

Gateway Determination

Planning proposal (Department Ref: PP-2023-1138): *Housekeeping and other amendments to Bayside LEP 2021 at various sites within the LGA.*

I, the Director, Agile Planning 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 undertake housekeeping and other amendments should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - delete the proposed amendments to clauses 1 and 2 in Schedule 1 Additional Permitted Uses of the Bayside LEP 2021;
 - address Section 9.1 Ministerial Direction 5.2 Reserving Land for Public Purposes;
 - provide evidence of acquisitions or confirmation from the relevant authorities that acquisition is no longer needed for the land at the following addresses:
 - 166 and 176A O’Riordan St and 279A and 283 King Street, Mascot;
 - 342 West Botany Street, Rockdale;
 - 1 Muddy Creek, Waterways;
 - 52 Margate Street, Ramsgate;
 - 36 MacDonald Street, Sans Souci;
 - 151 Ramsgate Road, Ramsgate;
 - 10 Horbury Street, Sans Souci;
 - 29 Napoleon Street, Sans Souci; and
 - 37 and 43 Meriel Street, Sans Souci.
 - update the Project Timeline to reflect the timelines included in this determination.
2. Prior to community consultation, the planning proposal is to be revised to address Condition 1 above and forwarded to the Department for review and approval.
3. 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, 2021) 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, 2021).

Exhibition must commence within 4 months following the date of the gateway determination.

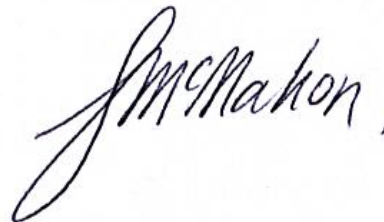
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Transport for NSW; and
- Sydney Water Corporation.

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 working days to comment on the proposal.

5. 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).
6. Given the nature of the proposal, Council is not authorised to be the local plan-making authority.
7. The LEP should be completed within 9 months from the date of the Gateway determination.

Dated 13 day of July 2023.



Louise McMhaon
Director, Agile Planning
Program Delivery
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces