

Gateway Determination

Planning proposal (Department Ref: PP-2022-2456): to amend the Bayside Local Environmental Plan 2021 to facilitate a mixed use residential development at 187 Slade 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 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 amend the Bayside Local Environmental Plan 2021 to facilitate a mixed use residential development at 187 Slade Road, Bexley North, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) provide a plain English explanation of a future LEP provision that seeks to allow consideration of the NSW Land Use Safety Planning Framework and the land use safety study risk assessment (LUSS), prepared by Arriscar, at the development application stage. Specifically, this provision will need to:
 - (i) ensure any proposed sensitive land uses are restricted, including seniors housing, hospitals, educational establishments and early education and care facilities; and
 - (ii) ensure notification to and consideration of any comment from the Department prior to the issuing of any development consent for these specified developments by the consent authority.
 - (b) clarify how the planning proposal addresses the existing land reservation for a 'local road' on the southern portion of the site;
 - (c) ensure that the intended uses are consistently referenced in all documentation. It is understood these include a 'pub' and 'hotel and motel accommodation';
 - (d) include a single consolidated urban design package and associated concept scheme that:
 - (i) reflects the intended uses of the site, including car parking. This should be clearly demonstrated in built form cross section diagrams;
 - (ii) identifies the number of dwellings the proposal seeks to facilitate;
 - (iii) applies a single floor space ratio to the entire site which is consistent with the density of the proposed split maximum floor space ratios;
 - (iv) better illustrates solar access provided to the proposed internally located publicly accessible laneway/open space;
 - (v) cross-section and massing diagrams showing the development concept in the context of potential future development on surrounding land which complies with existing LEP provisions;
 - (vi) detailed solar access diagrams which:
 - clearly demonstrates overshadowing to existing residential development to the immediate south;
 - demonstrate compliant solar access of the land to the immediate west (Council owned car park); and

- demonstrate compliant solar access can be achieved to a compliant development scheme to the immediate west of the site (Council owned car park).
 - (vii) clarify the provision of deep soil areas in accordance with State Environmental Planning Policy No.65 —Design Quality of Residential Apartment Development and the Apartment Design Guide; and
 - (viii) further tests the suitability of the 9 to 10 storey parts of the proposal to minimise overshadowing to communal open space.
 - (e) include and address supporting flood impact assessment to justify the proposal's consistency against Section 9.1 Ministerial Direction 4.1 Flooding's requirements. This flooding assessment will need to be provided in a single consolidated package;
 - (f) ensure the traffic impact assessment accurately reflects the proposed uses of the site and the development concept scheme;
 - (g) discuss the mechanism for how public access will be secured to the internal laneway/open space;
 - (h) apply Clause 6.16 - Development requiring the preparation of a Development Control Plan of the Bayside LEP 2021 to the site; and
 - (i) ensure the recently introduced employment zones are accurately referenced and identified.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a maximum 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, 2022).
- Exhibition should commence within 3 months following the date of the Gateway determination.
3. 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 EP&A Act:
- i. Transport for NSW;
 - ii. APA Group – operator of the Moomba Sydney High Pressure Ethane Pipeline;
 - iii. Ausgrid;
 - iv. Sydney Water;
 - v. NSW State Emergency Service; and
 - vi. NSW Department of Planning and Environment's Environment and Heritage Group.
- 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.
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. Given the nature of the proposal, Bayside Council is not authorised to be the local plan-making authority.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway Determination.

Dated 30th of May 2023



Amanda Harvey
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East and South
Department of Planning
and Environment
Delegate of the Minister for
Planning and Public
Spaces