

Exhibition of Planning Proposal 776 & 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot (PP-2023-1805)

The planning proposal seeks to amend Bayside Local Environmental Plan (LEP) 2021 to rezone the sites from E1 Local Centre Zone to R4 High Density Residential zone and increase the permissible height of buildings from 14m to 28m.

Site description

The site is located at 776 & 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot (Figure 1). It has a total area of approximately 5,771m² and is bound by Botany Road to the east, Henry Kendall Crescent to the west and Coward Street to the south. To the north of the site are low-density residential dwellings.

The site comprises five two-storey buildings containing 25 social housing dwellings owned by NSW Land and Housing Corporation (LAHC). The Mascot Ambulance Station owned by NSW Health being a two-storey brick building fronting Botany Road to the north of the social housing.



Figure 1 - Subject site (Source: Nearmap 2023)

What the planning proposal will do

The planning proposal seeks to amend the Bayside LEP 2021 to enable redevelopment to deliver high density residential development of around 130-150 dwellings, with at least 49 new social housing dwellings and 35 affordable housing dwellings.

In summary, it seeks to:

- rezone the site from E1 Local centre to R4 High Density Residential Zone
- increase the permissible height of buildings from 14m to 28m.
- remove the requirement for active street frontages to be located along Botany Road.

What is a planning proposal?

A planning proposal (or “PP”) explains the intended effects of proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is a LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the *Environmental Planning and Assessment Act 1979*.

What are the Council’s, the Sydney Eastern City Planning Panel and the Department’s role in the process?

Bayside Council’s role for this planning proposal

The original version of this planning proposal was submitted to Bayside Council in December 2017, a number of amendments have occurred to the proposal and the final version was considered by Council on 24 May 2023. At that meeting Council resolved to defer consideration of the planning proposal. The proponent subsequently lodged a rezoning review request for the proposal, which resulted in the Sydney Eastern City Planning Panel supporting the progression of the proposal for Gateway determination on 26 September 2023, being appointed the PPA by the Minister’s delegate.

Council is now considered a key stakeholder and will be consulted as part of the public exhibition process.

Sydney Eastern City Planning Panel's role for this proposal

The Sydney Eastern City Planning Panel (the Panel) acts as the independent body in rezoning reviews within the Bayside Local Government Area. Given Council failed to provide support for the planning proposal within the mandatory time period, the Panel was requested by the proponent to review the rezoning request.

The Panel determined that the proposed demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the Planning Proposal Authority, and therefore responsible for preparing the package of planning proposal documents for public exhibition and running public consultation. The Panel will consider public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the local plan-making authority).

On 11 November 2023, the planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 16 November 2023 stating the proposal should proceed subject to conditions, including public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after public exhibition. At this stage, further amendments to the proposal may be made in response to matters raised by community members or public authorities. The Department is the Local Plan-Making Authority and will determine if the LEP amendment will be made.

Additional information about the planning proposal

More information about the proposal and details about how you can get involved can be found on the NSW Planning Portal. Go to www.planningportal.nsw.gov.au/rezoning-reviews/under-exhibition/botany-road-mascot-planning-proposal.

How to make submissions

Submissions on the planning proposal should be made to the Department through the NSW Planning Portal. Go to www.planningportal.nsw.gov.au/rezoning-reviews/under-exhibition/botany-road-mascot-planning-proposal.

Your submission must be lodged by 5pm on **1 February 2024** and must include:

- if the submission relates to the planning proposal
- a statement on whether you support or object to the proposal; and
- the reasons why you support or object to the proposal.

Persons lodging submissions must declare reportable political donations (including donations of \$1000 or more) made in the previous two years.

Your personal information is protected under the Privacy and Personal Information Act 1998.

We may publish any personal information you have included in your submissions on a proposal. Do not include any personal information in your submission that you do not want published. If you do not want your name and address to be made public, please ensure you tick the relevant box and clearly state this on the front page of your submission. Making a submission is entirely voluntary and you are under no obligation to provide us with any of your personal information, except as otherwise required by law.

Who should I direct my Planning Proposal inquiries to?

For questions relating to the planning proposal, please contact Amy van den Nieuwenhof on (02) 9274 6439.

What is a Planning Proposal Authority?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review the Sydney Eastern City Planning Panel is the Planning Proposal Authority and the Department will be the Local Plan-Making Authority.

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LMPA undertakes the statutory functions in making the LEP.