

# **Attachment G**

**Gateway Determination, Delegation to make  
LEP and extensions**



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

Our ref: PP\_2016\_SYDNE\_008\_00 (16/13972)

Dear Ms Barone

**Planning proposal to amend Sydney Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 4 November 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 list displays of goods on footpaths as exempt development.

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.

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 to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (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 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 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 Mr Wayne Williamson of the Department's regional office to assist you. Mr Williamson can be contacted on (02) 9274 6585.

Yours sincerely

*Karen Armstrong 18/11/16*  
**Karen Armstrong**  
**Director, Sydney Region East**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_SYDNE\_008\_00): to list displays of goods of footpaths as exempt development.**

I, the Director, Sydney Region East 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 (LEP) 2012 should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and 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 (Department of Planning and Environment 2016)*.
2. No consultation is required with public authorities under section 56(2)(d) of the 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 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 18<sup>th</sup> day of NOVEMBER 2016



**Karen Armstrong**  
Director, Sydney Region East  
Planning Services  
Department of Planning and Environment

**Delegate of the Greater Sydney Commission**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

City of Sydney Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

<b>Number</b>	<b>Name</b>
PP_2016_SYDNE_008_00	Planning proposal to list displays of goods of footpaths as exempt development.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *18<sup>th</sup> November* 2016

**Karen Armstrong**  
**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  
GPO Box 1591  
SYDNEY NSW 2000



Dear Ms Barone

**Planning Proposal PP\_2016\_SYDNE\_008\_00 – Alteration of Gateway Determination**

I refer to your letter in relation to seeking an extension of time to complete Planning Proposal PP\_2016\_SYDNE\_008\_00 to introduce displays of goods on the footway as exempt development.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 18 November 2016 for PP\_2016\_SYDNE\_008\_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Mary Su to assist you. Ms Su can be contacted on 9373 2807.

Yours sincerely

  
**Karen Armstrong** 11/8/17  
**Director, Sydney Region East  
Planning Services**

Encl: Alteration to Gateway Determination



## Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2016\_SYDNE\_008\_00)*

I, Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 18 November 2016 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 timeframe for completing the LEP is by 25 February 2018.”

Dated 11<sup>TH</sup> day of AUGUST 2017.

A handwritten signature in blue ink, appearing to read "Karen Armstrong".

**Karen Armstrong**  
**Director, Sydney Region East**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Greater Sydney Commission**



IRF18/2865

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



Dear Ms Barone

**Planning proposal PP\_2016\_SYDNE\_008\_00 – Alteration of Gateway determination**

I refer to your letter seeking an extension of time to complete planning proposal PP\_2016\_SYDNE\_008\_00 to introduce displays of goods on the footpath as exempt development.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 25 February 2018 for PP\_2016\_SYDNE\_008\_00 (as altered). The Alteration of Gateway Determination is enclosed.

If you have any questions in relation to 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 black ink that reads 'Amanda Harvey'.

Amanda Harvey 31/5/18  
Director, Sydney Region East  
Planning Services

Encl: Alteration of Gateway determination





## Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2016\_SYDNE\_008\_00)*

I, Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 25 February 2018 (as since altered) 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 25 August 2018”

Dated *31st* day of *May* 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\_2016\_SYDNE\_008\_00 – Alteration of Gateway determination**

I refer to your letter in relation to revisions to planning proposal no. PP\_2016\_SYDNE\_008\_00 to introduce displays of goods on the footpath as exempt development.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 25 August 2018 for or PP\_2016\_SYDNE\_008\_00 (as altered). The Alteration of Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Kate Masters, Specialist Planning Officer to assist you. Ms Masters can be contacted on (02) 9274 6321.

Yours sincerely

  
Amanda Harvey <sup>21/9/18</sup>  
Director, Sydney Region East  
Planning Services

Encl: Alteration of Gateway determination



## Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2016\_SYDNE\_008\_00)*

I, Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 25 August 2018 (as since altered) 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 25 February 2019 ”

Dated *2/8* day of *September* 2018.

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

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

Attn: Andrew Thomas

Dear Ms Barone

**Planning proposal PP\_2016\_SYDNE\_008\_00 – Alteration of Gateway Determination**

I refer to your letter in relation dated 11 March 2019 which seeks an extension of time to complete planning proposal PP\_2016\_SYDNE\_008\_00 to amend Schedule 2 of Sydney Local Environmental Plan 2012 to introduce a new exempt development category for the display of goods on the footway.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 18 November 2016 for PP\_2016\_SYDNE\_008\_00 (as since altered). The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Bailey Williams to assist you. Mr Williams can be contacted on 8275 1306.

Yours sincerely

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

Encl: Alteration of Gateway Determination



## Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2016\_SYDNE\_008\_00)*

I, the Director Regions, Sydney Region East, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 18 November 2016 (as since altered) 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 25 August 2019"

Dated 18<sup>th</sup> day of March 2019.

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

**Delegate of the Minister for Planning**



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

Dear Ms Barone

**Planning proposal PP\_2016\_SYDNE\_008\_00 – Alteration of Gateway Determination for Exempt Development of Displays of Goods on the Footway**

I refer to your letter seeking an extension of time to complete planning proposal PP\_2016\_SYDNE\_008\_00 (as altered) to introduce displays of goods on the footway as exempt development.

I have determined as the delegate of the Minister for Planning and Public Spaces, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 18 March 2019 for PP\_2016\_SYDNE\_008\_00. The Alteration of Gateway determination is enclosed.

The Department notes that the Gateway has been extended on four occasions for a total of 33 months, and considers this to be a generous amount of time. The Department therefore recommends that the date be extended to 25 August 2020 to allow sufficient time for reporting, drafting with Parliamentary Counsel and finalisation of the LEP.

However, if the LEP amendment is not made by 25 August 2020, the Department recommends Council consider withdrawing the planning proposal.

Given the initial Gateway Determination was issued in November 2016, the Department recommends that Council consider updating the planning proposal to:

- demonstrate the proposal is consistent with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Section 9.1 Ministerial Directions and the Eastern City District Plan; and
- reflect RMS comments in relation to prohibitions, clearances and public liabilities.

If you have any questions in relation to this matter, I have arranged for Mr Luke Thorburn to assist you. Mr Thorburn can be contacted on (02) 8275 1283.

Yours sincerely

15.10.19  
**Emma Hitchens**  
**Acting Director, Eastern District (City of Sydney)**  
**Greater Sydney, Place and Infrastructure**

Encl: Alteration of Gateway Determination



## Alteration of Gateway Determination

*Planning proposal (Department Ref: PP\_2016\_SYDNE\_008\_00)*

I, Acting Director, Eastern District (City of Sydney) 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 18 November 2016 (as since altered) 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 25 August 2020”

Dated 15 day of October 2019.

Emma Hitchens   
Acting Director, Eastern District (City of  
Sydney)  
Greater Sydney, Place and Infrastructure  
Department of Planning, Industry and  
Environment

Delegate of the Minister for Planning and  
Public Spaces