

# **Attachment E**

## **Gateway Determination**

## Gateway Determination

**Planning proposal (Department Ref: PP-2020-1110):** for additional building height to RL 117.87m and FSR of up to 12:1 above ground and 2:1 below ground at 757-763 George Street, Haymarket to facilitate redevelopment for commercial use including a hotel, retail and adaptive reuse of the Former Sutton Forest Meat building heritage item.

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 2012* to amend Part 6 Division 5 - Site specific provisions to insert an additional clause to establish site specific planning controls for 757-63 George Street, Haymarket should proceed subject to the following conditions:

1. 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 complex 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 30 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 must commence within 2 months following the date of the gateway determination.

2. The draft site specific DCP should be exhibited concurrently with the planning proposal
3. 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:
  - Transport for NSW
  - Heritage NSW
  - Relevant utility providers, including Ausgrid and Sydney Water
  - Civil Aviation Safety Authority
  - Sydney Airport Corporation
  - Department of Infrastructure, Transport, Regional Development and Communication.

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.

4. 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).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
  - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed within nine (9) months of Gateway determination

Dated 25<sup>th</sup> day of July 2022.



**Louise McMahon**  
**Director**  
**Agile Planning and Programs**  
**Department of Planning and Environment**  
  
**Delegate of the Minister for Planning and Homes**



Graham Jahn  
Director City Planning  
City of Sydney  
GPO Box 1591  
Sydney 2001

Our ref: IRF22/2468

Dear Graham,

**Planning proposal (PP-2020-1110) 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 May 2022 in respect of the planning proposal for additional building height to RL 117.87m and FSR of up to 12:1 above ground and 2:1 below ground at 757-763 George Street, Haymarket to facilitate redevelopment for commercial use including a hotel, retail and adaptive reuse of the Former Sutton Forest Meat building heritage item.

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 1.5 Site Specific Provisions and 4.5 Acid Sulfate Soils is justified in accordance with the terms of the Direction. No further approval is required in relation to the 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 on or before 31 March 2023. 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.

Should you have any enquiries about this matter, I have arranged for Kelly McKellar to assist you. Ms McKellar can be contacted on 8229 2868.

Yours sincerely

A handwritten signature in black ink that reads "Louise McMahon". The signature is written in a cursive, flowing style.

**Louise McMahon**  
**Director**  
**Agile Planning and Programs**

Encl: Gateway determination