

Gateway Determination

Planning proposal (Department Ref: PP-2021-3542): to amend the Sydney Local Environmental Plan 2012 to support the Oxford Street Creative and Cultural Precinct.

I, the Executive Director for Eastern Harbour City 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 amend the Sydney Local Environmental Plan 2012 to support the Oxford Street Creative and Cultural Precinct, should proceed subject to the following conditions:

1. Prior to public exhibition the Planning proposal is to be updated to:
 - (a) Provide further information to demonstrate consistency with section 9.1 Directions 2.6 Remediation of contaminated land
 - (b) Provide further justification to demonstrate that inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is justified.
 - (c) Remove any draft clauses from the planning proposal and place into an appendix as example clauses. Refine the planning proposal to include a clear plain English explanation of the principles of the proposed provisions and intended policy outcomes they need to secure.
 - (d) Provide further justification for the proposed requirement to retain existing creative and cultural uses in development which does not seek to access the alternate height and FSR controls for the precinct. This should also demonstrate consideration of different options for how the policy intent for retention of existing cultural and creative uses could be achieved.
 - (e) Amend Section 5.1 of the planning proposal to make it clear that no additional land use terms are proposed, noting that the additional creative and cultural uses are for a purpose rather than defined land use term.
 - (f) Include proposed LEP Maps to replace existing Sydney LEP maps for the applicable Heritage Conservation Areas. All maps to include red highlight for proposed changes.
 - (g) Provide a consideration of anticipated traffic and parking impacts.
2. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012 concurrently with the Planning Proposal.
3. Consultation is required with the following public authorities:
 - NSW Heritage
 - Transport for NSW

- NSW Department of Education
 - Relevant utility and service providers, including Sydney Water
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. The planning proposal must be exhibited 6 months from the date of the Gateway determination.
 6. The planning proposal must be reported to council for a final recommendation 10 months from the date of the Gateway determination.
 7. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.
 8. Council has requested to be the local planning making authority, however the Department does not grant local plan-making authority.

Dated

6 July 2021



Malcolm McDonald
Executive Director , Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces