

Attachment D

Gateway Determination



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

Dear Ms Barone

Planning proposal PP_2020_1128 to amend Sydney Local Environmental Plan 2012 for 92-98 Brougham Street, Potts Point

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) to amend Sydney Local Environmental Plan 2012 to introduce a clause permitting the additional use of hotel and motel accommodation for 92-98 Brougham Street, Potts Point.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions, enclosed is the 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.

Amending the 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry 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 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 Palitja Woodruff, Senior Planner, to assist you Ms Woodruff can be contacted on 8217-2092.

Yours sincerely

David McNamara
Director, Eastern District (City of Sydney)
Eastern Harbour City, Greater Sydney Place and Infrastructure

Encl: Gateway Determination for Planning proposal PP_2020_1128 to amend Sydney Local Environmental Plan 2012 for 92-98 Brougham Street, Potts Point

Gateway Determination

Planning proposal (Department Ref: PP_2020_1128): to amend Sydney LEP 2012 by inserting 'hotel or motel accommodation' as a permissible use at 92-98 Brougham Street, Potts Point, under Schedule 1.

I, David McNamara, the 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(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan (LEP) 2012 to insert 'hotel or motel accommodation' as a permissible use at 92-98 Brougham Street, Potts Point, through a site specific clause under Schedule 1 should proceed subject to the following conditions:

1. 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
 - Heritage NSW
 - Transport for NSW.

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.

3. 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).
4. 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.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 1st day of December 2020.



David McNamara
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