

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-2530):** to allow alternative maximum building heights with additional energy and water sustainability and non-residential floor area requirements and active street frontages.

I, the Director, Eastern District and City of Sydney, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2012 to allow alternative maximum building heights with additional energy and water sustainability and non-residential floor area requirements and active street frontages should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to:
  - include a plain English explanation of the alternative maximum building height provision that clarifies this is a mechanism to implement the planning proposal's intended outcomes. This update should also clarify that the final drafting of LEP provisions will be subject to drafting of NSW Parliamentary Counsel and are subject to change;
  - identify the land uses that constitute non-residential development for the purposes of the minimum non-residential gross floor area requirement; and
  - update the proposed additional BASIX provision in the explanation of provisions to remove reference to the term 'commitments'.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
  - 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 Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities:
  - Randwick Council;
  - Energy, Environment and Science Group;
  - Transport for NSW;
  - Federal Department of Infrastructure, Transport, Regional Development and Communications;
  - Sydney Airport Corporation;
  - Air Services of Australia; and
  - Civil Aviation Safety Authority.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. Prior to finalisation, the planning proposal to be updated to include additional justification explaining the inclusion of the active street frontage provisions in the LEP.
5. The planning proposal must be placed on exhibition no later than **3 months** from the date of the Gateway determination.
6. The planning proposal must be reported to Council for a final recommendation no later than **9 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.

Dated 2<sup>nd</sup> day of March 2023.



**Katie Joyner**  
**Director Eastern District and City of Sydney**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**  
  
**Delegate of the Minister for Planning and Homes**