

Meredith Wallace  
General Manager  
Council  
Bayside Council  
PO Box 21  
Rockdale NSW 2216

Our ref: IRF23/2475

Dear Ms Wallace

**Planning proposal PP-2022-1337 to amend Bayside Local Environmental Plan 2021**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 20 July 2023 in respect of the planning proposal to increase the maximum height of building and floor space ratio at 152 Bunnerong Road, Eastgardens.

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. The Gateway assessment has concluded that the planning proposal has strategic and site-specific merit to proceed in accordance with the Act.

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 Act; 4.1 Flooding, 5.1 Integrated Land Use and Transport and 5.3 Development Near Regulated Airports and Defence Airfields is justified in accordance with the terms of the Direction.

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 Act; 4.1 Flooding, 5.1 Integrated Land Use and Transport and 5.3 Development Near Regulated Airports and Defence Airfields. Council should ensure this occurs prior to public exhibition.

Council is not authorised to be the local plan making authorities because the planning proposal has been subject to a rezoning review and consistency with Ministerial Directions remain unresolved.

I note Council as the planning proposal is required to progress this planning proposal in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, including that the planning proposal has strategic and site-specific merit to proceed.

The amending local environmental plan (LEP) is to be finalised on or before 24 July 2024. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for William Pruss to assist you. Mr Pruss can be contacted on 02 8229 2975.

Yours sincerely



**Amanda Harvey**  
**Executive Director**  
**Metro East and South**  
4 October 2023

Encl: Gateway determination