

Attachment D

Gateway Determinations



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

Dear Ms Barone

Planning proposal PP_2018_SYDNE_004_00 to amend Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013

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 seeking to amend the affordable housing provisions in *Sydney Local Environmental Plan (Green Square Town Centre) 2013* and *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013*.

As delegate of the Minister for Planning and Public Spaces, I have 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, given the potential impact on state government policy. This decision is consistent with the original planning proposal PP_2017_SYDNE_006_00.

I note that Council has requested that no further community consultation be required given that extensive public consultation was undertaken on the original planning proposal. Given the original planning proposal inadvertently excluded the proposed new planning controls to which the Green Square Town Centre LEPs apply, and to ensure relevant property owners are adequately informed of the proposed changes, I have conditioned for a 14-day community consultation period and notification requirements in accordance with section 5.5.2 of *A guide to preparing local environmental plans*.

It is recommended that property owners who made submissions during the previous community consultation period regarding the amendments be notified and advised that a further submission on the same matter is not required.

The amending local environmental plans (LEPs) are to be finalised within six 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, Industry and Environment to draft and finalise the LEPs should be made eight 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 Minister 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 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 'M. McDonald'.

5 May 2020

Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2018_SYDNE_004_00): to amend the affordable housing provisions in Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013.

I, the Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Sydney Local Environmental Plan (Green Square Town Centre) 2013* and *Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013* should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) include a map showing the land to which the proposed amendments affect;
 - (b) update the date of commencement for the increase to equivalent monetary contribution rates for Green Square;
 - (c) update the project timeline to reflect the anticipated timeframes for the plan-making process.
2. Prior to finalisation the planning proposal is to be updated to align with the original affordable housing planning proposal also known as Sydney Local Environmental Plan 2012 Amendment No 52.
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 is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2018) and must be made publicly available for a minimum of **14 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2018).
3. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.



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 time frame for completing the LEP is to be **six months** following the date of the Gateway determination.

Dated 5 May 2020

A handwritten signature in blue ink, appearing to read "M. McDonald".

Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Delegate of the Minister for Planning and
Public Spaces



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

Attention: Tamara Bruckshaw

Dear Ms Barone

Planning proposal PP_2018_SYDNEY_004_00 – Alteration of Gateway Determination

I refer to your letter in relation to revisions to planning proposal PP_2018_SYDNEY_004_00 which seeks to amend the affordable housing provisions in Sydney Local Environmental Plan (Green Square Town Centre) 2013, Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 and Sydney Local Environmental Plan 2012.

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 5 May 2020 for PP_2018_SYDNEY_004_00. 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

25 June 2020

David McNamara
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_2018_SYDNEY_004_01)

I, 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 5 May 2020 for the proposed amendment to the Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013.

as follows:

1. Change the name and description of the planning proposal

from "Planning proposal (Department Ref: PP_2018_SYDNE_004_00): to amend the affordable housing provisions in Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013."

to 'Planning proposal (Department Ref: PP_2018_SYDNE_004_01): to amend the affordable housing provisions in Sydney Local Environmental Plan (Green Square Town Centre) 2013, Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 and Sydney Local Environmental Plan 2012.'

Dated 25th day of June 2020

A handwritten signature in blue ink, appearing to read 'DMcN', with a flourish at the end.

David McNamara
Director, Eastern District (City of Sydney)
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces