

Attachment F

Gateway Determination



Monica Barone
Chief Executive Officer
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Our ref: IRF23/55

Dear Ms Barone

Planning proposal PP-2021-6962 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 24 November 2022 in respect of the planning proposal to support redevelopment of 923-935 Bourke Street, Waterloo, through amended development standards to permit the delivery of a large retail premises of 3,200m².

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 1.4 Site Specific Provisions is justified in accordance with the terms of the Direction.

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 6 November 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.

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 Palitja Woodruff, Senior Planner, to assist you. Palitja can be contacted on 8217-2092.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katie Joyner', is positioned above the typed name.

Katie Joyner
Director
City of Sydney and Eastern District

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2021-6962): to amend Sydney Local Environment Plan 2012 to facilitate the redevelopment of 923-935 Bourke Street, Waterloo, for a mixed use development including a full-line retail supermarket by increasing the maximum permissible height development standard, applying active street frontage provisions, and including a site specific clause to enable additional floor space to be developed for the purpose of a shop or market under certain conditions.

I, the Director, City of Sydney and Eastern District, 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 redevelopment of 923-935 Bourke Street, Waterloo, for a mixed use development including a full-line retail supermarket by increasing the maximum permissible height development standard, applying active street frontage provisions, and including a site specific clause to enable additional floor space to be developed for the purpose of a shop or market should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) note that the proposed additional local provision will be subject to the legal drafting process by Parliamentary Counsel.
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 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 the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

3. Consultation is required with the following public authorities:
 - Transport for NSW
 - Environment and Heritage Group

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 LEP should be completed on or before 6 November 2023.
6. 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.

Dated 18th day of January 2023.



Katie Joyner
Director
City of Sydney and Eastern District
Department of Planning and Environment

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