



Gateway Determination

Planning proposal (Department Ref: PP-2020-1046): to amend the Sydney Local Environmental Plan 2012 to increase the maximum building height from 50 metres to RL226.8 metres, increase the maximum floor space from 7.5:1 to 20:1 inclusive of design excellence, and introduce site specific provisions for 187-189 Thomas Street, Haymarket.

I, the Director, Eastern District (City of Sydney) at the Department of Planning, Industry 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 (LEP) 2012 should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be revised as follows:
 - (a) provide further definition of 'above ground' and 'below ground' floor space ratio;
 - (b) address the principles for growth within the LSPS; and
 - (c) address section 9.1 Ministerial Direction 4.1 Acid Sulfate Soils.
2. Prior to finalisation of the planning proposal, information addressing the likelihood of site contamination is to be provided.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (d) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (e) 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Heritage NSW;
 - Sydney Airport Corporation;
 - Airservices Australia;

- Commonwealth Department of Infrastructure, Cities and Regional Development;
 - Civil Aviation Safety Authority; and
 - Transport for NSW;
5. 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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 9th day of November 2020.



David McNamara
Director, Eastern District (City of Sydney)
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces