

## **ATTACHMENT F**

**GATEWAY DETERMINATION  
DATED 3 FEBRUARY 2015**



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

15/01861

Dear Ms Barone

**Planning Proposal to amend Sydney Local Environmental Plan 2012**

I refer to 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 proposal seeks to amend the maximum building height and floor space ratio controls at 904 Bourke Street, Zetland.

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


The Minister delegated 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 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 of Planning and Environment 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.

If you have any further enquiries about this matter, I have arranged for Mr Wayne Williamson of the Department of Planning and Environment to assist you. Mr Williamson can be contacted on telephone number (02) 8575 4121.

Yours sincerely



3.2.15

**Tim Archer**  
**Acting Director, Metropolitan Delivery (CBD)**  
**Planning Services**

Encl. – Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_SYDNE\_003\_00):** to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to amend the maximum building height and floor space ratio controls at 904 Bourke Street, Zetland.

I, the Director, Metropolitan Delivery at the Department Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to Sydney Local Environmental Plan (LEP) 2012 to amend the maximum building height and floor space ratio controls at 904 Bourke Street, Zetland, 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 routine as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **28 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 (former Department of Planning & Infrastructure 2013)*.
2. Consultation is required under section 56(2)(d) of the EP&A Act with:
  - Transport for NSW;
  - Roads and Maritime Services;
  - Office of Environment and Heritage;
  - Sydney Water; and
  - Sydney Airport.

Public authorities 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. The planning proposal should respond to this consultation.

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. Prior to exhibition, the planning proposal should be amended to expand the possible basement uses to "Commercial premises and Storage premises".

5. Prior to exhibition, the planning proposal is to be revised to demonstrate consistency with *A Plan for Growing Sydney*, released on 14 December 2014.
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 3<sup>rd</sup> day of February 2015.



Acting Director  
Metropolitan Delivery (CBD)  
Planning Services  
Department Planning and Environment  
Delegate of the Minister for Planning



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

City of Sydney Council is authorised to exercise the functions of the Minister for Planning 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_2015_SYDNE_003_00	Planning proposal to amend the maximum building height and floor space ratio controls at 904 Bourke Street, Zetland.

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 3 February 2015

**Acting Director  
Metropolitan Delivery (CBD)  
Planning Services  
Department of Planning and Environment  
Delegate of the Minister for Planning**