



IRF22/1089

Gateway determination report – PP-2021-3539

146-154 O’Riordan Street, Mascot

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Relevant reports and plans
Appendix 1 – Urban Design Report
Appendix 2 – Supplementary Urban Design Report
Appendix 3 – Traffic Report
Appendix 4 – Statement of Heritage Impact
Appendix 5 – Flood Impact Statement
Appendix 6 – Economic Assessment Report
Appendix 7 – Aeronautical Assessment
Appendix 8 – Detailed Site Investigation
Appendix 9 – Controlled Activity Approval

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bayside Council
PPA	Sydney Eastern City Planning Panel
NAME	146-154 O’Riordan Street, Mascot (0 homes. 630-700 jobs)
NUMBER	PP-2021-3539
LEP TO BE AMENDED	Bayside Local Environmental Plan 2021
ADDRESS	146-154 O’Riordan Street, Mascot
DESCRIPTION	Lot 13 DP 1232496 Lot 14 DP 1232496 Lot 15 DP 1232496 Lot A DP 402876
RECEIVED	1 April 2022
FILE NO.	IRF22/1089
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Description of planning proposal

The planning proposal seeks to amend Bayside Local Environmental Plan 2021 (Bayside LEP 2021) in the following manner:

- Increase the maximum building height permitted across the western part of the site from 22 metres to 44 metres; and
- Apply a new building height plane clause to the northern and eastern side boundaries of the site to provide appropriate building height setbacks to the adjoining land.

No changes are proposed to the existing B5 Business Development zone that applies to the site.

It is understood the planning proposal is intended to facilitate a combined hotel and serviced apartments development, the delivery of a mixed use outcome for the site is anticipated to comprise:

- 253 hotel rooms;
- 562 serviced apartments;

- 288m² of restaurant floor space; and
- 906m² of retail floor space.

The proposal is also anticipated to generate 630-700 direct jobs (FTE).

1.3 Site Description and Surrounding Area

The site at 146-154 O’Riordan Street, Mascot comprises four lots on the eastern side of O’Riordan Street at the intersection with Bourke Road, with an area of approximately 17,020sqm (**Figure 1**).

The site is occupied by a two storey commercial warehouse unit estate at 154 O’Riordan Street and a three storey office and warehouse development at 146 O’Riordan Street. The warehouses are surrounded by hardstand parking and loading areas.

The existing developments at the site currently comprise a range of commercial land uses including commercial food preparation, freight forwarding, and transport services

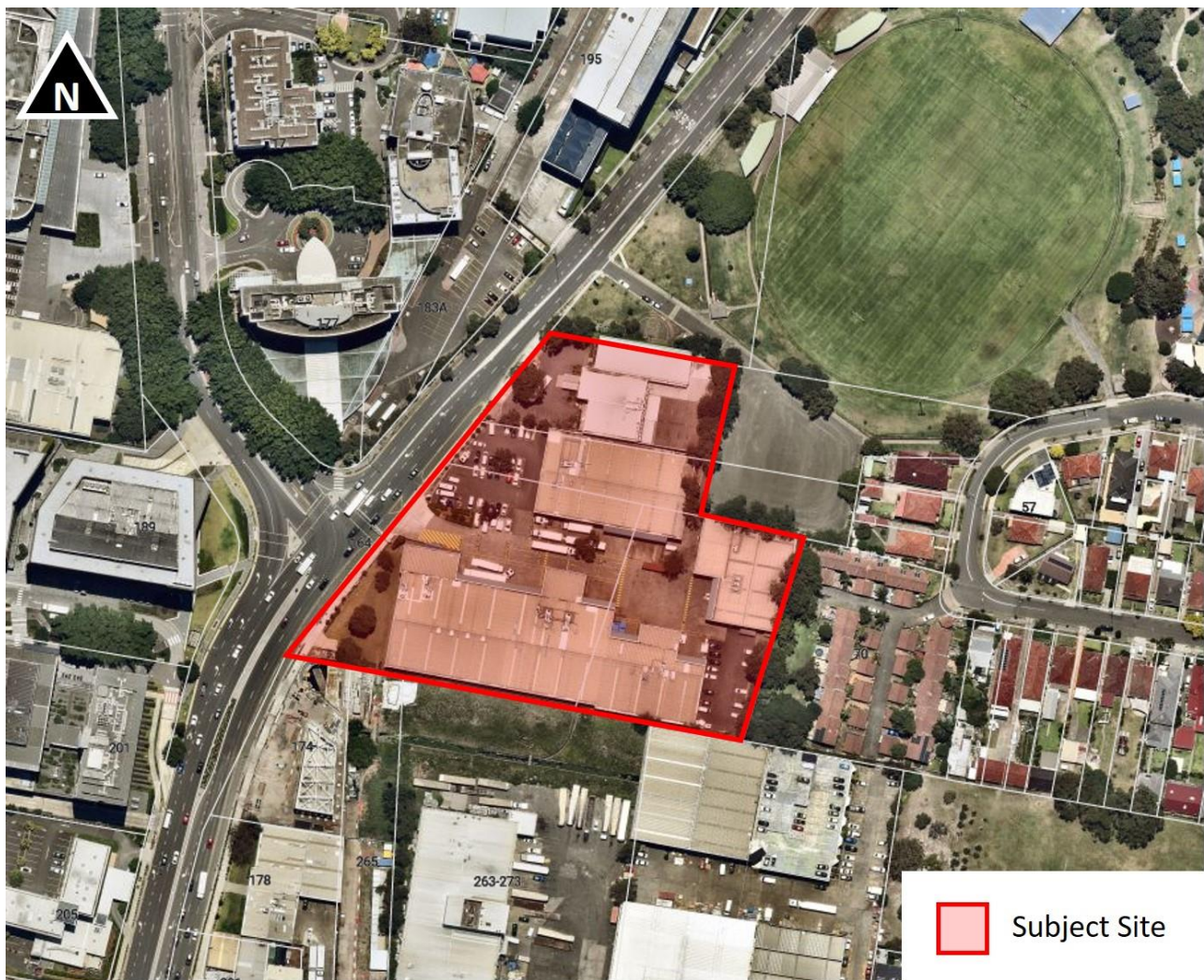


Figure 1: Subject Site Map

The site is between Mascot Station and the Sydney Airport domestic terminals (**Figure 2**). It is at the eastern edge of the Mascot Station Precinct as identified in Bayside LEP 2021.



Figure 2: Context Map

To the north of the site is Mascot Oval (also known as Lionel Bowen Park), which is identified in Bayside LEP 2021 as a local heritage item. The NSW State Heritage Inventory statement of significance describes the park as historically and aesthetically significant as a representative example of a traditional local oval and area of open space.

A paved Council car park servicing the park and its access road to O'Riordan Street are located immediately to the north of the site. In addition, a paved basketball practice hoop surrounded by open grass space adjoins the north boundary to No. 146. A paved path provides pedestrian access from Forster Street along the park's southern boundary to the Council carpark and O'Riordan Street.

Adjoining the site to the east is a two storey multi-dwelling housing development fronting Macintosh Street in the R3 Medium Density Residential zone. Adjoining the site to the south are industrial warehouses which front King Street.

Both the Sydney Water stormwater easement from Mascot Park and the Southern and Western Suburbs Ocean Outfall Sewer easement traverse the site from north to south.

1.4 Existing Planning Controls

Under Bayside LEP 2021 the site:

- is zoned B5 Business Development (**Figure 3**)
- has a 22m maximum building height (**Figure 4**)
- has a 3:1 maximum floor space ratio (**Figure 5**); and
- is in the Mascot Station Precinct of the Key Sites Map (**Figure 6**).

As the site is in the Mascot Station Precinct, Clause 6.10 Design Excellence applies to the subject site. The LEP requires the consent authority to be satisfied that the development of a new building will exhibit design excellence.

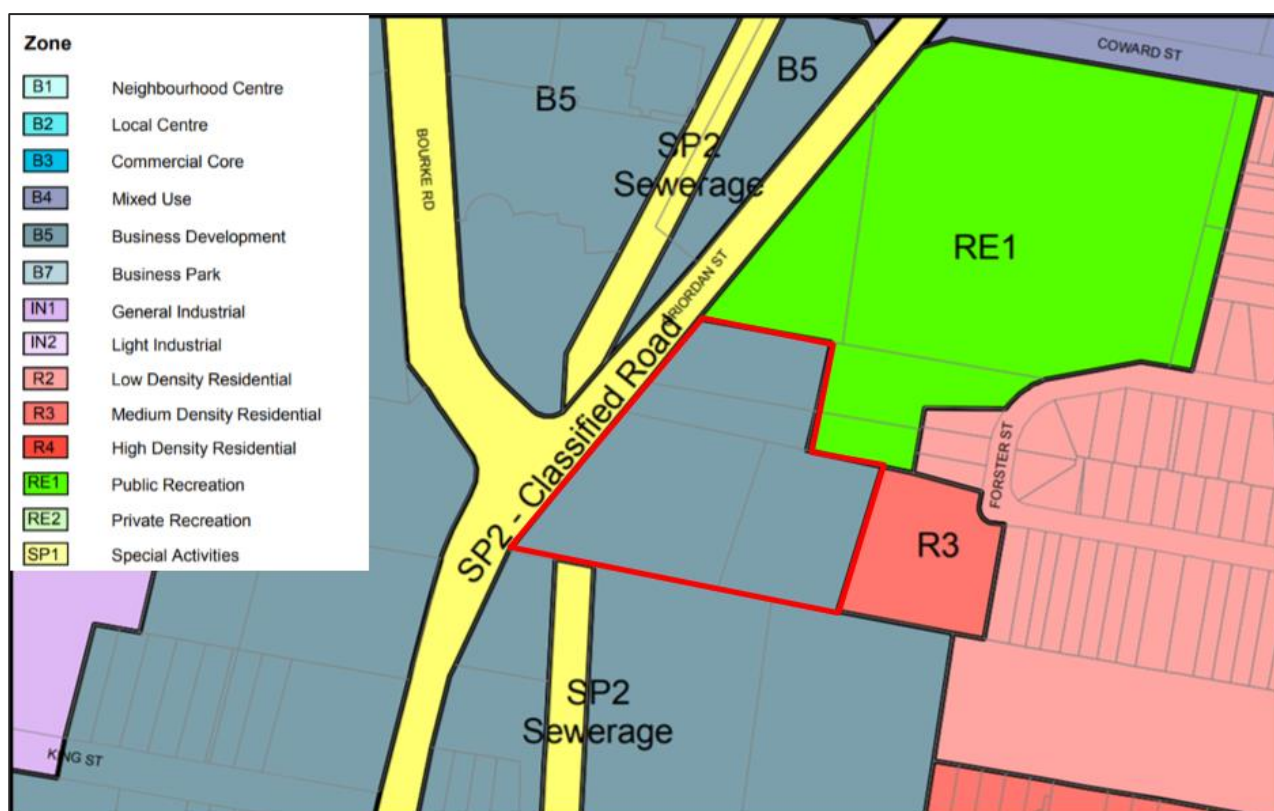


Figure 3: Land Zoning Map

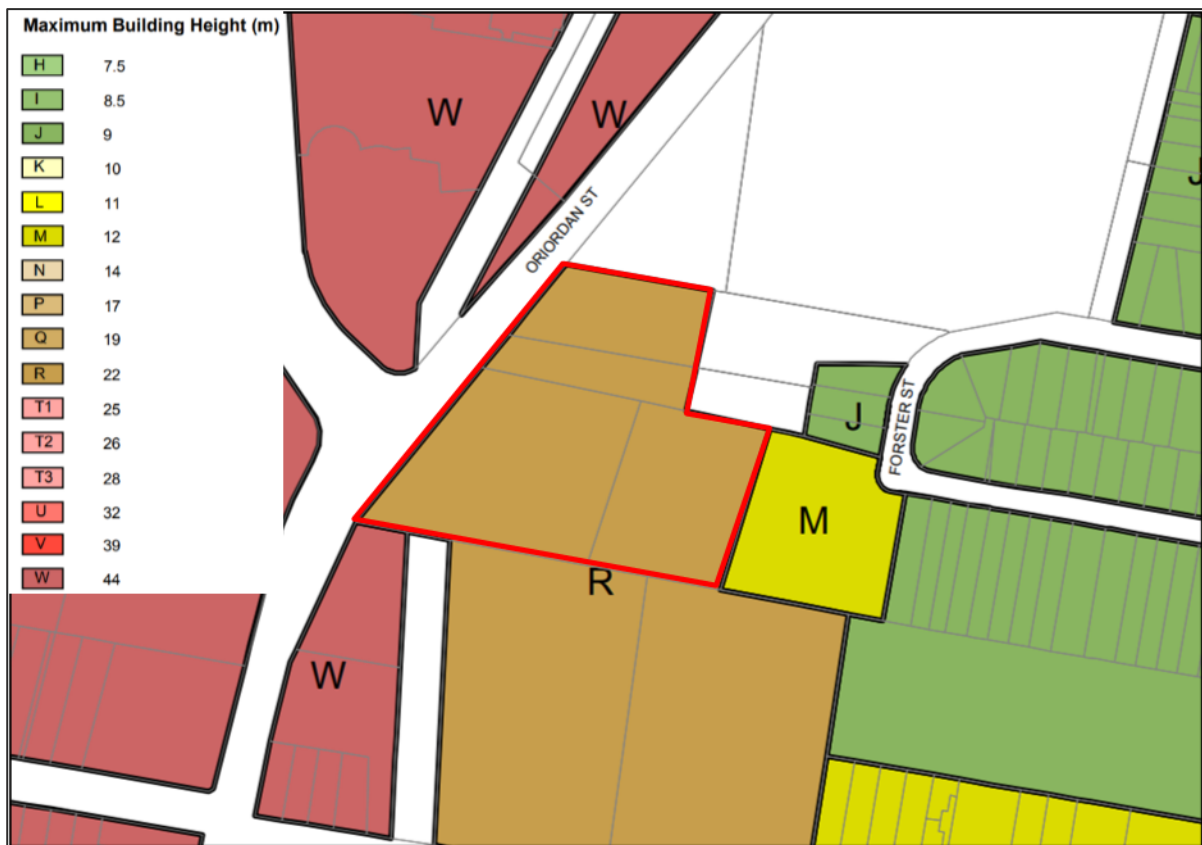


Figure 4: Building Height Map

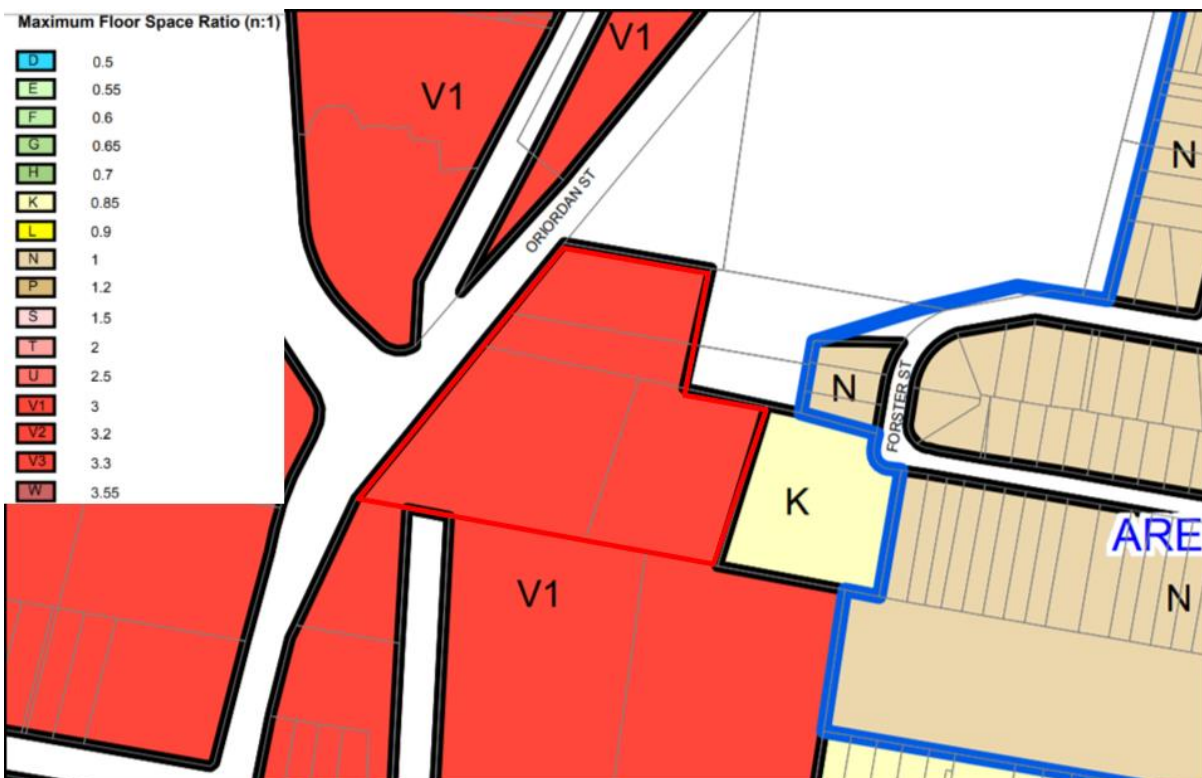


Figure 5: Floor Space Ratio Map

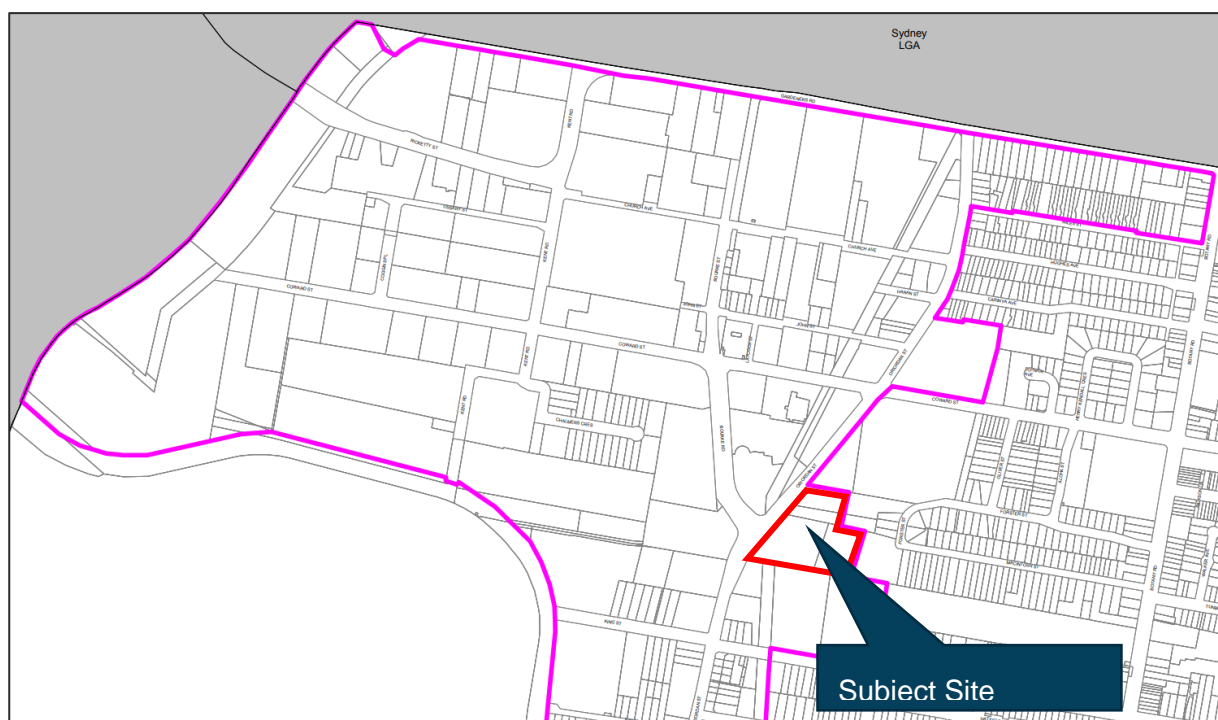


Figure 6: Key Sites Map (Mascot Station Precinct)

1.5 Objectives of planning proposal

The objectives of the planning proposal are to:

- Amend Bayside LEP 2021 controls to allow for more appropriate height controls along O’Riordan Street; and
- Provide for the orderly and economic development of land.

The planning proposal states that it intends to provide for a 44 metre height control which will result in a more balanced building form which transitions across the site to 22 metres to mitigate impacts towards lower density properties to the east.

The planning proposal considers it will provide for orderly and economic development by enabling the existing permitted density, a maximum FSR of 3:1, to be achieved while still maintaining a transition of building heights across the site. See Part 3 and 4 for more detail about the proposed development concept.

The objectives and intended outcome of this planning proposal are clear and adequate.

1.6 Explanation of provisions

The planning proposal intends to amend Bayside LEP 2021 by increasing the maximum building height shown for the land from 22m to 44m at the western part of the site.

The proposal will also amend the Height of Buildings Map to identify the part of the site which will retain the 22m height limit as ‘Area 3’.

The planning proposal also seeks to amend the Bayside LEP 2021 to include a site specific Building Height Plane clause applying to the part of the site identified as ‘Area 3’. The clause is suggested to be worded as follows:

(2D) Despite subclause (2), the area of land identified as “Area 3” is subject to a 45 degree Building Height Plane that is measured on the northern boundary at a height of RL19 and a height of RL26 on the eastern boundary.

The building height plane clause seeks to ensure that appropriate setbacks are achieved in the eastern portion of the site. The building height plane clause is considered to ensure that a suitable transition is provided from the heritage listed Mascot Oval to the north and the medium density residential area to the east.

The Urban Design Report (**Attachment D1**) contains several diagrams demonstrating the intent of the building height plane clause. Figures 7-8 below depict the intended outcome of the clause on Buildings C and D.

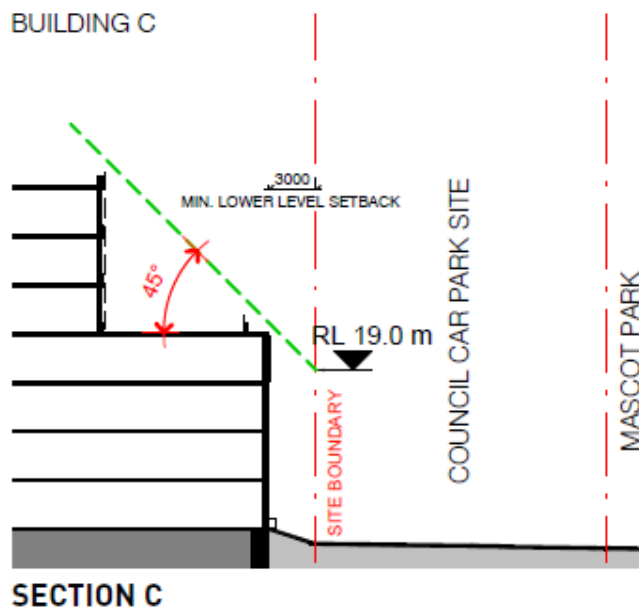


Figure 7 – Building height plane diagram Building C (Source: Urban Design Report)

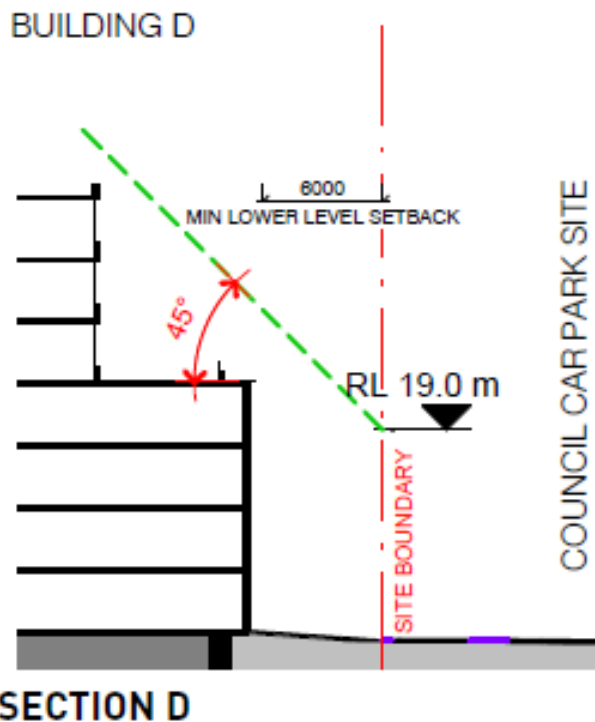


Figure 8 – Building height plane diagram Building D (Source: Urban Design Report)

The planning proposal generally contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.7 Mapping

The planning proposal seeks to amend the Height of Buildings Map Sheet HOB_001. The planning proposal includes maps demonstrating the proposed changes, which are suitable for community consultation.

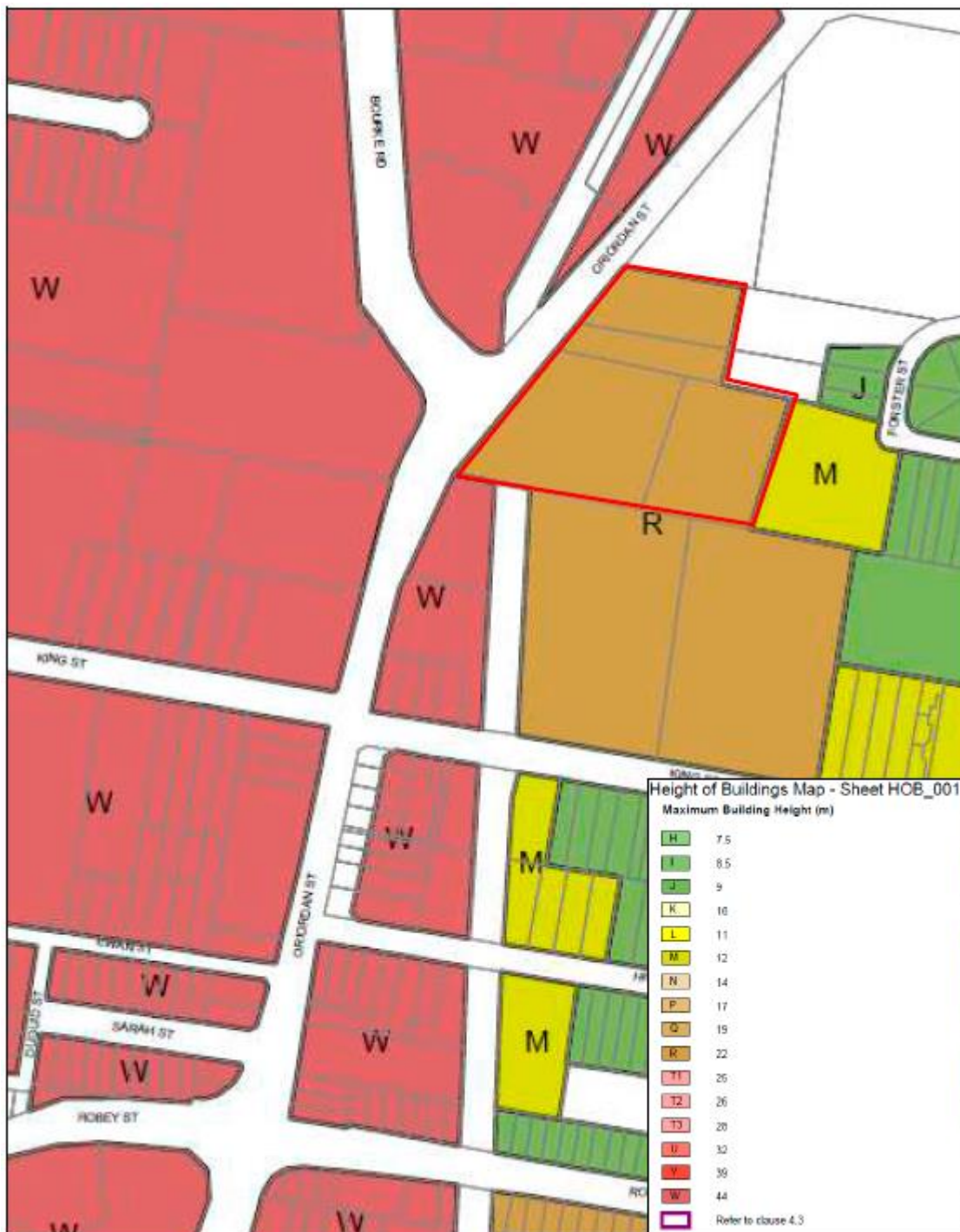


Figure 9 – Existing Height of Building Map

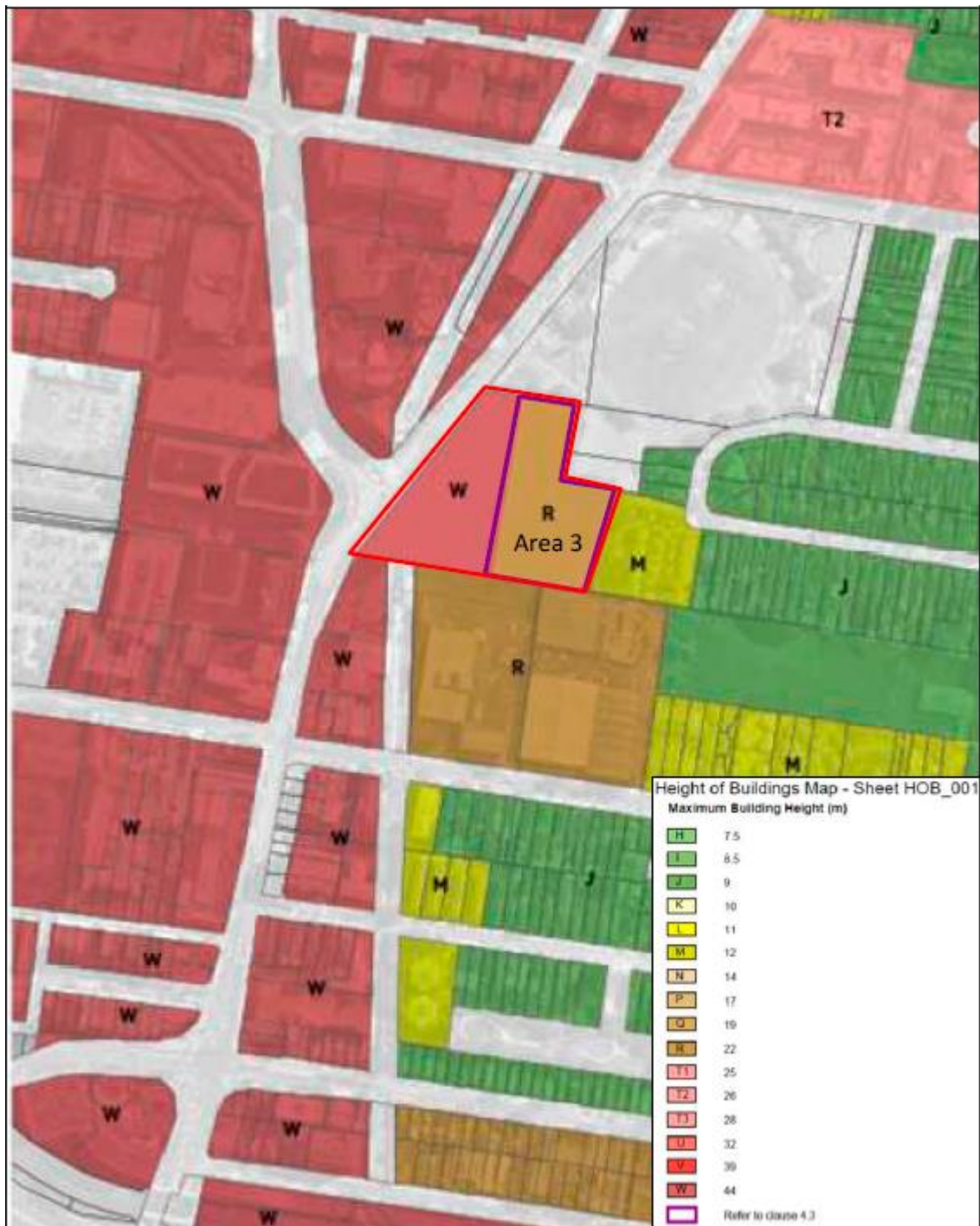


Figure 9: Proposed Height of Building Map

1.8 Background

Development Application

On 10 January 2019, Toplace Pty Ltd lodged development application DA-2019/6 with Bayside Council for the demolition of existing buildings and construction of a mixed use development including two seven storey buildings and two six storey buildings containing 94 hotel rooms, 457 serviced apartments, a restaurant, commercial tenancies and basement parking. The development application has not been determined.

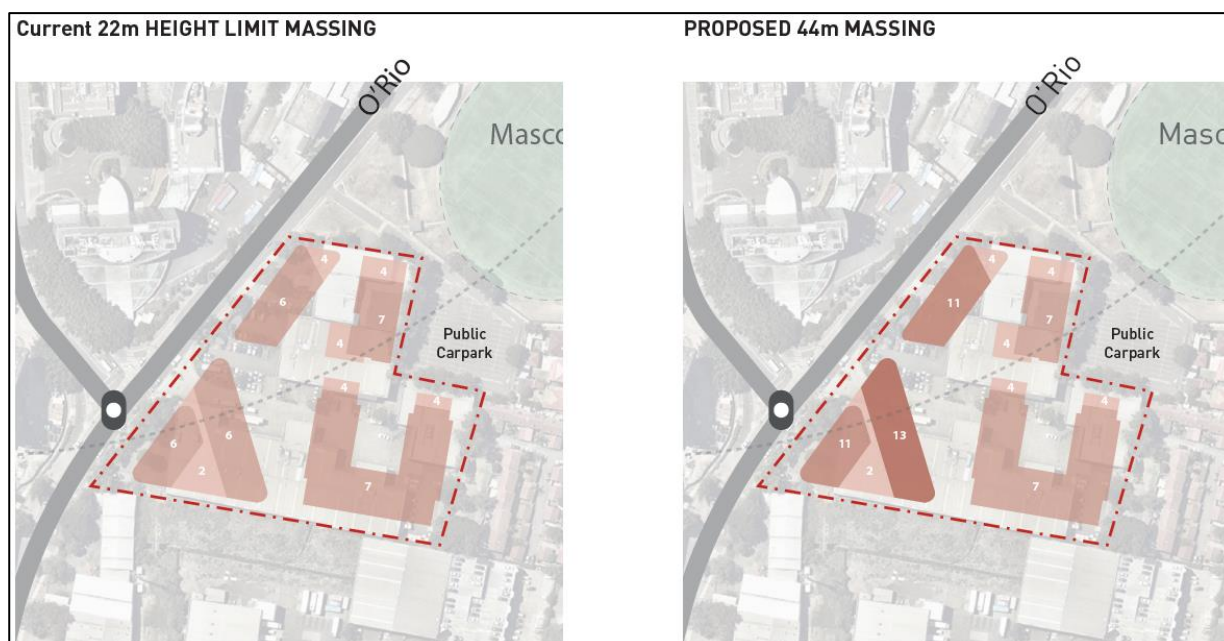


Figure 10: Proposed height of development concept compared to DA-2019/6

Planning Proposal

It should be noted that a separate planning proposal has previously been issued a Gateway determination in 2019. The proposal was publicly exhibited and recommended for approval by Council staff and the Bayside Local Planning Panel (LPP). However, on 9 December 2020, Bayside Council resolved not to progress the proposal to finalisation.

The current proposal was submitted to Council on 18 May 2021 and is generally same as the original proposal, with exception that the subject planning proposal seeks to apply a new building height plane to the northern and eastern side boundaries of the site to provide appropriate building height setbacks to adjoining land.

At its meeting of 3 November 2021, Council considered the current planning proposal resolved not to support the planning proposal proceeding to Gateway (**Attachment E**).

On 24 November 2021, the proponent lodged a rezoning review request with the Department.

On 9 March 2022, the Eastern Sydney Planning Panel considered the rezoning review request. The Panel determined that the proposal should be submitted for a Gateway determination as the proposal demonstrated strategic and site-specific merit (**Attachment F**).

The following table provides a timeline of the history of the planning proposal.

21 December 2018	Original planning proposal lodged with Council.
14 August 2019	Council resolve to support original planning proposal.
17 December 2019	Gateway determination issued.
July – August 2020	Public exhibition.
29 September 2020	Bayside LPP consider submissions and post-exhibition report and recommend that the proposal proceed.
9 December 2020	Council considers submissions and post-exhibition report and resolves not to support the proposal.

18 May 2021	Current planning proposal lodged with Council.
21 September 2021	Bayside LPP recommends that the proposal proceed.
3 November 2021	Council considers the current planning proposal and resolves not to support.
24 November 2021	Rezoning Review request lodged with the Department
9 March 2022	Eastern Sydney City Panel consider the Rezoning Review and recommend it proceed to Gateway determination.

2 Need for the planning proposal

The planning proposal states that the planning proposal is not the direct result of a strategic study but has been prepared in response to an Urban Design Report prepared by PTW Architects and recommends that additional height be permitted at the site for the following reasons:

- Development that would incorporate appropriate building setbacks, landscaping and external circulation areas, would not be capable of achieving the existing maximum permitted FSR of 3:1 within the existing 22m height control;
- An increase in height limit to 44m across the western part of the site would allow approximately 14,200sqm in additional GFA to be distributed in three towers (of 11 and 13 storeys) within the 3:1 FSR control without adverse amenity impacts to the surrounding land;
- The site context includes the 14 storey Pullman Hotel, 11 storey Holiday Inn, Travelodge of 14 storeys and 10 storey commercial development;
- The proposed 44m height is consistent with the control of sites to the south and west along O’Riordan Street, while the subject site’s 22m is an exception;
- Taller buildings will permit views and enhanced passive surveillance of Mascot Park;
- A taller street wall will reduce traffic noise to dwellings to the east;
- A 22m height limit would be retained at the eastern part of the site to provide an appropriate transition to the adjoining medium density residential property; and
- The site’s applicability under Clause 6.10 of Bayside LEP 2021 ensures that a future development must demonstrate design excellence.

The planning proposal is the appropriate and best means to facilitate the intended outcome.

3 Strategic assessment

3.1 Eastern City District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following provides an assessment of the planning proposal against relevant directions and actions.

- The proposal is not considered to adversely impact the value of the adjoining local item of environmental heritage, Mascot Oval, consistent with Planning Priority E6;
- The proposal supports airport-related land uses by permitting a more orderly and economic use of the land, such as the hotel and serviced apartment development envisaged by the planning proposal, consistent with Planning Priority E9;
- The proposal will not allow buildings to penetrate prescribed airspace for Sydney Airport, subject to the required consultation with Sydney Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development stipulated in the recommended conditions of the Gateway determination, consistent with Planning Priority E9; and
- Facilitating greater investment in business opportunities and jobs in the Green Square-Mascot strategic centre, consistent with Planning Priority E11.

3.2 Local Strategic Planning Statement

Council's LSPS sets a 20-year vision to guide Council's renewal and growth to accommodate increased population of residents, workers and visitors to 2036. The Greater Sydney Commission gave formal assurance to Council's LSPS in March 2020. Table 6 includes a discussion of the proposals consistency against the relevant priorities of the LSPS.

Table 6 Local strategic planning assessment

Priorities	Justification
Priority 11: Develop clear and appropriate controls for development of heritage items, adjoining sites and within conservation areas.	The proposal is considered consistent with the priority as it has appropriately considered its surrounding heritage context. The proposal seeks to implement a building height plane clause to mitigate its impact on Mascot Oval to the north.
Priority 12: Deliver an integrated land use and 30-minute city	The proposal is located approximately 550m walking distance from Mascot Station. The proposal will assist in providing jobs and hotel accommodation with excellent public transport access to Sydney Airport and the CBD.
Priority 15: Growing investment, business opportunities and jobs in Bayside's strategic centres.	The proposal actively seeks to protect employment generating land uses at the site. The proposal indicates an intensification of employment uses in the Mascot Station Precinct and is anticipated to result in approximately 630-700 full time equivalent jobs upon completion.

3.3 Local planning panel (LPP) recommendation

The Bayside Local Planning Panel (LPP) considered the current planning proposal on 21 September 2021. After considering the Council staff report the following recommendation was made to Council:

- The Bayside Local Planning Panel notes that a previous LPP supported the Planning Proposal to proceed to Gateway but noted the need for further investigation to ensure that the increased height proposed did not result in adverse impacts to Mascot Oval. The particular concern related to the risk that the increased height could have a bulky, overbearing appearance from the Oval.
- Having considered the additional information provided by the Applicant, in defining specific Building Height Planes, the Panel is satisfied that the Planning Proposal will result in an appropriate relationship with the public domain including Mascot Oval and that an extension of the building height plane along the entire northern boundary is not warranted.
- The existing 22 metre height limit along the O’Riordan Street frontage is an anomaly in this area and the increase to 44m is consistent with existing controls, adjoining developments and in keeping with the character of the location.
- The Planning Proposal is consistent with the strategic planning framework and promotes growth of the Green Square-Mascot strategic centre
- The Bayside LPP recommends to Council that pursuant to s3.33 of the *Environmental Planning and Assessment Act 1979* the draft Planning Proposal for land known as 146-154 O’Riordan Street, Mascot be submitted to the Department of Planning, Industry and Environment for a Gateway determination.
- The Bayside LPP recommends to Council 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.

3.4 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Justified	<ul style="list-style-type: none"> • The Direction seeks to ensure that planning proposals do not result in unnecessarily restrictive site-specific planning controls. • The Direction applies as the proposal seeks to enable a particular development to be carried out and includes an amendment which seek to establish a building height plane clause. • The building height plane has undergone extensive testing in accordance with the Bayside LPP’s recommendation. • The building height plane clause seeks to ensure greater certainty for the community in the potential development outcome at the site and ensures the protection of the adjacent heritage listed Mascot Oval. • Any inconsistencies with the direction are considered to be justified and of minor significance.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Yes	<p>The Direction seeks to conserve items, areas, objects and places of environmental heritage significance.</p> <p>The Direction applies as the subject site is located in adjacent to Mascot Oval (Lionel Bowen Park), which is identified as an item of local heritage significance under the Bayside LEP 2021.</p> <p>The planning proposal is supported by a Statement of Heritage Impact (SHI) prepared by Extent Heritage Advisors (Attachment D4).</p> <p>The report concludes the following:</p> <ul style="list-style-type: none"> • The park is to the north-east of the site and as such the proposed height increase would not result in additional overshadowing of the open space or oval; • The park's existing context is highly developed; • The proposed change in height is consistent with the heights on the western side of O'Riordan Street; • The State Heritage Register notes that the park largely does not engage with surrounding high density housing uses and instead has an inward focus, giving it an internal integrity not common in local open space; and • This inward focus of the park, along with its size and corner location, will ensure that the proposal will not adversely affect its heritage significance. <p>The proposal is therefore considered to be consistent with the direction as it has considered its potential impact on nearby items of heritage significance.</p> <p>It is considered that the impacts of the proposal have been designed to be minimal and the existing provisions of the Bayside LEP 2021 will allow for a suitable heritage assessment to be undertaken at the development application stage.</p>
4.4 Remediation of Contaminated Land	Yes	<p>The Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning authorities.</p> <p>The planning proposal is supported by a Detailed Site Investigation, which was undertaken by Trace Environmental (Attachment D8).</p> <p>The investigation concludes that the site can be made suitable for a residential land use following the implementation of a remedial action plan and a data gap investigation to address parts of the site which are presently inaccessible, such as those containing buildings.</p> <p>It is noted that the planning proposal does not seek to amend the sites B5 Business Development zoning and simply seeks an increase in the maximum building height</p> <p>It is also noted that there is an approved development application pertaining to the site for the same uses proposed by the planning proposal.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		The Department is therefore satisfied that the site can be made suitable for the proposed uses.
5.1 Integrating Land Use and Transport	Yes	<p>The Direction seeks to ensure development is appropriately located to improve access and transport choice with access to jobs and services by walking, cycling and public transport.</p> <p>The Direction applies to all planning proposals which seek to alter zoning or provisions relating to urban land, including residential and business uses</p> <p>The proposal is considered to be consistent with the direction as the site is located approximately 500m walking distance from Mascot Station which provides frequent passenger train services and will encourage public transport usage.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Yes	<p>The Direction seeks to ensure the effective and safe operation of regulated airports and that their operation is not compromised by development.</p> <p>The Direction applies as it seeks to alter development standards pertaining to land in proximity to Sydney Kingsford Smith Airport.</p> <p>The Direction requires that permission be obtained from the Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation.</p> <p>The site is located within the 51m AHD OLS contour and proposes a building height of 44m above ground level (existing). The existing ground level in the area of the proposed height increase is approximately 8-11m above AHD. As such, from the information provided it appears that the proposed building height may penetrate the OLS contour affecting the site, which would constitute a controlled activity under the Airports Act 1996.</p> <p>As a controlled activity approval is not for the planning proposal, but rather for a building to penetrate into the prescribed airspace at the site, no further consultation or approval is required with DITRD. Therefore, the proposal is considered consistent with this Direction.</p> <p>Despite this the previous planning proposal was referred to the Department of Infrastructure, Transport, Regional Development and Communications (DITRD) and a controlled activity approval was granted on 22 June 2020 (Attachment D9). Given that this new proposal is no greater in height than that proposed by the previous planning proposal, further consultation is not considered in this regard. Despite this, consultation with Sydney Airport Corporation is still recommended.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 Business and Industrial Zones	Yes	<p>The Direction seeks to protect employment land and encourage employment growth in suitable locations.</p> <p>The Direction applies as the planning proposal seeks to alter development standards related to B5 Business Development zoned land.</p> <p>The proposal is considered to be consistent with the direction as it does not alter the existing business zoning that applies to the site.</p> <p>Additionally, the proposal is considered consistent as it seeks to encourage employment growth in a suitable location in proximity to Mascot Station and Sydney Airport.</p>

3.5 State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Transport and Infrastructure) 2021:

Schedule 3 of the Transport and Infrastructure SEPP outlines the uses and a range of triggers for traffic generating development which is required to be referred to Transport for NSW.

The site is located adjacent to a Classified Road being O’Riordan Street and is likely to result in development that will include greater than 2500m² of commercial floorspace. As such, a condition of the Gateway determination requires that the planning proposal be referred to Transport for NSW.


4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Heritage	<p>The proposal is accompanied by a Statement of Heritage Impact (SHI) (Attachment D4) which addresses the impact of the proposal upon the heritage significance of the adjoining local heritage item, Mascot Park. The SHI concedes that the increased height of buildings to the site’s west would contribute to enclosing the park, but it considers that the retention of the 22m limit to the east would ensure that buildings step down in a sympathetic manner. As a result, the SHI concludes that the impact of the proposal upon the setting of the park and views from it to the surrounding land would be minor.</p> <p>Council’s heritage consultant reviewed the SHI and advised in the Council report dated 3 November 2021 (Attachment E):</p> <ul style="list-style-type: none"> • The park is to the north-east of the site and as such the proposed height increase would not result in additional overshadowing of the open space or oval; • The park’s existing context is highly developed;

Environmental Impact	Assessment
	<ul style="list-style-type: none"> The proposed change in height is consistent with the heights on the western side of O’Riordan Street; The State Heritage Register notes that the park largely does not engage with surrounding high-density housing uses and instead has an inward focus, giving it an internal integrity not common in local open space; and This inward focus of the park, along with its size and corner location, will ensure that the proposal will not adversely affect its heritage significance. <p>As such, the Department endorses the view that the proposal will not result in an unacceptable adverse impact upon the heritage significance of Mascot Park. A detailed assessment of the interface of the proposed development with the park can be effectively undertaken at the development assessment stage.</p>
Over Shadowing	<p>The Urban Design Report (Attachment D1) includes shadow diagrams which compare the overshadowing of the development proposed by DA-2019/6 with the development envisaged by the planning proposal. The shadow diagrams indicate no area of additional overshadowing to the residential dwellings to the east because of the proposed height increase of buildings. Additional areas of overshadowing would occur between 9am and 3pm to the industrial and commercial properties to the south.</p> <p>Since these properties are all in Zone B5 Business Development, and residential dwellings are prohibited, this overshadowing impact is considered acceptable.</p>
Visual Impact	<p>The Urban Design Report (Attachment D1) includes a number of photomontages of the proposed development (Figure 12). The images indicate that the impact of the proposal would be to add additional storeys to the buildings already proposed by DA-2019/6 along the O’Riordan Street frontage.</p> <div data-bbox="486 1205 1348 1877">  <p>Current 22m Massing</p> <p>Proposed 44m Massing</p> </div> <p>Figure 12: Render of proposed development concept looking to the south along O’Riordan Street (the proposed height increase is limited to the towers along the street frontage)</p>

Environmental Impact	Assessment
	<p>Given the proposed 44m building height is oriented along the western frontage to O’Riordan Street rather than across the northern boundary, the visual impact of the proposed building height upon Mascot Park is considered acceptable. The context of O’Riordan Street already incorporates a number of 10-14 storey commercial buildings, with further buildings of 44m permitted on both sides of the road towards Sydney Airport.</p> <p>As such, the proposed building height is considered consistent with the present and desired future built form of O’Riordan Street. The detailed interface of the proposed development with Mascot Park and O’Riordan Street is an appropriate consideration at the development assessment stage.</p>
Flooding	<p>The proposal is accompanied by Preliminary Flood Advice (Attachment D5) which identifies that the subject site is flood affected. The report states that stormwater runoff on the site results from catchment areas within the site and there are no significant flowpaths across the site from external catchments.</p> <p>As the planning proposal does not seek to rezone the site to introduce new permitted uses, and no change to the existing flood provisions of Bayside LEP 2021 is proposed, further consideration of flood impacts is appropriate at the development application stage.</p>
Aircraft Noise	<p>The planning proposal does not seek to permit the introduction of any new sensitive uses to the site that require further consideration as part of this assessment. The provisions of Clause 6.9 Development in areas subject to aircraft noise in Bayside LEP 2021 and the relevant Australian Standards will continue to apply to development applications relating to the site.</p>

4.2 Social and economic

The proposal is not considered to result in any adverse social impacts because:

- No change to the permitted land uses is proposed.
- The additional proposed height will assist in the delivery of employment opportunities for the community.

No significant impacts will occur to the adjoining area of public open space thereby not impacting on the function of the community and its sense of place

The proposal is considered to further the orderly and economic use of the land by enabling the existing permitted GFA to be distributed to a greater height, whilst retaining appropriate building setbacks, landscaping and circulation areas for the proposed development. This will contribute to employment growth and support airport-related land uses consistent with Planning Priority E9 of the Eastern City District Plan.

4.3 Infrastructure

Traffic and Accessibility:

The site is 400m Mascot station which provides frequent passenger train services. Transport for NSW (TfNSW) is presently upgrading O’Riordan Street and Bourke Road in the vicinity of the site, which will improve traffic, pedestrian and bicycle infrastructure. A condition of consent requires consultation with TfNSW. This will provide the opportunity for further consideration of any transport infrastructure concerns

No change to the permitted uses or FSR is proposed. Regardless, the proposal is accompanied by a Traffic and Parking Impact Statement (**Attachment D3**) which concludes that ongoing traffic improvements in the airport precinct are underway in response to the projected development of the area, including the subject site. The statement concludes that the proposed development is in accordance with the existing strategic planning intent (by way of its zoning as B5 Business Development), and as such, the broader impact of development at the site has already been considered.

Given no increase in FSR or change to the permitted land uses is proposed, the Department considers the planning proposal acceptable with regards to traffic impact. Consultation with Transport for NSW is required as a Gateway condition to ensure that the planning proposal is acceptable. Further detailed consideration of the traffic impacts of the development proposal is appropriate at the development assessment stage.

Pedestrian and bicycle access will be substantially improved because of the Airport North Precinct project. The project involves widening O'Riordan Street, a new shared path along the site frontage and re-configuring the intersection at Bourke Road. The detailed assessment of the pedestrian and vehicular interface with the site frontage is appropriate at the development assessment stage.

5 Consultation

5.1 Community

The proposal does not suggest a recommended community consultation period.

An exhibition period of 20 working days is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- Sydney Airport
- Bayside Council.

6 Timeframe

The project timeline proposed has expired. The planning proposal will be required to be updated to include a new project timeline prior to exhibition.

In accordance with the recently released LEP Making Guidelines the proposal is considered to be a standard proposal.

The proposal must be placed on exhibition within 2 months.

A post-exhibition report should be considered by the Panel within 5 months of the date of the Gateway determination

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

As the planning proposal was not supported by Council and is the result of a rezoning review, the Department will remain the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It demonstrates consistency with the strategic planning framework for the Eastern City District Plan and Council's LSPS;
- It will assist in the delivery of additional employment opportunities in a well serviced area near Sydney Airport and other public transport infrastructure; and
- The increased height is in keeping with the built form context of the area and its future desired character, and will have acceptable environmental impacts.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 1.4 Site Specific Provisions are minor and justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
 - Transport for NSW
 - Sydney Airport Corporation
 - Bayside Council
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. The planning proposal must be exhibited 2 months from the date of the Gateway determination.
4. The planning proposal must be reported to the Panel for a final recommendation 5 months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
6. Given the nature of the proposal, the Panel should not be authorised to be the local plan-making authority.



(Signature)

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