

Attachment C

Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP-2022-4091): Green Square and Southern Areas Retail Review.

I, the Director, City of Sydney and Eastern District 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 for the Green Square and Southern Areas Retail Review and should proceed subject to the following conditions:

1. Prior to public exhibition the Planning Proposal is to be updated to:
 - (a) provide further justification for the removal of Clause 7.7(1) of the Sydney LEP 2012 and evidence for its impact across the LGA. This is to include updates to the title and description of the planning proposal to clearly identify that parts of the planning proposal apply to the broader City of Sydney LGA.
 - (b) provide further justification for including provisions within the planning proposal relating to activation of public domain as opposed to the Development Control Plan.
 - (c) include employment numbers expected to be generated.
 - (d) 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 proposed provisions.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for review and approval.
3. 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 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 50 days following the date of the gateway determination as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
4. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012 and Green Square & Southern Areas Retail Review, prepared by SGS Economics & Planning dated August 2022, concurrently with the planning proposal.

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:

- Transport for NSW
- Transport Asset Holding Entity of New South Wales
- NSW Environment and Heritage (EHG)
- Fire and Rescue NSW
- Airservices Australia
- Sydney Airport
- Civil Aviation Safety Authority

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 proposal, Council is not authorised to be local plan-making authority.
8. The LEP should be completed on or before 6 November 2023.

Dated 3rd day of February 2023.



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

Delegate of the Minister for Planning and
Homes