

# ATTACHMENT B

## ATTACHMENT B

**GATEWAY DETERMINATION,  
DATED 4 JUNE 2015**





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

15/07072

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, to include an additional permitted use for 120 Victoria Street, Potts Point.

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.

It is noted that Council seeks to permit hotel or motel accommodation as an additional permitted use for the subject land. Although the proposal is supported in this instance, the Department's preference is to allocate land use zones that reflect the intended use of the land, instead of using Schedule 1. I encourage Council to consider using this approach for any future planning proposals.

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 9 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.

# ATTACHMENT B

If you have any further enquiries about this matter, please contact Mr Wayne Williamson on telephone number (02) 8575 4121.

Yours sincerely

  
**Lee Mulvey**  
**Director, Metropolitan Delivery (CBD)**  
**Planning Services**

4/6/15

Encl. – Gateway determination



## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_SYDNE\_004\_00):** to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to include an additional permitted use for 120 Victoria Street, Potts Point.

I, the Director, Metropolitan Delivery (CBD) at the Department of 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 include an additional permitted use for 120 Victoria Street, Potts Point, 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 (former Department of Planning & Infrastructure 2013)*.
2. Consultation with public authorities is not required under section 56(2)(d) of the EP&A Act.
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. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 4th day of June 2015.

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