

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-1805):** amend Bayside LEP 2021 relating to land at 776 & 792-794 Botany Road and 33-37 Henry Kendall Crescent, Mascot to rezone the site from E1 Local Centre to R4 High Density Residential, increase the maximum building height from 14m to 28m and remove active street frontage requirements.

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 facilitate the redevelopment of the site for the purposes of a mixed residential development should proceed subject to the following conditions:

### Gateway Conditions

1. The planning proposal is to be updated to:
  - (a) remove the proposed provision which requires the preparation of a site specific Development Control Plan
  - (b) address Section 9.1 Ministerial Direction 4.1 Flooding.
  - (c) address consistency with Section 9.1 Ministerial Direction 4.4 Remediation of Contaminated Land, by providing a preliminary site investigation carried out in accordance with the contaminated land planning guidelines.
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 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).
3. Consultation with NSW Health, as the landowner of part of the site, is required.
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:
  - Bayside Council
  - NSW Health (as landowner)
  - Transport for NSW.

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. The LEP should be completed by 15 August 2024.

Dated 15 November 2023



**Amanda Harvey**  
**Executive director, Metro East and South**  
**Planning Land Use Strategy and Housing**  
**Department of Planning and Environment**

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