



Planning



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Department Generated Correspondence (Y)

Ms Monica Barone
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Our ref: PP_2010_SYDNE_001_00 (10/12580)
Your ref: 2010/112389 (S074384)

Dear Ms Barone,

Re: Planning Proposal to amend the planning controls in relation to 1-3 & 2-6 Elgar Street, Glebe to enable the existing social housing to be redeveloped

I am writing in response to your Council's letter dated 7 June 2010 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 planning controls at 1-3 and 2-6 Elgar Street, Glebe and 83 Bay Street, Glebe.

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 has been conditioned to remove some provisions which are more appropriate for inclusion in a Development Control Plan.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental 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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Antony Pedrosa of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_SYDNE_001_00): to amend the existing planning controls in relation to 1-3 & 2-6 Elgar Street and 83 Bay Street, Glebe to enable the existing social housing to be redeveloped.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the existing planning controls in relation to 1-3 & 2-6 Elgar Street, and 83 Bay Street, Glebe should proceed subject to the following conditions:

1. The Planning Proposal should provide the following maps at exhibition:
 - a) Land Application Map;
 - b) Land Zoning Map;
 - c) Height of Building Map;
 - d) Floor Space Ratio Map; and
 - e) Acid Sulphate Soil Map.

It should be noted that the maps will need to be in a format compatible with the Department's standard technical requirements for LEP maps prior to the finalisation of the LEP.

2. The provision in the Planning Proposal entitled 6.6 Maximum Development Capacity is to be deleted.
3. A commentary is to be included in the Planning Proposal that explains the bonus provisions for affordable housing. However, any bonus outside the provisions of the SEPP (Affordable Rental Housing) 2009 are to be excluded from the LEP and included in any associated DCP. The commentary is to include advice that clauses 14(2), 15, 16, 17, and 18 of SEPP (Affordable Rental Housing) 2009 apply to development where the building provides affordable housing dwellings.
4. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - Transgrid
 - Roads and Traffic Authority

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.

6. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 6th day of July 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning