

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2022-1748): to facilitate the development of part of the Cooks Cove precinct by removing the subject land from the operation of Chapter 6 of State Environmental Planning Policy (precincts – Eastern Harbour City) 2021 and insert new planning provisions into Bayside Local Environmental Plan 2021.

I, the Executive Director, 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(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 5 August 2022 for an amendment to the Bayside Local Environmental Plan 2021 to introduce new planning provisions to part of the Cooks Cove precinct for the sites at 13-19A Marsh Street, Arncliffe as follows:

1. Change the description of the planning proposal

from “to facilitate the development of part of the Cooks Cove precinct by removing the subject land from the operation of Chapter 6 of State Environmental Planning Policy (precincts – Eastern Harbour City) 2021 and insert new planning provisions into Bayside Local Environmental Plan 2021.”

to “to facilitate the development of part of the Cooks Cove precinct by removing the subject land from the operation of Chapter 6 of State Environmental Planning Policy (precincts – Eastern Harbour City) 2021 and insert new planning provisions into Bayside Local Environmental Plan for:

- Land to be zoned a combination of SP4 (Enterprise), RE1 (Public Recreation) and SP2 (Infrastructure);
- Maximum building height of RL51 for the majority of the land zoned SP4 (Enterprise) (Blocks 2 and 3), stepping down to RL48, RL44 and RL40 at the southern portion of this zone, and maximum building height of 24m for Block 1 at the north of the site;
- Maximum Gross Floor Area across the site of:
 - Block 1: maximum FSR of 1.25:1 (P2);
 - Blocks 2 and 3 (Area 16) Development is not to exceed:
 - a total of 340,000sqm GFA,
 - 20,000sqm GFA of office premises,
 - 20,000sqm GFA of hotel or motel accommodation and serviced apartments, and
 - 10,000sqm GFA of shops and food and drink premises.
- Additional permitted uses:
- ‘Advertising Structures’ permitted in Block 1; and
- ‘Trade Related Enterprises’ permitted in SP4 land.”

2. Delete:

“condition 1(i)(i)”

and replace with:

a new condition 1(i)(i) “apply to the land proposed to be rezoned to SP4 Enterprise and encompassing the proposed food and drink premises, shops, office, hotel and motel accommodation, serviced apartment, trade- related enterprises and warehouse logistics development; and”

3. Delete:

“condition 1(j)(ii)”

4. Delete:

“condition 1(j)(iii)”

5. Delete:

“condition 1(k)”

6. Delete:

“condition 4”

and replace with: “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 complex 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 30 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).”

7. Delete:

“condition 6”

and replace with: “A public hearing is required to be held into the matter by the Sydney East City Planning Panel under Section 3.34 of the Environmental Planning and Assessment Act 1979.

After the community consultation period has ended, at least 21 days public notice is to be given before the meeting is held.”

Dated 12 April 2023



Amanda Harvey
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Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces