

## Gateway Determination

**Planning proposal (Department Ref: PP\_2021\_6388):** to amend Bayside Local Environmental Plan 2021 (Bayside LEP) to increase the maximum FSR from 3:1 to 5.2:1 at 215-235 O’Riordan Street and 3 Ewan Street, Mascot.

I, the Director, Eastern and South Districts at the Department of Planning, Industry 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 (LEP) 2021 to increase the maximum FSR from 3:1 to 5.2:1 at 215-235 O’Riordan Street and 3 Ewan Street, Mascot should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) provide a consolidated urban design package that accurately reflects the final concept scheme with an FSR of 5.2:1 including associated overshadowing diagrams at 9:00am, 12 midday and 3:00pm at 21 June; and
  - (b) provide an updated project timeline.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (c) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (d) 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with Transport for NSW under section 3.34(2)(d) of the Act. Transport for NSW is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. 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 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The planning proposal must be exhibited 4 months from the date of the Gateway determination.
7. The planning proposal must be reported to council for a final recommendation 7 months from the date of the Gateway determination.
8. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 15 day of December 2021.



**Laura Locke**  
**Director, Eastern and South District**  
**Eastern Harbour City**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**