

# **Attachment E**

**Gateway Determination – 15-25 Hunter Street  
and 105-107 Pitt Street, Sydney**

Ms Monia Barone  
General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2000

Dear Ms Barone

**Planning proposal PP-2021-6334 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) in respect of the planning proposal to introduce a new site-specific clause in Part 6 Division 5 for 15-25 Hunter Street and 105-107 Pitt Street, Sydney and list as a local heritage item the former Pangas House at 15-17 Hunter Street, Sydney.

As delegate of the Minister for Planning and Homes, 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 4.5 Acid Sulfate Soils and 1.4 Site specific provisions is justified in accordance with the terms of the Direction.

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 5.3 Development Near Regulated Airports and Defence Airfields. Council should ensure this occurs before or during public exhibition.

Additionally, due to the sites location, consultation with Sydney Metro is required. Council should ensure this occurs prior to public exhibition.

I have determined not to authorise Council to be the local plan-making authority as the planning proposal is located in an area of regional significance, close to state significant infrastructure.

The amending local environmental plan (LEP) is to be finalised on or before 10 months from the date of the Gateway determination. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 2 months in advance of the date the LEP is projected to be made. The Department notes that Council identified a timeframe of 7 months in the planning proposal. The timeframe in the Gateway determination has accounted for the upcoming holiday period which could affect the exhibition timelines. Council should aim to commence the exhibition of the planning proposal as soon as possible.

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 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 Aaron Nangle to assist you. Mr Nangle can be contacted on 02 9373 2867.

Yours sincerely



19.08.22

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

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-6334):** to introduce a new site-specific clause in Part 6 Division 5 for 15-25 Hunter Street and 105-107 Pitt Street, Sydney and list as a local heritage item the former Pangas House at 15-17 Hunter Street, Sydney.

I, the Director at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 to introduce a new site-specific clause in Division 6 Part 5 and heritage listing of former Pangas House should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
  - a. Address inconsistencies with Ministerial Direction 5.3 – Development Near Licenced Aerodromes, and ensure correct clauses of the direction are referenced.
  - b. Amend inconsistencies between what is proposed within the proposal and the wording of the draft example clause within Appendix 1 of the proposal.
  - c. Address *State Environmental Planning Policy (Transport and Infrastructure) 2021*, particularly with regard to the Sydney Metro West.
  - d. Demonstrate consistency with the Regional Plan and relevant objectives of the Regional Plan.
  - e. Include a draft version of the heritage map, including all current heritage items.
  - f. Address the Department's *Local Environmental Plan Making Guidelines* (December 2021). This should include an update to Section 8: Project Timeline.
  - g. Incorporate the Council's heritage assessment (2021) and draft heritage inventory sheet for the former Panga House.

2. Prior to community consultation, consultation is required with the following public authorities:

- Sydney Metro.

The planning proposal must be updated to reflect the outcomes of these discussions.

3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 25 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition should commence within 4 months following the date of the gateway determination.

5. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Sydney Airports and Civil Aviation Safety Authority
- Department of Infrastructure, Transport, Regional Development and Communication
- Transport for NSW
- Heritage NSW
- Relevant utility providers, including Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

6. 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 EP&A 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).
7. Given the nature of the planning proposal, Council is not be authorised to be the local plan-making authority to make this plan.
8. The LEP should be completed on or before 13 June 2023.

Dated 19<sup>th</sup> day of August 2022.



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

**Delegate of the Minister for Planning and Homes**