

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

Our ref: IRF23/592

Dear Ms Wallace

Planning proposal (PP-2022-2456) to amend Bayside Environmental Plan 2021

I am writing in response to the planning proposal that Council has forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act), and the additional information received in February and April 2023 in respect of the planning proposal (PP-2022-2456) for land at 187 Slade Road, Bexley North (the site).

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

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act, being 1.4 Site Specific Provisions and 4.5 Acid Sulfate Soils are justified in accordance with the terms of the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act being 4.1 Flooding and 5.2 Reservation of Land for a Public Purpose. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the Local Plan Making Authority due to the planning proposal previously being the subject of a rezoning review. The proposed Local Environmental Plan (LEP) is to be finalised within 9 months of the date of Gateway determination.

I note Council requested an 18 month timeframe to complete the LEP because of the need to prepare a site specific Development Control Plan (DCP). The Gateway determination has been conditioned to require Clause 6.16 of the Bayside LEP 2021 to apply to the site in response the Panel's decision and Council's request as planning proposal authority. Application of this clause means that a DCP needs to only be in place before a development application can be approved for redevelopment of the site. The exhibition and finalisation of this planning proposal should not be delayed by the preparation of a site specific DCP.

The benchmark timeframes in this Gateway determination will ensure that the LEP making process is efficient, transparent, accountable, and outcomes focused – avoiding delays to development and setting clear expectations on decision making.

The NSW government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the planning proposal and by providing clear and publicly available justification for each plan at an early stage. To meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the timeframes outlined in this Gateway determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Claire Mirow to assist you. Ms Mirow can be contacted on (02) 9274 6472 or via email claire.mirow@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amanda'.

Amanda Harvey
Executive Director, Metro East and South
Department of Planning and Environment
30 May 2023

Encl: Gateway determination