

Attachment F

**Altered and Original
Gateway Determinations**



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

Dear Ms Barone

Planning proposal PP-2021-3542 – Oxford Street Creative and Cultural Precinct

I refer to your letter seeking a Gateway alteration to complete planning proposal PP-2021-3542 which seeks to amend the Sydney Local Environmental Plan 2012 for the Oxford Street Creative and Cultural Precinct.

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 6 July 2021 for PP-2021-3542. The Alteration of Gateway determination is enclosed.

Council have provided additional information and requested condition 1(a) and 1(b) of the Gateway determination to be removed. The relevant section 9.1 Ministerial directions are required to be considered during the preparation of the planning proposal. The Department considered the additional information submitted and deems it appropriate to alter the Gateway determination.

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

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

02.09.2021

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-2021-3542)

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 6 July 2021 for the proposed amendment to the Sydney Local Environmental Plan 2012 as follows:

1. Delete:

“condition 1 (a) and (b)”

Dated 2nd day of September 2021.



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



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

Dear Ms Barone,

Planning proposal PP-2021-3542 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 amend the Sydney Local Environmental Plan 2012 to reposition the Oxford Street Corridor as a vibrant cultural and creative precinct.

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

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 2.6 Remediation of Contaminated Land and 6.3 Site Specific Provisions. I have conditioned the Gateway determination to require further justification for the inconsistency with the section 9.1 Directions. This is to be satisfied prior to public exhibition.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway determination for Council to be the local plan-making authority due to the complexity of the amendment and the inconsistency with section 9.1 Directions.

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, Industry and Environment to draft and finalise the LEP 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, Senior Planning Officer, to assist you. Ms Su can be contacted on 02 9373 2807.

Yours sincerely,

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

6 July 2021

Malcom McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place & Infrastructure

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2021-3542): to amend the Sydney Local Environmental Plan 2012 to support the Oxford Street Creative and Cultural Precinct.

I, the Executive Director for 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 the Sydney Local Environmental Plan (LEP) 2012 to amend the Sydney Local Environmental Plan 2012 to support the Oxford Street Creative and Cultural Precinct, should proceed subject to the following conditions:

1. Prior to public exhibition the Planning proposal is to be updated to:
 - (a) Provide further information to demonstrate consistency with section 9.1 Directions 2.6 Remediation of contaminated land
 - (b) Provide further justification to demonstrate that inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is justified.
 - (c) Remove any draft clauses from the planning proposal and place into an appendix as example clauses. Refine the planning proposal to include a clear plain English explanation of the principles of the proposed provisions and intended policy outcomes they need to secure.
 - (d) Provide further justification for the proposed requirement to retain existing creative and cultural uses in development which does not seek to access the alternate height and FSR controls for the precinct. This should also demonstrate consideration of different options for how the policy intent for retention of existing cultural and creative uses could be achieved.
 - (e) Amend Section 5.1 of the planning proposal to make it clear that no additional land use terms are proposed, noting that the additional creative and cultural uses are for a purpose rather than defined land use term.
 - (f) Include proposed LEP Maps to replace existing Sydney LEP maps for the applicable Heritage Conservation Areas. All maps to include red highlight for proposed changes.
 - (g) Provide a consideration of anticipated traffic and parking impacts.
2. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012 concurrently with the Planning Proposal.
3. Consultation is required with the following public authorities:
 - NSW Heritage
 - Transport for NSW

- NSW Department of Education
 - Relevant utility and service providers, including Sydney Water
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. The planning proposal must be exhibited 6 months from the date of the Gateway determination.
 6. The planning proposal must be reported to council for a final recommendation 10 months from the date of the Gateway determination.
 7. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.
 8. Council has requested to be the local planning making authority, however the Department does not grant local plan-making authority.

Dated 6 July 2021



Malcolm McDonald
Executive Director , Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces