

# **Attachment E**

## **Gateway Determination**

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-867):** to amend the Sydney LEP 2012 to introduce a new site specific clause in Part 6 to enable the integrated development of two commercial towers over the imminent Hunter Street Sydney Metro Station site.

I, the Director, Eastern District City of Sydney, 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 facilitate the over station development of two commercial towers at the Hunter Street Metro Station site should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
  - (a) Ensure that the property descriptions and addresses contained in the planning proposal are updated to align with the Department's records
  - (b) Address its consistency with Section 9.1 Ministerial Direction 7.1 Business and Industrial Zones
  - (c) Provide an explanation of the need for exclusion of clause 4.6 variations
2. 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 20 working 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 two months following the date of the gateway determination.

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:
  - Civil Aviation Safety Authority
  - Sydney Airport

Consultation is also required with the following organisations

- Relevant utility providers, including Sydney Water

- Heritage NSW
- Department of Infrastructure, Transport, Regional Development and Communication
- Transport for NSW
- Sydney Metro.

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. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.
6. The LEP should be completed on or before 25 October 2023.

Dated 28 day of October 2022.



**Katie Joyner**  
**Director, Eastern District City of Sydney**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**

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

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

IRF22/3558

Dear Ms Barone

### **Planning proposal PP-2022-867 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 16 June 2022 in respect of the planning proposal to facilitate the integrated development of two commercial towers over the imminent Hunter Street Sydney Metro Station site.

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.

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

I have determined not to authorise Council to be the local plan-making authority as the planning proposal pertains to land located in an area of regional significance and future development at the sites are to be integrated with critical state significant infrastructure.

The amending local environmental plan (LEP) is to be finalised on or before 12 months from 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 and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

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. This proposal is considered a standard proposal. 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 Mr Aaron Nangle to assist you. Mr Nangle can be contacted on 9373 2867.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katie Joyner', is enclosed in a light grey rectangular box.

**Katie Joyner**  
**Director, Eastern District City of Sydney**  
**Eastern Harbour City**

Encl: Gateway determination