

# ATTACHMENT C

## ATTACHMENT C

**GATEWAY DETERMINATION DATED  
28 MARCH 2013 AND ACCOMPANYING  
COVER LETTER AND DOCUMENTATION**



# ATTACHMENT C



Planning &  
Infrastructure



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Our ref: PP\_2013\_SYDNE\_002\_00 (13/04783)  
Your ref: 2013/066567

Ms Monica Barone  
General Manager  
City of Sydney Council  
GPO Box 1591  
SYDNEY NSW 2001

Dear Ms Barone,

## Planning proposal to amend Sydney Local Environmental Plan (LEP) 2012 and South Sydney LEP 1998

I am writing in response to Council's letter dated 28 February 2013 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to correct a number of minor errors found within the provisions of Sydney Local Environmental Plan (LEP) 2012 and South Sydney LEP 1998 under section 73A of the EP&A Act.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed under section 73A and subject to the conditions in the attached Gateway determination.

While I support the planning proposal proceeding under section 73A, Council's proposal to delete subclause 6.11(2)(c) which allows a discount on heritage floor space for existing buildings is not considered to be of a minor nature and is not supported to proceed under section 73A. Council is to remove the request to delete subclause 6.11(2)(c) from the planning proposal and consider pursuing this amendment as a future proposal.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

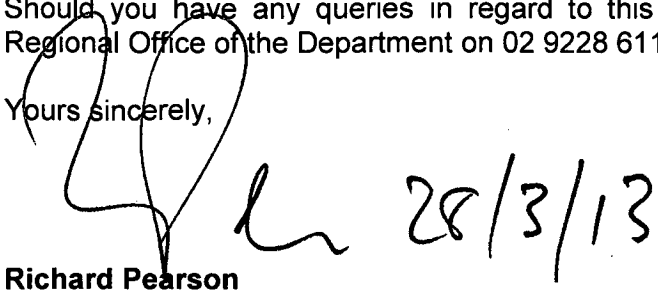
The amending LEP is to be finalised within 3 months of the week following the date of the Gateway determination. As it has been determined this is a minor amendment under section 73A, public exhibition and agency consultation is not required in this instance. As the timeframe for this amendment is 3 months, Council is to request Parliamentary Counsel's Office commence drafting the instrument immediately. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

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Should you have any queries in regard to this matter, please contact Daniel Cutler of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



**Richard Pearson**  
**Deputy Director General**  
**Planning Operations and Regional Delivery**



## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_SYDNE\_002\_00): to correct minor drafting errors in Sydney LEP 2012 and South Sydney LEP 1998.**

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to correct a number of minor errors found within the provisions in Sydney Local Environmental Plan (LEP) 2012 and South Sydney LEP 1998 under section 73A of the EP&A Act should proceed subject to the following conditions:

1. This is a minor matter that can be dealt with under section 73A of the Environmental Planning and Assessment Act 1979 ("EP&A Act"). However, Council's proposal to delete subclause 6.11(2)(c) is not considered to be of a minor nature and is not supported to proceed under section 73A. Council is to amend the planning proposal to remove the proposal to delete subclause 6.11(2)(c) prior to making its request to Parliamentary Counsel to draft the LEP.
2. No community consultation is required under sections 56(2)(c) and 57 of the EP&A Act.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act.
5. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated

28

day of

March

2013.

**Richard Pearson  
Deputy Director General  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and  
Infrastructure**


**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

City of Sydney Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_SYDNE_002_00	Planning proposal to correct a number of minor errors found within the provisions of Sydney Local Environmental Plan (LEP) 2012 and South Sydney LEP 1998 under section 73A of the EP&A Act.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated

2013

*Richard Pearson*  
**Richard Pearson**  
**Deputy Director General**  
**Planning Operations and Regional Delivery**  
**Department of Planning and Infrastructure**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2013_SYDNE_002_00
Date Sent to Department under s56	28/02/2013
Date considered at LEP Review Panel	21/03/2013
Gateway determination date	28/03/2013

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information: