

# **Attachment D**

## **Gateway Determination**

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3843):** to amend the Sydney LEP 2012 to introduce a new site specific clause in Part 6 and associated mapping amendments to enable additional employment floorspace at 85-93 Commonwealth Street, Surry Hills.

I, the Director, Eastern District City of Sydney, at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, 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 enable additional employment floorspace should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
  - (a) Provide a statement addressing consistency with Section 9.1 Ministerial Direction 4.5 Acid Sulfate Soils
  - (b) Include shadow analysis demonstrating any additional overshadowing of the private open space of the residential terraces on Commonwealth Street and Harmony Park
  - (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).
3. 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).
4. Given the nature of the planning proposal, Council is authorised to be the local plan-making authority to make this plan.
5. The LEP should be completed on or before 21 January 2024.

Dated 21 day of June 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**  
**Public Spaces**