



Office of the Director General

Ms Monica Barone
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Our ref: PP_2012_SYDNE_006_00 (12/17980-1)
Your ref:

Dear Ms Barone,

Planning proposal to amend draft Sydney Local Environmental Plan 2012

I am writing in response to your Council's letter request for 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 draft Sydney Local Environmental Plan (LEP) 2012 to include a provision allowing bonus Floor Space Ratio and Building Height controls for land at Bay Street, Glebe.

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

It is noted Council's proposed Clause 6.15(d) enables the proposed site to exceed the maximum floor space ratio provided all BASIX-affected development exceeds the BASIX target score by not less than 25 percent for water and energy. The outcome sought by Council is supported in this instance, however requiring development to exceed BASIX target scores should not become standard practice, as this may undermine the intent of the program.

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 to meet the 12 month timeframe. 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 NSW 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 Daniel Cutler of the regional office of the department on 02 9228 6111.

Yours sincerely,

Sam Haddad
Director General

21/11/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_SYDNE_006_00): to amend Sydney Local Environmental Plan 2012 to include development incentives for additional floor space and building height controls for land at Bay Street, Glebe.

I, the Director General, 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 draft Sydney Local Environmental Plan (LEP) 2012 to include Clause 6.15 to permit a maximum floor space ratio of 3.5:1 and maximum building height of 33 metres if certain development conditions are met for land at Lot 1, DP 874988, 87 Bay Street, Glebe should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to amend the planning proposal to:
 - (a) explain Council's intention to use at least 0.75:1 of the base floor space ratio (FSR) for non-residential purposes. The explanation should include the reason an FSR of 0.75:1 has been chosen and specify the non-residential land uses that are intended in relation to this provision including the land use terms from the Standard Instrument for LEPs.
 - (b) clearly identify the conditions that must be satisfied in order for the consent authority to grant the proposed additional height control of up to 33 metres.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. Council is to prepare an initial site contamination investigation to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
3. 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 **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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Catchment Authority
 - Essential Energy
 - Family and Community Services – Housing NSW
 - Integral Energy
 - Transport for NSW
 - Origin Energy
 - Sydney Water
 - Transgrid
 - Office of Environment and Heritage
 - Leichardt Municipal Council

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.

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

Dated 21st day of November 2012.



Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure