

ATTACHMENT D

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**GATEWAY DETERMINATION,
19 DECEMBER 2016**



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

Our ref: PP_2016_SYDNE_009_00 (16/14158)

Dear Ms Barone,

Planning proposal PP_2016_SYDNE_009_00 – Gateway Determination

I am writing in response to your Council's letter dated 26 October 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase building height from 12 metres to RL 17.0 – 35.5 metres and amend site specific provisions to allow additional floor space at 2-32 Junction Street, Forest Lodge.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.



Should you have any queries in regard to this matter, I have arranged for Ms Mary Su of the Department's regional office to assist you. Ms Su can be contacted on (02) 9373 2807.

Yours sincerely

A handwritten signature in black ink, appearing to read "Stephen Murray".

19 December 2016

Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2016_SYDNE_009_00): to increase building height and amend site specific provisions to allow additional floor space at 2-32 Junction Street, Forest Lodge.

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Sydney Local Environmental Plan 2012* should proceed subject to the following conditions:

1. Prior to community consultation, Council is to:
 - (a) update the planning proposal to include a heritage assessment of the site;
 - (b) revise the planning proposal to demonstrate consistency with the draft Central District Plan, released on 21 November 2016;
 - (c) remove draft clauses and drafting instructions from the planning proposal and include a plain english explanation of the intended planning outcomes; and
 - (d) update the first objective of the planning proposal to clarify the provision of public accessible open space and links through the site is part of an incentive for additional floor space for redevelopment of the subject site.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal 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 (Department of Planning and Environment 2016)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - Roads and Maritime Services

Each public authority is 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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).



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

Dated *19th* day of *December* 2016


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission