

Gateway Determination

Planning proposal (Department Ref: PP_2022_1147): to amend Bayside Local Environmental Plan 2021 (Bayside LEP) to rezone the land from R2 Low Density Residential to R4 High Density Residential, remove the 450m² minimum lot size, increase the maximum height of buildings from 8.5m to 20.5m and increase the maximum floor space ratio from 0.5:1 to 2:1 at 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 rezone the land from R2 Low Density Residential to R4 High Density Residential, remove the 450m² minimum lot size, increase the maximum height of buildings from 8.5m to 20.5m and increase the maximum floor space ratio from 0.5:1 to 2:1 at 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) include information that clearly demonstrate consistency with, or that any inconsistency is justified and/or of minor significance, for the following section 9.1 Directions:
 - i. 4.1 Flooding - include confirmation from a qualified technical expert that the conclusions in the supporting flooding impact assessment remain valid;
 - ii. 4.4 Remediation of contaminated land - include confirmation from a qualified technical expert that the conclusions in the supporting contamination assessment remain valid; and
 - iii. 4.5 Acid Sulfate Soils - include confirmation from a qualified technical expert that the conclusions in the supporting geotechnical assessment remain valid.
 - (b) include confirmation from a qualified technical expert that the conclusions in the supporting traffic assessment remain valid;
 - (c) include revised 3D perspectives or photomontages of the proposed development when viewed from various adjoining streets and to reflect a consistent built form that maximises the proposed building height controls (to part 7 storeys) the proposed fuller FSR;
 - (d) ensure the proposal documents correctly reference the proposed controls in the explanation of provisions;
 - (e) ensure the proposal documents correctly reflect the current zoning and development standards of the surrounding area under the Bayside LEP 2021; and

- (f) provide hourly shadow diagrams at winter solstice. These revised diagrams will need to clearly demonstrate shadowing impacts and solar access both on the site and to surrounding development to inform community consultation. This should include 3D perspectives of shadowing impacts to the residential development to the south of the site.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
- (b) 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation with APA Group, operator of the Moomba Sydney High Pressure Ethane Pipeline, is required to occur during community consultation. They are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:
- Transport for NSW;
 - Environmental Protection Authority;
 - Environment, Energy and Science Group;
 - Sydney Water; and
 - Ausgrid.
- Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
5. 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)
6. The planning proposal must be exhibited 4 months from the date of the Gateway determination for a minimum period of 20 working/business days.
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.
9. Given the nature of the proposal, Council is not authorised to be the local plan-making authority.

Dated 3 May of 2022.



Amanda Harvey
Executive Director,
Metro East and South
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning