

Attachment E

**Gateway Determination – 2 Chifley Square,
Sydney**

Gateway Determination

Planning proposal (Department Ref: PP-2021-4750): permit a maximum FSR of 20.3:1 to deliver an additional commercial tower development at 2 Chifley Square, Sydney.

I, the Director at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 2012 to permit a maximum FSR of 20.3:1 to deliver an additional commercial tower development at 2 Chifley Square, Sydney. should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - a) Update Table 1 and the explanation of provisions of the Planning Proposal to provide a clearer breakdown of existing and future floor space allocation. This update should also include confirmation of the height of both the existing and proposed podium and tower elements, and provide justification for a final proposed FSR.
 - b) Provide a visual demonstration of how the height of the proposal fits within The Domain Solar Access Plane.
 - c) Update the planning proposal to reflect the adoption of the Central Sydney Planning Strategy.
 - d) Update the Planning Proposal to address the new Local Environmental Plan Making Guideline (December 2021). This should include an update to Section 8: Project Timeline, which should be reflected in working days.
 - e) Remove reference to Ministerial Direction 3.5 – Development Near Licenced Aerodromes.
 - f) Address inconsistencies with Ministerial Direction 3.5 – Development Near Regulated Airports and Defence Airfields, and include relevant information to address noise considerations as per Clause 7. This may include the preparation of an appropriate study.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1.
3. Consultation is required with the following public authorities:
 - Transport for NSW
 - Sydney Metro
 - Heritage NSW
 - Relevant utility providers, including Sydney Water
 - Civil Aviation Safety Authority
 - Sydney Airport Corporation
 - Department of Infrastructure, Transport, Regional Development and Communication.
4. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012 concurrently with the Planning Proposal.

5. The planning proposal should be made available for community consultation for a minimum of 20 working days.
6. The planning proposal must be exhibited 51 working days from the date from the Gateway determination.
7. The planning proposal must receive a final recommendation from Council 145 working days from the date of the Gateway determination.
8. The timeframe for completing the LEP is to be 200 days from the date of the Gateway determination.
9. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

Dated 8th day of February 2022.



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

Delegate of the Minister for Planning

Ms Monica Barone
General Manager
City of Sydney
Town Hall House
456 Kent Street
SYDNEY NSW 2000

Dear Ms Barone

Planning proposal PP-2021-4750 to amend Sydney Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 10 December 2021 in respect of the planning proposal to increase the maximum FSR to 20.3:1 to deliver an additional commercial tower development at 2 Chifley Square, Sydney.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act Section 6.3 Site Specific Provisions is justified in accordance with the terms of the Direction.

No further approval is required in relation to this Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act Section 3.5 Development near Regulated Airfields and Defence Airfields. Council should ensure this occurs prior to public exhibition.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised within 200 days from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be

made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning, Industry and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mary Su to assist you. Ms Su can be contacted on 9373 2807.

Yours sincerely



08.02.2022

David McNamara
Director Eastern District, City of Sydney
Eastern Harbour City

Encl: Gateway determination