

Gateway Determination

Planning proposal (Department Ref: PP_2014_SYDNE_009_00): to remove the current maximum building height of 9 metres and current maximum floor space ratio (FSR) of 2:1 in the Millers Point Heritage conservation area and insert a new local clause to establish the maximum building height and maximum FSR as the existing height and FSR of the building.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 (LEP) to should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal to allow the consent authority to consider variations to the maximum height or gross floor area of a building under clause 4.6.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - Department of Community Services

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 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 24th day of November 2016

Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



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

Our ref: PP_2014_SYDNE_009_00 (16/04832)

Dear Ms Barone

Monica

Planning proposal to amend Sydney Local Environmental Plan (2012)

I am writing in response to your Council's letter dated 23 March 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to remove the current maximum building height of 9 metres and current maximum floor space ratio (FSR) of 2:1 in the Millers Point Heritage conservation area and insert a new local clause to establish the maximum building height and maximum FSR as the existing height and FSR of the building.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan, as the proposal involves a significant number of public buildings.

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 as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Wayne Williamson of the Department's regional office to assist you. Mr Williamson can be contacted on (02) 9274 6585.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

24/11/2016
Encl:

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