

Gateway Determination

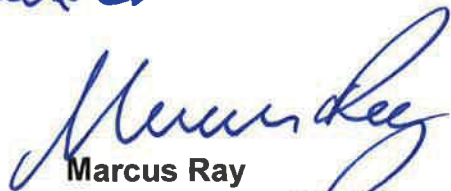
Planning proposal (Department Ref: PP_2019_SYDEN_004_00): to amend Sydney Local Environmental Plan 2012 to heritage list the former Bidura Children's Court and Metropolitan Remand Centre (Court and MRC) building, update the existing heritage item description for Bidura House to reflect the State heritage listing for the "Bidura House Group"; and amend the height and FSR standards for both the Bidura House Group and Court and MRC building, to reflect the existing building envelope.

I, the Group Deputy Secretary, Planning and Assessment, 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 an amendment to Sydney Local Environmental Plan 2012 should not proceed for the following reasons:

1. the proposal is inconsistent with the Eastern City District Plan and section 9.1 Direction 1.1 Business and Industrial Zones;
2. heritage listing the former Bidura Court and MRC building will not give rise to further LEP controls not already applicable to the site and its development;
3. the site's rezoning 7 years prior contemplated the site's heritage significance and implemented appropriate built form controls for the site and since there have been no new factors have arisen that warrant further amendment to the LEP;
4. constraining the building envelope to the existing built form is likely to reduce the feasibility of the former Bidura Court and MRC building being adaptively reused;
5. there is no evidence provided that adaptive reuse of the existing building can be feasibility or practicably achieved;
6. there is no evidence that re-use and retention of the existing building envelope will ensure that any residential use of all or part of the building can comply with amenity performance outcomes like that required under SEPP 65;
7. the proposal's intent to retain the former Bidura Court and MRC building envelope and reduce the maximum building height contradicts the in-principal scheme approved under the recent development application, which also serves as a DCP for the site in accordance with Sydney LEP 2012. This outcome results in creating confusion for the community and is therefore not in the public interest;

8. the former Court and MRC building makes little contribution to the character of the Glebe Point Road HCA and contributes little to the Bidura House Group;
9. the former Court and MRC building is a late, modest and non-rare example of Brutalist style architecture, which is like other Brutalist examples in the City of Sydney LGA that have not been listed as heritage items;
10. the planning proposal does not promote the orderly redevelopment of the site; and
11. the existing planning controls for the site are considered appropriate.

Dated 20th day of September 2019.



Marcus Ray
Group Deputy Secretary
Planning and Assessment
Department of Planning and
Environment

Delegate of the Minister for Planning
and Public Spaces