation of the draft DCP should not delay Council's progression of the planning proposal in accordance with the Gateway conditions.

As you are aware, the NSW Government has launched an Independent Flood Inquiry (the Inquiry) into the 2022 catastrophic flood event across NSW. Until the Government's response to the Inquiry is publicly available, Council is required to seek the Department's advice before requesting finalisation of this flood affected planning proposal. This will create an opportunity for the Department and Council to ensure appropriate decisions are made for this proposal.

I have considered Council's request to be the local plan-authority. As Bayside Council did not support the planning proposal and it was subsequently the subject of a rezoning review, I have determined not to condition the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

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 Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Alexander Galea to assist you. Mr Galea can be contacted on 8289 6793.

Yours sincerely



Amanda Harvey 3 May 2022
Executive Director
Metro South and East
Department of Planning and Environment

Encl: Gateway determination