

Gateway Determination

Planning proposal (Department Ref: PP-2023-1276): *to amend the planning controls in the R3 Medium Density Residential Zone under the Bayside Local Environmental Plan 2021, to facilitate increased take-up of medium-density housing typologies throughout the R3 Medium Density Residential zone.*

I, the Executive Director, Metro East and South at the Department of Planning 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 an amendment to the Bayside Local Environmental Plan 2021 to facilitate the increased uptake of medium density housing in the R3 Medium Density Residential zone should proceed subject to the following conditions.

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act.

The LEP should be completed on or before 26 July 2024.

Gateway Conditions

1. Prior to public exhibition the planning proposal is to be updated to:
 - a. Remove references to the proposed provision which seeks to introduce a minimum lot width requirement
 - b. Ensure that mapping of the proposed amendments to the FSR Map is provided which meets the technical standards.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, August 2023).

Exhibition must commence within three months following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW Land and Housing Corporation

- APA Group – operator of the Moomba Sydney High Pressure Ethane Pipeline
- Transport for NSW
- Relevant utility providers, including Ausgrid and Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. 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 EP&A 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).

Dated 10th day of November 2023.



Amanda Harvey
Executive Director, Metro East and South
Planning Land Use Strategy and Housing
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces