

Gateway Determination

Planning proposal (Department Ref: PP_2019_SYDNE_005_00): to increase the maximum building height and maximum floor space ratio via a site-specific provision for 72-84 Foveaux Street, Surry Hills.

I, the Acting Director, Eastern District (City of Sydney) 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 should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to community consultation as follows:
 - (a) amend the explanation of provisions to include end of journey facilities as a site-specific requirement to achieve the additional floor space ratio and maximum building height;
 - (b) clarify whether end of journey floor space under Clause 6.13 of the Sydney LEP 2012 applies to the site-specific FSR and update the urban design report accordingly;
 - (c) remove provisions related to the site-specific DCP controls from the intended outcomes and explanation of provisions;
 - (d) update the objectives of the planning proposal to remove the first objective which states the proposal will 'meet B4 Mixed use zone objectives';
 - (e) remove the drafting instructions from the explanation of provisions;
 - (f) provide justification to address the consistency with section 9.1 ministerial Direction 6.3 Site-specific Provisions; and
 - (g) update the project timeline to reflect the anticipated time frames for the plan-making process.
2. The revised planning proposal is to be provided to the Department for review and approval prior to public exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Heritage Department for Premier and Cabinet; and
 - Transport for NSW.
- Each public authority/organisation 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.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 10 day of September 2019.



Emma Hitchens
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Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and Public
Spaces