

ATTACHMENT E

ATTACHMENT E

**GATEWAY DETERMINATION
DATED 22 JANUARY 2014**



Ms Monica Barone
Chief Executive Officer
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

13/20177

Dear Ms Barone

Planning proposal to amend Sydney Local Environmental Plan 2012

I am writing in response to your Council's letter 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 amend the Sydney Local Environmental Plan 2012. The proposed amendment seeks to rezone various properties from *R1 General Residential* to *B4 Mixed Use* and increase the maximum building height from 15m to 22m within the Waterloo Park precinct, generally bounded by McEvoy, George, Bourke and Young Streets, Waterloo.

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

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has 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.

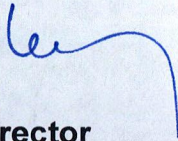
The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to the Parliamentary Counsel's Office 6 weeks prior to the projected publication date. 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.

ATTACHMENT E

Should you have any queries in regard to this matter, please contact Wayne Williamson of the Metropolitan Delivery office of the Department on (02) 8575 4105

Yours sincerely



**Director
Metropolitan Delivery
Growth Planning & Delivery**

Gateway Determination

Planning proposal (Department Ref: PP_2013_SYDNE_010_00): to rezone 32 lots from R1 General Residential to B4 Mixed Use and increase the maximum building height from 15m to 22m for 14 lots within the Waterloo Park precinct, generally bounded by McEvoy, George, Bourke and Young Streets, Waterloo.

I, the Director, Metropolitan Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 that an amendment to the Sydney Local Environmental Plan (LEP) 2012 to rezone various properties from *R1 General Residential* to *B4 Mixed Use* and increase the maximum building height from 15m to 22m within the Waterloo Park precinct, generally bounded by McEvoy, George, Bourke and Young Streets, Waterloo should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
2. Consultation is required with Transport for NSW, Roads and Maritime Services and Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. Agencies are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
4. Council amends the project timeline of the planning proposal in accordance with the anticipated commencement date occurring in January 2014.



5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 22ND day of JANUARY 2014.

Lee

**Director
Metropolitan Delivery
Growth Planning & 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_010_00	Planning proposal to rezone 32 lots from <i>R1 General Residential</i> to <i>B4 Mixed Use</i> and increase the maximum building height from 15m to 22m for 14 lots within the Waterloo Park precinct, generally bounded by McEvoy, George, Bourke and Young Streets, Waterloo.

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

Dated 22nd January 2014

**Director
Metropolitan Delivery
Growth Planning & Delivery
Department of Planning and Infrastructure**