Attachment D

Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP-2021-5109)*: to amend the Sydney Local Environmental Plan 2012 to support the Botany Road Precinct.*

I, the A/ 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 Botany Road Precinct, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
    a) Remove any draft clauses from the planning proposal report and place into an appendix as example clauses and include a clear plain English explanation of the principles of the proposed provisions and intended policy outcomes they need to secure.
    b) Update the LEP maps proposed to be amended (Locality and Site Identification, FSR, Height of Buildings, Land Zoning, Heritage and Active Street Frontages) to show the existing, with proposed changes in red highlight (or other colour) or include the existing and proposed maps side by side for public exhibition.
    c) Update the title of the proposed 'Botany Road Precinct Opportunity Land – Affordable Housing Sites - Alternative Heights Map' to remove reference to Affordable housing sites.
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:
    - Sydney Metro
    - Transport for NSW
    - Aboriginal Land Council
    - Heritage NSW
    - 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. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

Dated 24 September 2021

Aaron Nangle
A/ Director, Eastern Harbour City
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces