

Gateway Determination

Planning proposal (Department Ref: PP-2022-1337): Increase the maximum height of building and floor space ratio at 152 Bunnerong Road, Eastgardens.

I, the Executive Director of Metro East and South at the Department of Planning 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 2021* to increase the maximum height of building and floor space ratio at 152 Bunnerong Road, Eastgardens should proceed subject to the following conditions:

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority.

The LEP should be completed on or before 24 July 2024.

Gateway Conditions

1. Prior to consultation the planning proposal is to be amended to;
 - a) Include the proposal to add the site to the Design Excellence Map in the explanation of provisions and proposed LEP maps
 - b) Include additional strategic justification currently provided in the addendum provided to the Rezoning Review dated 3 April 2023
 - c) Address Ministerial Direction 4.1 Flooding and provide a flood impact assessment. Consideration should be given to the recommendations of the 2022 NSW Flood Inquiry and the NSW Flood Risk Management Manual 2023;
 - d) Update all figures showing the development scheme to include labels which clearly separate the current proposed LEP amendments from the future parts of the scheme;
 - e) Include a revised traffic assessment which has been updated to:
 - i) Reflect changes to bus services since 2018 and consider potential implications for the proposal and proposed bus interchange upgrades
 - ii) review the data to identify how traffic conditions may have changed in post-COVID conditions and consider the potential implications for the proposal
 - iii) address matters raised by TfNSW in scoping advice
 - iv) consider how active transport and walking can be facilitated.
 - f) Include an updated urban design assessment that:
 - i) Provides further solar access and overshadowing analysis for dwellings at 224 and 226 Wentworth Avenue.
 - ii) Provide a plain English explanation of how the proposed built form achieves a reasonable balance between activating the corner and streetscape whilst providing an appropriate transition to the residential area. This should include a comparison with the height transition to the residential area adopted by the Pagewood Green development to the north.

2. The planning proposal should be updated prior to the LEP being made to:
 - a) address consistency with Ministerial Direction 5.1 Integrating Land Use and Transport and include the outcome of consultation with TfNSW and any refinements to the proposal that may have resulted. This should include, but not be limited to:
 - i) information on any agreement with TfNSW and Council in relation to a Reference Design for the bus interchange
 - ii) proposed mitigation measures surrounding intersection upgrades be developed into a concept stage to demonstrate feasibility
 - b) address consistency with Ministerial Direction 5.3 Development near Regulated Airports and Defence Airfields and the outcome of consultation, including requirements for approvals from the relevant Commonwealth department.
 - c) Include a complete set of draft LEP maps.
3. 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 Guideline* (Department of Planning and Environment, August 2023) 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 Guideline* (Department of Planning and Environment, August 2023).

Exhibition must commence before 28 February 2024.

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Transport for NSW
 - NSW Department of Planning and Environment's – Biodiversity and Conservation Division of the Environment Heritage Group
 - Greater Cities Commission
 - NSW State Emergency Service
 - Department of Infrastructure, Transport, Regional Development, Communications and the Arts
 - Civil Aviation Safety Authority
 - Sydney Airport Corporation
 - Relevant Service Providers, including Sydney Water and Ausgrid
 - Randwick Council.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal 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. This LEP should be completed on or before 24 July 2024.

Dated 4 October 2023



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

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