



Ms Monica Barone
Chief Executive Officer
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Dear Ms Barone

Planning proposal PP_2020_SYDNE_006_00 to amend Sydney Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Sydney Local Environmental Plan for the land at 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe. The proposal seeks to increase the maximum building height, remove both sites from St Phillips Heritage Conservation Area, amend clause 1.9 and insert a site specific clause for additional floor space ratio.

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

Overly restrictive site-specific controls are generally discouraged, and in this instance, I have considered the proposed site-specific clause in Sydney LEP 2012 requiring a minimum percentage of social housing to be delivered on the subject site unnecessary. The proposed development is supported by a number of specialist studies and has undertaken a rigorous design process including a design competition which has determined the built form and tenure mix of the development. Further the planning proposal is accompanied by a draft site-specific Development Control Plan which outlines the detailed site-specific provisions. For these reasons, I have conditioned for the removal of the proposed clause which requires 100% of the total floor area for the northern site, used for the purposes of residential development, is used for social housing.

The Department supports Ecologically Sustainable Development (ESD), however targets above the minimum set in State Policy should only be on a voluntary basis. Although the provision in this instance is phrased as an incentive, prior to finalisation of planning proposal it is encouraged that Council consult with Land and Housing Corporation on the commitments to ESD and ensure the development can achieve such target.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provision justified in accordance with the terms of the Direction. No further approval is required in relation to these Direction/s.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

Amending the local environmental plan (LEP) is to be finalised within 12 months of 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Mary Su to assist you. Ms Su can be contacted on 9373 2807.

Yours sincerely



31/08/2020

David McNamara
Director, Eastern District (City of Sydney)
Greater Sydney, Place and Infrastructure

Encl: Gateway determination