



## Planning

### Office of the Director-General

Ms Monica Barone  
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Council of the City of Sydney  
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SYDNEY NSW 2001

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Our ref: S09/02015  
Your ref: 2009/212724

Dear Ms Barone,

**Re: Planning Proposal to increase height controls in Sydney LEP 2005 for part of a site at 108-120 Pitt Street Sydney known as the Commonwealth Bank Building**

I am writing in response to your Council's letter dated 30 September 2009 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend Sydney Local Environmental Plan 2005 to increase height controls for part of a site at 108-120 Pitt Street Sydney known as the Commonwealth Bank Building.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Antony Pedroza in the Regional Office of the Department.

Yours sincerely,

*SH Haddad*  
Sam Haddad  
Director-General

*3/11/2009*

## Gateway Determination

**Planning Proposal (Department Ref: S09/02015):** To increase height controls in Sydney LEP 2005 for part of a site at 108-120 Pitt Street Sydney known as the Commonwealth Bank Building.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Sydney Local Environmental Plan 2005 to increase height controls for part of a site at 108-120 Pitt Street Sydney known as the Commonwealth Bank Building should proceed subject to the following conditions:

1. Council is to prepare a map for exhibition purposes that clearly demonstrates the proposed new height controls for the site, which will effectively amend the Sydney LEP 2005 Height Map.
2. Council is to address Section 117 Direction 7.1 (Implementation of the Metropolitan Strategy) as part of the Planning Proposal that is publicly exhibited.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and must be made publicly available for **14 days**; and
  - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
4. Consultation under section 56(2)(d) of the EP&A Act is only required with the following State public authorities that will or may be adversely affected by the proposed instrument:
  - NSW Department of Planning – Heritage Branch
  - State Transit Authority of NSW
  - Roads and Traffic Authority of NSW
  - Sydney Water
  - Energy Australia
  - Sydney Metro Authority
  - RailCorp
  - TransGrid
  - NSW Transport and Infrastructure

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 3<sup>rd</sup> day of November 2009.

  
Sam Haddad  
Delegate for the Minister for Planning