

Gateway Determination

Planning proposal (Department Ref: PP-2024-1753) to permit 'Restaurant or café' as an additional permitted use on land at 179-183 Russell Ave, Dolls Point

I, Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, 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 permit 'Restaurant or café' as an additional permitted use on land at 179-183 Russell Ave, Dolls Point should proceed subject to the following

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 11 July 2025.

Gateway Conditions

1. The planning proposal is to be updated to prior to consultation to consistently use the Standard Instrument LEP term 'restaurant or café'.
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 Guideline* (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 Guideline* (Department of Planning and Environment, August 2023).
3. 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).

Dated 11 October 2024

A handwritten signature in black ink, appearing to read 'Jazmin van Veen', with a stylized, cursive script.

Jazmin van Veen
Director, Local Planning (North, East and
Central Coast)
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces