



Bayside Council

Serving Our Community

21 August 2019

Our Ref: F19/4
Contact: Howard Taylor - 9562 1663

NSW Department of Planning, Industry & Environment
Sydney Region East Team
GPO Box 39
SYDNEY NSW 2001

Dear Laura,

Re: Request for Gateway Determination – Planning Proposal: 146-154 O’Riordan Street, Mascot

At its ordinary meeting of 14th August 2019, Council resolved:

1. *That Council considers the recommendation of the Bayside Local Planning Panel from 16th July 2019 to forward the draft Planning Proposal for land known as 146-154 O’Riordan Street, Mascot to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.*
2. *That pursuant to section 3.34 of the Environmental Planning & Assessment Act 1979 (EPAA) the draft Planning Proposal be submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination, which is to include:*
 - a. *a condition for a Building Height Plane clause, or similar, applying to the northern and eastern side boundaries to make provision for appropriate building setbacks and height controls as they relate to the adjacent park, zoned RE1 Public Recreation, (Heritage Item 182 - Mascot Oval and Lionel Bowen Park) and the R3 Medium Density Residential Zone to the east.*
3. *That should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway Determination, and to provide details of any submissions received throughout that process.*
4. *That Council note that a draft letter of offer for a Voluntary Planning Agreement has not been submitted to Council, by the proponent.*

Council now requests that the Department considers the attached Planning Proposal and supporting documents and issues a Gateway Determination pursuant to Section 3.33 of the *Environmental Planning and Assessment Act, 1979*.

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Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

電話傳譯服務處

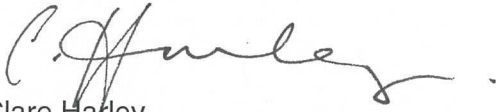
Служба за преведување по телефон

A 12 month timeframe is considered appropriate for this LEP amendment.

Council also requests plan-making functions for this LEP amendment, and a completed Attachment 4 is also enclosed in this regard.

If you have any questions, or require further information to assist with your assessment of this Planning Proposal, please contact Howard Taylor, Urban Planner on 9562 1663 or howard.taylor@bayside.nsw.gov.au

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Clare Harley', with a long horizontal flourish extending to the right.

Clare Harley
Manager Strategic Planning

Attached:

1. Planning Proposal [and supporting documents]; and
2. Attachment 4.

ATTACHMENT 1 – INFORMATION CHECKLIST

▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|---|---|
| • Objectives and intended outcome | • Explanation of provisions |
| • Mapping (including current and proposed zones) | • Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
| • Community consultation (agencies to be consulted) | |

▶ STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with relevant Regional Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with relevant Sub-Regional strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Urban Design Considerations		
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Existing site plan (buildings vegetation, roads, etc)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Demonstrated consistency with Threshold Sustainability Criteria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Building mass/block diagram study (changes in building height and FSR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Description/Context			• Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Development yield analysis (potential yield of lots, houses, employment generation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Site photos/photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Economic Considerations		
Traffic and Transport Considerations			• Economic impact assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Local traffic and transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Employment land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and Cultural Considerations		
• Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Heritage impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Considerations			• Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Bushfire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Acid Sulphate Soil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Noise impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Social & cultural impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Flora and/or fauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Stakeholder engagement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Soil stability, erosion, sediment, landslip assessment, and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Infrastructure Considerations		
• Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Stormwater management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Miscellaneous/Additional Considerations		
• Flooding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>List any additional studies</i>		
• Land/site contamination (SEPP55)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aeronautical Impact Assessment		

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Bayside

Name of draft LEP:

Botany Bay Local Environmental Plan 2013

Address of Land (if applicable):

146-154 O'Riordan Street, Mascot

Intent of draft LEP:

To amend the Botany Bay LEP 2013 to allow for an appropriate building height along the O'Riordan Street frontage

Additional Supporting Points/Information:

The Bayside Local Planning Panel (Panel) considered the draft Planning Proposal on the 16th July 2019 and recommended a building height plane control at the sites interface with Council owned assets (Mascot Oval/ car park).

Council officers recommended to Council that the following be included in the request for Gateway Determination:

'a condition for a Building Height Plane clause, or similar, applying to the northern and eastern side boundaries to make provision for appropriate building setbacks and height controls as they relate to the adjacent park, zone RE1 Public Recreation (Heritage Item I82 - Mascot Oval and Lionel Bowen Park) and the R3 Medium Density Residential Zone to the east.' Council supported the



Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		X		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		X		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		X		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		X		
Is the planning proposal proposed to rectify an anomaly in a classification?		X		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		X		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		X		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		X		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		X		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		X		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument				
a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;		X		
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or		X		
c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?		X		
(NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).				
NOTES				
<ul style="list-style-type: none"> • Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. • Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department. 				