

ATTACHMENT B

**GATEWAY DETERMINATION,
NSW DEPARTMENT OF PLANNING
AND ENVIRONMENT,
21 JANUARY 2015**



**Planning &
Environment**

ATTACHMENT B



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

14/20174

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* (the Act) in respect of the planning proposal to amend the Sydney Local Environmental Plan 2012. The proposed amendment seeks to remove the current maximum height and floor space ratio controls for all properties in the Millers Point heritage conservation area and insert new local clauses to make a building's existing height and floor space ratio the maximum height and floor space ratio.

As delegate of the Minister for Planning, I have now determined the planning proposal should be resubmitted with additional information as detailed in the attached Gateway determination.

The intention of the proposal to protect the heritage significance and conservation values of the Millers Point properties is supported, however, the reasons for applying the proposed restrictions require further justification in light of the State heritage controls that already apply to the conservation area.

I understand the City of Sydney Council will work closely with the Office of Environment and Heritage to respond to their initial comments on the proposal. The Department of Planning and Environment is available to work with Council and the Heritage office on this matter.

If you have any further enquiries about this matter, please contact Mr Wayne Williamson at the Department's Metropolitan (CBD) office on (02) 8575 4121.

Yours sincerely

a.w. alb 21-1-2015

Ashley Albury
A/Executive Director
Regions, Planning Services




Gateway Determination

Planning proposal (Department Ref: PP_2014_SYDNE_009_00): to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) for the Millers Point heritage conservation area.

I, the Executive Director, Regions 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 remove the current maximum height and floor space ratio controls for all properties in the Millers Point heritage conservation area and insert new local clauses to make a building's existing height and floor space ratio the maximum height and floor space ratio, should be resubmitted after being amended to comply with the following conditions:

1. The planning proposal is to be amended to include:
 - a. a detailed inventory of controls currently applying to all properties in the conservation area and further justification for why the existing local planning controls and State heritage controls are not considered sufficient to protect the conservation area; and
 - b. justification for including non-heritage items and private properties in the planning proposal.

Dated 20 day of January 2014.


Ashley Albury
A/Executive Director
Regions, Planning Services

Delegate of the Minister for Planning