

# **Attachment E**

## **Gateway Determination**



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

Dear Ms Barone,

**Planning proposal PP-2021-3645 to amend Sydney Local Environmental Plan 2012, 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 to amend the Sydney Local Environmental Plan 2012 to introduce Performance Standards for Net Zero Energy Buildings.

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.

I have considered determined not to condition the Gateway determination for Council to be the local plan-making authority due to the complexity of the amendment and potential to affect State Government policy.

The Department acknowledges concerns raised by industry advocates, and advises Council should work collaboratively with industry to address any feedback or concerns that arise during the exhibition period.

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 Mr Luke Thorburn, Planning Officer, to assist you. Mr Thorburn can be contacted on 02 8275 1283.

Yours sincerely,



01.10.2021

**David McNamara**  
**Director, Eastern District (City of Sydney)**  
**Greater Sydney, Place & Infrastructure**

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-3645):** to amend the Sydney Local Environmental Plan 2012, Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 to introduce Performance Standards for Net Zero Energy Buildings.

I, the Director for 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, Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre – Stage 2) 2013 to introduce Performance Standards for Net Zero Energy Buildings, 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 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.
2. Prior to community consultation, Council is to refine the Planning Proposal to clearly identify the proposed hierarchy of controls and whether a Design Guide or DCP will come into effect, including the supporting proposed performance standards.
3. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012/Design Guide and Planning for net zero energy buildings concurrently with the Planning Proposal.
4. Consultation is required with the following public authorities:
  - NSW Environment, Energy and Science; and
  - Relevant utility and service providers.
5. The planning proposal should be made available for community consultation for a minimum of 28 days.
6. The planning proposal must be exhibited 6 months from the date of the Gateway determination.
7. The planning proposal must be reported to council for a final recommendation 10 months from the date of the Gateway determination.

8. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.
9. The Department does not grant local plan-making authority.

Dated Friday the 1<sup>st</sup> of October 2021



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

**Delegate of the Minister for Planning and**  
**Public Spaces**