

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_SYDNE\_007\_00):** to amend the Sydney Local Environmental Plan 2012 by inserting a site-specific provision to allow bonus floor space and height to facilitate the delivery of commercial premises at 30-62 Barcom Avenue, Darlinghurst.

I, the Executive Director, Regions 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 to insert a site-specific clause to allow bonus building height and floor space controls to facilitate the delivery of commercial development at 30-62 Barcom Avenue, Darlinghurst should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to community consultation as follows:
  - (a) update the objectives and intended outcomes section of the planning proposal to align with the explanation of provisions;
  - (b) amend the explanation of provisions to clarify that to be afforded the bonus building height and floor space:
    - the entire building cannot be used for residential accommodation or tourist and visitor accommodation;
    - the additional building height and floor space is restricted to commercial premises uses; and
    - car parking associated with the additional building height and floor space is prohibited.
  - (c) amend the planning proposal to remove the provision for a 6-star NABERS Energy Commitment Agreement; 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 and agency 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/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of the relevant 9.1 Directions:

- Office of Environment and Heritage;
- Transport for NSW; and
- Roads and Maritime Services.

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 11<sup>th</sup> day of July 2019.



**Stephen Murray**  
Executive Director, Regions  
Department of Planning, Industry and  
Environment

**Delegate of the Minister for Planning and  
Public Spaces**