



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

Dear Ms Barone,

**Planning proposal PP-2021-5109 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 amend the Sydney Local Environmental Plan 2012 to revitalise the Botany Road Precinct and create a vibrant commercial area.

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

The Department of Planning, Industry and Environment (the Department) notes the proposal seeks to exclude SEPP (Affordable Rental Housing) 2009 from applying to Opportunity Land in the Precinct and the provisions of this SEPP that are proposed to be moved to the draft Housing SEPP. As the Draft Housing SEPP is expected to be finalised in October 2021, the Department considers this will not impact the timeline for finalising the Planning Proposal.

The Department also acknowledges Council's intention to work with Transport for NSW to explore changes to the road network and investigation of two-way traffic flow on Regent Street and Gibbons Street, to support the objectives of the Planning Proposal.

I have considered Council's request and have determined for Council to be the local plan-making authority due to the alignment of the proposed amendments to State and local strategic planning objectives and the consistency with relevant section 9.1 Directions.

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 Minister 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 enquiries about this matter, I have arranged for Emily Dickson, Senior Planning Officer, to assist you and can be contacted on 02 8275 1032.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. Nagle', with a long horizontal stroke extending to the right.

**Aaron Nagle**  
**A/ Director, Eastern Harbour City, City of Sydney**  
**Greater Sydney, Place & Infrastructure**

Encl: Gateway determination