

Gateway Determination

Planning proposal (Department Ref: PP_2018_SYDNE_001_00): to allow additional floor space for the site at 4-6 Bligh Street, Sydney to achieve a maximum floor space ratio of 22:1.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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. Prior to community consultation the planning proposal is to be amended to:
 - (a) remove the strategic floor space framework from the explanation of provisions and replace with the site-specific provision as proposed in the original planning proposal with a floor space ratio of 20:1;
 - (b) update the intended outcomes to remove reference to the strategic floor space framework;
 - (c) demonstrate consistency with the Greater Sydney Region Plan and the Eastern City District Plan; and
 - (d) update the project timeline.
2. The revised planning proposal is to be provided to the Department for review and approval prior to community consultation.
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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW; and
 - Office of Environment and Heritage.



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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 time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *4th* day of *June* 2018.



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



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

Dear Ms Barone

**Planning proposal PP_2018_SYDNE_001_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 allow additional floor space for the site at 4-6 Bligh Street, Sydney to achieve a maximum floor space ratio of 22:1.

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

In December 2017, the Independent Planning Commission (IPC) reviewed the planning proposal and recommended it proceed to Gateway determination because it demonstrated strategic and site-specific merit. The Department of Planning and Environment notes that the planning proposal submitted by Council for a Gateway determination includes the introduction of strategic floor space as a new type of additional floor space, which was not part of the original planning proposal.

The planning proposal does not provide any justification for the introduction of the strategic floor space framework. The planning proposal also does not demonstrate how the introduction of the strategic floor space framework is the best means of achieving the objectives and intended outcomes of the planning proposal.

Given this, the Department does not support the introduction of the strategic floor space framework as a general amendment when considering a proposal for an isolated site. Therefore, the strategic floor space framework should continue to be considered as part of Council's draft strategy and associated planning proposal.

The Gateway determination has been conditioned to remove the strategic floor space framework from the explanation of provisions and replaced with the site-specific provision proposed in the original planning proposal reviewed by the IPC.


I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority given the planning proposal is the result of a rezoning review.

The amending 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 for the Department to draft and finalise the LEP should be made eight 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

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

Yours sincerely

 4 June 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination