

Attachment C

**Gateway Determination dated 31 July 2018
and Alteration dated 5 July 2019**



Monica Barone
Chief Executive Officer
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2000

Dear Ms Barone

Planning proposal PP_2018_SYDNE_002_00 to amend Sydney Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to list 255 Broadway, Glebe as a heritage item and increase the maximum building height and floor space ratio for the site at 225-279 Broadway Glebe.

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

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 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.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Mary Su to assist you. Ms Su can be contacted on 9373 2807

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amanda Harvey', with a large, stylized flourish at the end.

31/07/18

Amanda Harvey
Director, Sydney Region East
Planning Services

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2018_SYDNE_002_00): to list 255 Broadway, Glebe as a heritage item and increase the maximum building height and floor space ratio for the site at 225-279 Broadway Glebe.


I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan (LEP) 2012 should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to:
 - (a) demonstrate consistency with the Greater Sydney Region Plan and the Eastern City District Plan; and
 - (b) update the project timeline outlining the anticipated timeframes for the plan-making process.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW
 - Roads and Maritime Services
 - Office of Environment and Heritage

Each public authority/organisation 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 3.34(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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *31st* day of *July* 2018.



Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2018_SYDNE_002_00)

I, Director Regions, Sydney Region East at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 31 July 2018 for the proposed amendment to the Sydney Local Environmental Plan 2012 as follows:

1. Delete:

“condition 4”

and replace with:

a new condition 4: “The time frame for completing the LEP is by 30 April 2020”

Dated 5th day of July 2019.



Amanda Harvey
Director Regions, Sydney Region East
Planning Services
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning
and Public Spaces**