

# **Attachment D**

**Gateway Determination, Letter to Council  
and Approval to Exhibit**

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_SYDNE\_005\_00):** to amend the floor space ratio, building height, active frontages and site-specific controls at 12-22 and 24 Rothschild Ave, Rosebery

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) reference the appendices;
  - (b) reflect a consistent building envelope in the planning proposal and appendices;
  - (c) demonstrate that the development can achieve the development standards in State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
  - (d) include overshadowing diagrams;
  - (e) provide further explanation for the extinguishment of Clauses 6.14 and 6.21 of Sydney LEP 2012 for Lot 1 DP 456612, Lot 2 DP 456612, Lot 410 DP 7534, Lot 456 DP 7534 (Site H), including how this may affect future development potential of this allotment;
  - (f) address Direction 4.3 Flood Prone Land;
  - (g) include an analysis of the potential loss of service of the nearby road intersections as a consequence of development in accordance with the proposal;
  - (h) update the project timeline to reflect the anticipated timeframes for the plan-making process; and
  - (i) provide an updated FSR Map Sheet 18 to remove the community infrastructure Clause 6.14 from applying to 24 Rothschild Avenue, Rosebery (Site H).
2. The revised planning proposal is to be provided to the Department for review and approval prior to community consultation.



## Planning & Environment

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and 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).
4. 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; and
  - 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.
5. 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).
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 5<sup>th</sup> day of November 2018.

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

**Delegate of the Greater Sydney Commission**



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

Dear Ms Barone

**Planning proposal PP\_2018\_SYDNE\_005\_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) and additional information received on 28 September 2018 in respect of the planning proposal to amend the building height, floor space ratio and active street frontages for 12-22 and 24 Rothchild Avenue, Rosebury.

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.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority due to the implications of the requested site-specific conditions.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 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 Kate Masters to assist you. Ms Masters can be contacted on 02 9274 6321.

Yours sincerely

**Amanda Harvey**  
**Director, Sydney Region East**  
**Planning Services**

Encl: Gateway determination



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

Dear Ms Barone

I refer to Council's revised planning proposal (PP\_2018\_SYDNE\_005\_00) dated 24 December 2018, which seeks to amend the building height, floor space ratio, community infrastructure, design excellence and the active street frontage provisions for the site at 12-22 and 24 Rothchild Avenue, Rosebury.


I note that the proposal has been revised in accordance with Condition 1 of the Gateway determination issued 5 November 2018.

I have considered the revised planning proposal, including the schematic design testing prepared by Council, and the planning proposal is now suitable for public exhibition in accordance with Condition 2 of the Gateway determination.

I note Council's further request to be the local plan making authority. Given the proposed amendments relate to the community infrastructure provisions under the LEP, Council will not be granted local plan making authority.

If you have any further questions in relation to this matter, I have arranged for Ms Kate Masters to assist you. Ms Masters can be contacted on 9274 6321.

Yours sincerely

  
18/1/19  
**Amanda Harvey**  
Director  
Sydney Region East