

# **Attachment F**

**Gateway determination**

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-4342):** To amend the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) to enable an increased floor space ratio (FSR) and increased maximum building height for development at 232-240 Elizabeth Street, Surry Hills that is used wholly for purposes other than residential accommodation and serviced apartments.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, 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 an increased floor space ratio (FSR) and increased maximum building height for development used wholly for purposes other than residential accommodation and serviced apartments should proceed subject to the following

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 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 Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 19 March 2025.

### Gateway Conditions

1. The planning proposal is to be updated to:
  - (a) Provide a statement addressing consistency with Section 9.1 Ministerial Direction 3.9 Sydney Harbour Foreshores and Waterways Area.
  - (b) Amend the planning proposal to confirm Section 9.1 Ministerial Direction 3.10 Water Catchment Protection is not relevant to the planning proposal.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (c) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (d) 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 Guideline* (Department of Planning and Environment, August 2023).

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 Act:

- Transport for NSW
- Utility providers including Sydney Water.

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 working 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 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).

Dated 14 June 2024



**Jazmin van Veen**  
**Director**  
**Local Planning (North, East and**  
**Central Coast)**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**