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Our ref: PP\_2013\_SYDNE\_003\_00 (13/09768-1)  
Your ref: 2013/162149

Ms Monica Barone  
General Manager  
City of Sydney Council  
GPO Box 1591  
SYDNEY NSW 2001

Dear Ms Barone,

**Planning proposal to amend Sydney Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 5 June 2013 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 the height of buildings and floor space ratio controls on land known as the North Rosebery Precinct, which is generally bounded by Rothschild Avenue, Epsom Road, Dalmeny Avenue and Kimberley Grove, Rosebery and remove certain land from the heritage listed item at 1-3 Rosebery Avenue, Rosebery.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

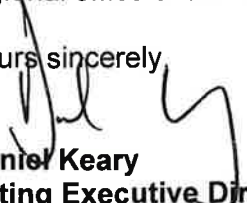
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environment Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 section 54(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 Daniel Cutler of the regional office of the department on 02 9228 6111.

Yours sincerely,

  
**Daniel Keary**  
**Acting Executive Director**  
**Metropolitan Planning**  
**Planning Operations and Regional Delivery**

1/7/13

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_SYDNE\_003\_00):** to make amendments to development controls and heritage listing for land in the North Rosebery Precinct.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Sydney Local Environmental Plan (LEP) 2012 to amend the height of buildings and floor space ratio controls on land known as the North Rosebery Precinct, which is generally bounded by Rothschild Avenue, Epsom Road, Dalmeny Avenue and Kimberley Grove, Rosebery and remove certain land from the heritage listed item at 1-3 Rosebery Avenue, Rosebery should proceed subject to the following conditions:

1. Council is to place on public exhibition with the planning proposal, a clear explanation or justification of the proposed controls for each site, including the urban design studies undertaken to inform the proposed amendments to development controls on land in the North Rosebery Precinct.
2. 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 must be made publicly available for a minimum of **28 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Sydney Water
  - Transport for NSW
  - Botany Bay Council
  - Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 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 56(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).



5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 1<sup>st</sup> day of JULY 2013.



**Daniel Keary  
Acting Executive Director  
Metropolitan Planning  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and  
Infrastructure**



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

City of Sydney Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name                                                                                                                                                                                                                                                                                                                              |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP_2013_SYDNE_003_00 | Planning proposal to amend the height of buildings and floor space ratio controls on land known as the North Rosebery Precinct, which is generally bounded by Rothschild Avenue, Epsom Road, Dalmeny Avenue and Kimberley Grove, Rosebery and remove certain land from the heritage listed item at 1-3 Rosebery Avenue, Rosebery. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated

1 / 7 / 2013

Daniel Keary  
Acting Executive Director  
Metropolitan Planning  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

| Stage                               | Date/Details         |
|-------------------------------------|----------------------|
| Planning Proposal Number            | PP_2013_SYDNE_003_00 |
| Date Sent to Department under s56   | 05/06/2013           |
| Date considered at LEP Review Panel | 20/06/2013           |
| Gateway determination date          | 01/07/2013           |

**Table 2 – To be completed by the RPA**

| Stage                                           | Date/Details | Notified Reg Off |
|-------------------------------------------------|--------------|------------------|
| Dates draft LEP exhibited                       |              |                  |
| Date of public hearing (if held)                |              |                  |
| Date sent to PCO seeking Opinion                |              |                  |
| Date Opinion received                           |              |                  |
| Date Council Resolved to Adopt LEP              |              |                  |
| Date LEP made by GM (or other) under delegation |              |                  |
| Date sent to DP&I requesting notification       |              |                  |

**Table 3 – To be completed by the department**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

#### Additional relevant information: