



IRF24/2090

## Gateway determination report – PP-2023-2802

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8-24 Kippax Street, Surry Hills

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A - Planning Proposal - PP-2023-2802 (City of Sydney, May 2024)
Attachment B - Council Report - Public Exhibition (17 June 2024)
Attachment C- Council Resolution (20 June 2024)
Attachment D - Draft Sydney DCP 2012 (City of Sydney, May 2024)
Attachment E- Heritage Impact Statement (Urbis, 31 January 2024)
Attachment F -Planning Proposal Justification Report (Ethos, December 2023)
Attachment G - Urban Design Report (COX, 8 December 2023)
Attachment H -Indicative Reference Scheme (COX, 6 December 2023)
Attachment I - Updated Landscape Report and Drawings (ARCADIA, January 2024)
Attachment J - Survey (C&A Surveyors, 5 June 2023)
Attachment K - Draft DCP 2012 Amendments (Ethos Urban, 6 December 2023)
Attachment L - Public Benefit Offer (Canva, 7 December 2023)
Attachment M - Public Art Strategy (UAP, December 2024)
Attachment N - Noise Impact Statement (PWNA, 1 December 2023)
Attachment O -Traffic and Parking Assessment (TTPA, 7 December 2023)
Attachment P - Sustainability Statement (E-LAB Consulting, 7 December 2023)
Attachment Q - Structural Statement (Meinhardt, 4 December 2023)
Attachment R - Civil Engineering Report Pt 1 (Enstruct, December 2023)
Attachment S - Civil Engineering Report Pt 2 (Enstruct, December 2023)
Attachment T – Civil Flood Emergency Response Plan (Enstruct, April 2024)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>City of Sydney</b>
<b>PPA</b>	City of Sydney Council
<b>ADDRESS</b>	8-24 Kippax Street, Surry Hills
<b>NUMBER</b>	PP-2023-2802
<b>LEP TO BE AMENDED</b>	<i>Sydney Local Environmental Plan 2012</i>
<b>DESCRIPTION</b>	Lot 3, DP 547558
<b>RECEIVED</b>	1/07/2024
<b>FILE NO.</b>	IRF24/2090
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend the Sydney Local Environmental Plan 2012 to provide additional building height and floor space to facilitate the reuse of the existing building on 8-24 Kippax Street for office uses.

The intended outcomes of the planning proposal are to:

- Support the adaptive reuse of an existing commercial building and facilitate additional height and floor space appropriate to the surrounding context and the MU1 Mixed Use Zone;
- Deliver premium-grade office space and new jobs within the City Fringe and the Eastern Creative Precinct, and in close proximity to Central Railway Station and associated transport links;
- Encourage greater active and public transport use through removal of all on-site parking; and
- Activate the street frontage along Kippax, Terry and Sophia Street.

## 1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to enable an increased floor space ratio (FSR) and increased maximum building height for development at 8-24 Kippax Street that retains the existing building and is used wholly for purposes other than residential accommodation, serviced apartments and retail premises.

This is to be achieved by introducing a new site-specific clause under Part 6, Division 5 to incentivise employment uses by:

- Permitting a maximum building height of RL 67.06 metres (44m),
- Permitting a maximum floor space ratio of 10.2:1, inclusive of the following:
  - The maximum floor space ratio as shown on the Floor Space Ratio Map (3.5:1), and
  - End of journey floor space (10% bonus awarded under Clause 6.6),
- Ensuring development consent granted under the proposed clause:
  - Will not be used for the purpose of residential or serviced apartments;
  - Will not include any car parking spaces except for a minimum of two loading spaces for servicing of the building
  - Includes active retail street frontages and provision of end of journey facilities
- Ensuring this new clause does not apply to the erection of a new building,
- Waiving the requirements for a competitive design process under clause 6.21D of the Sydney LEP, excluding bonus floor space and height for design excellence being applied to future development under the proposed clause.

The planning proposal does not propose any changes to the existing MU1 Mixed Use zone, nor other mapped planning controls including the mapped maximum height of buildings of 22m and FSR of 3.5:1.

The planning proposal notes amendments are proposed to the Sydney Development Control Plan 2012 (draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the maximum building envelope dimensions, controls relating to street activation, the use of the external terrace and servicing and access provisions.

A development application (D/2023/1162) for structural works and refurbishment of the existing building was approved by the Central Sydney Planning Committee in May 2024, the approved works include relocation of the lift core and stairs, internal reconfiguration for open plan office space, new rooftop plant and equipment a landscaped roof terrace and business identification signage. In September 2024, Council approved a modification of the consent amending the public domain and public art conditions. Should the planning proposal be approved the applicant has advised that it will seek further modification of the consent to allow an additional two storeys. Council has noted both the planning proposal and development application have been assessed to ensure alignment and consistency between the two applications.

## 1.4 Site description and surrounding area

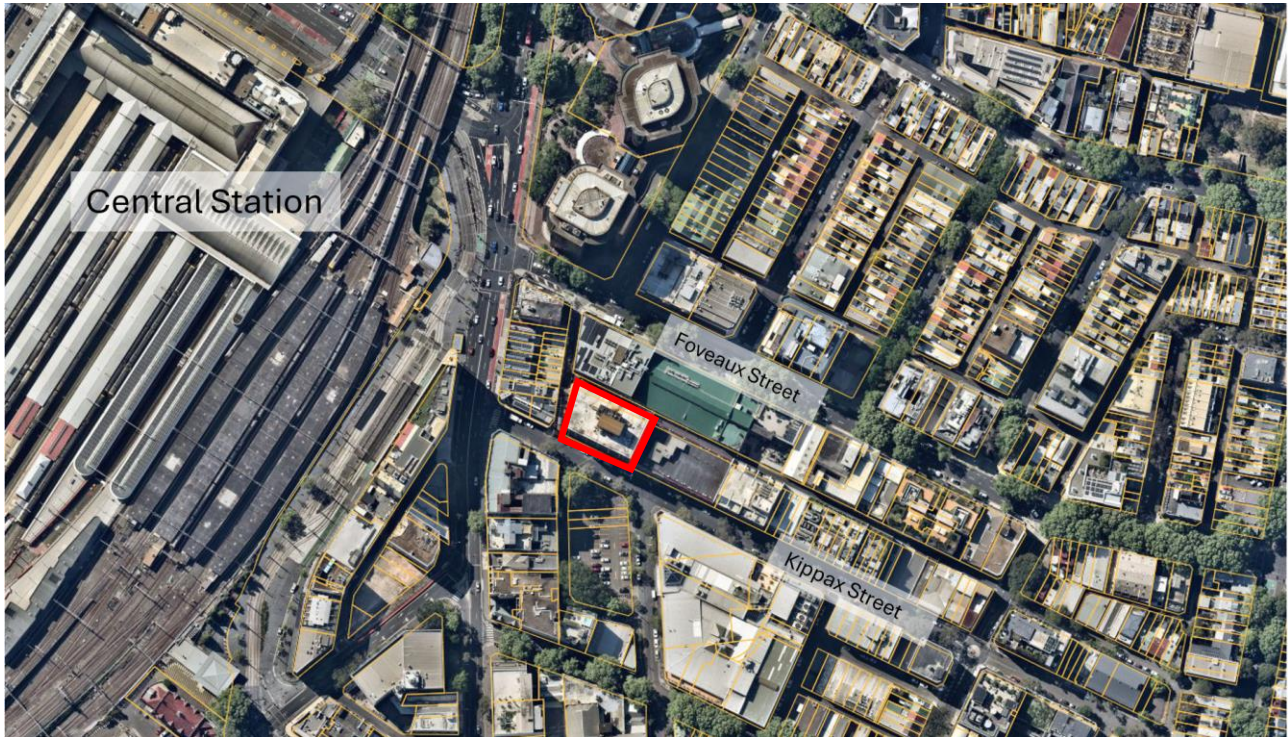
The site is located to the south of the Sydney CBD at the intersection of Kippax Street and Terry Street, Surry Hills. The site has an area of 1,032sqm and has a frontage to Kippax Street of approximately 36m, a frontage to Terry Street of approximately 24m, and a frontage to Sophia Street of approximately 40m (see **Figure 1** below).

The site contains a 10 storey commercial building constructed in the 1960s. It has not been significantly refurbished since the late 1990s and is currently not compliant with current building codes and standards (see **Figure 2** below).



The surrounding area contains a mix of residential, commercial and retail uses. The scale of buildings adjacent to the site range from 2 storey residential terraces and 4 to 6 storey commercial buildings comprising small-scale retail and creative suites. The site adjoins a 5-storey residential apartment building with ground floor retail to the east and commercial offices and at-grade car park is located to the south.

The site is highly accessible by public transport and is located approximately 100m to the east of Central Railway Station providing connections across Sydney and the State. There are bus stops located on Chalmers Street, Foveaux Street and on Elizabeth Street, and cycle paths are located along Chalmers Street and through Prince Alfred Park approximately 250m to the southwest of the site. A light rail stop on Chalmers Street also provides connections to Kingsford and Randwick via the L2 and L3 lines.



**Figure 1 Subject Site, bound in red (source: Nearmap, 2024)**





Figure 2 8-24 Kippax Street, viewed from the south-east outlined in red (source: City of Sydney)

## 2 Need for the planning proposal

**Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?**

The planning proposal is the result of a request made to Council by the landowner (Canva).

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The intended outcomes of the proposal cannot be delivered under the current planning framework and a planning proposal is required to amend the Sydney LEP 2012.

The planning proposal seeks to introduce a site-specific clause into the Sydney LEP 2012 to enable additional employment floor space, in a highly accessible location. It is considered the best means of achieving the objectives and intended outcomes of the proposal because it ensures that additional floor space is used for purposes other than serviced apartments and residential accommodation, consistent with the local planning priorities in Council's LSPS.

An alternative approach to the site-specific clause would be to amend the existing 'Height of Buildings Map' and 'Floor Space Ratio Map'. However, doing so would provide no guarantee that additional floor space would be for employment generating uses only.



## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) was prepared by the Greater Sydney Commission. Key objectives of the Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. The proposal is consistent with the Region Plan as it will enable additional employment floor space, generating jobs and supporting the strength and competitiveness of the Harbour CBD.

### 3.2 District Plan

The site is within the Eastern City District. The former Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the District Plan priorities for infrastructure and collaboration, liveability, productivity, and sustainability as well as relevant directions and actions as outlined in Table 3 below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

**Table 3 District Plan assessment**

District Plan Priorities	Justification
Planning for a city supported by infrastructure (Planning Priority E1)	The planning proposal will facilitate new office space in close proximity to existing and planned transport infrastructure, maximising the efficient use of rail, light rail, Sydney Metro and bus services.
Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority E6)	<p>The planning proposal will facilitate adaptive reuse and redevelopment of the site contributing to the existing built environment and fine grain urban form of Surry Hills. The proposed requirement for active frontages will contribute to creating and renewing great places.</p> <p>Locally listed heritage items are located to the north and south of the site consisting of the former Farleigh Nettheim &amp; Co warehouse (north) and Hibernian House (south). A Heritage Impact Statement submitted in support of the planning proposal concludes that works permitted under the planning proposal will have no detrimental impacts to the surrounding items.</p>
Growing a stronger and more competitive Harbour CBD (Planning Priority E7)	The subject site is located centrally in the Harbour CBD. The planning proposal will enable the development of additional employment floorspace and the creation of jobs supporting the strength and competitiveness of the Harbour CBD, maximising the site's location close to Central railway station.

District Plan Priorities	Justification
Delivering integrated land use and transport planning and a 30-minute city (Planning Priority E10)	The site is located approximately 100m from Central Station and will facilitate the delivery of new office space in close proximity to a range of existing and planned transport infrastructure, maximising the efficient use of rail, light rail, Sydney Metro and bus services.
Growing investment, business opportunities and jobs in strategic centres (Planning Priority E11)	The planning proposal will enable the development of additional employment floorspace centrally in the Harbour CBD contributing to the creation of jobs as well as growth in investment and business opportunities.
Supporting growth of targeted industry sectors (Planning Priority E13)	The planning proposal will facilitate the delivery of new office space which is proposed for digital and creative industries to draw in highly skilled specialists, contributing to high connectivity and accessibility to local and global markets and labour.

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies, as outlined in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The site is located within the City Fringe, in the Camperdown-Ultimo Innovation District and Eastern Creative District. It is one of the largest and most comprehensive health and education precincts in Greater Sydney consisting of specialised health and life sciences, education and research services, creative industries and information media sectors.</p> <p>The LSPS notes that there is an opportunity to deliver catalytic economic outcomes by linking internationally focused finance and professional services clusters in Central Sydney to those within the Innovation Corridor by accommodating more commercial floor space.</p> <p>The planning proposal is consistent with the LSPS because it will:</p> <ul style="list-style-type: none"> <li>enable new office and commercial space in an existing employment cluster area to support jobs in the knowledge-intensive technology sector (P2. Developing innovative and diverse business clusters in City Fringe)</li> <li>provide more commercial floor space near Central Station to take advantage of the considerable existing and new public transport connections (I2. Align development and growth with supporting infrastructure).</li> </ul>

Sustainable Sydney 2030-2050	<p>Sustainable Sydney 2030-2050 is the City of Sydney's overarching Community Strategic Plan (CSP), setting out Council's vision for the LGA. The planning proposal is consistent with the CSP because it would support additional employment floor space in a highly accessible location, helping to:</p> <ul style="list-style-type: none"> <li>• meet the City of Sydney's target for 200,000 new jobs by 2036.</li> <li>• encourage people to walk, cycle or use public transport to get to and from work</li> <li>• maintain the City's position locally, nationally and internationally as a destination for business investment and talent.</li> </ul>
Camperdown-Ultimo Collaboration Area Place Strategy	<p>The Camperdown-Ultimo Collaboration Area Place Strategy aims to direct private policy and investment decisions by establishing a vision for the Camperdown-Ultimo Collaboration Area. The planning proposal is consistent with the Strategy because it:</p> <ul style="list-style-type: none"> <li>• will facilitate the delivery of new commercial office space in an area earmarked for new cultural, creative and innovative uses, supporting convergence, the development of clusters, attracting investment and driving jobs growth</li> <li>• provides for positive public domain outcomes through provision of retail spaces at ground floor to active the street.</li> </ul>

## 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<b>Focus area 1: Planning Systems</b>		
1.4 Site Specific Provisions	Inconsistent, but minor and justified	<p>While the planning proposal will introduce site specific provisions into the Sydney LEP 2012, inconsistency with the Direction is considered minor and justified.</p> <p>This is because the site-specific provisions are the most appropriate mechanism for supporting delivery of additional employment floor space on the site, consistent with the objectives of the District Plan and LSPS while not restricting permissible land uses in the MU1 Mixed Use zone.</p>
<b>Focus area 4: Resilience and Hazards</b>		
4.1 Flooding	Inconsistent but justified	<p>This Direction seeks to ensure that development of flood prone land is consistent with the Government's Flood Planning Framework and ensure LEP provisions are commensurate with the flood behaviour and consider the potential impacts on and off the land. The land is identified as being flood prone and therefore this Direction applies.</p> <p>The site is identified within the Darling Harbour Catchment Floodplain Risk Management Study. The flood study</p>

indicates that the site is affected by the 1% Annual Exceedance Probability (AEP) and the Permissible Maximum Flood (PMF) events. The study identifies flood waters on Kippax Street and Terry Street to be a main floodway of the catchment and flood waters in Sophia Street to be a main flood storage. Flood modelling indicates flood depths between 100-500mm surrounding the property in the 1% AEP event and 200-800mm in the PMF event.

The planning proposal is inconsistent with the direction as it permits development in floodway areas that slightly extend into the site from Sophia, Terry and Kippax streets which adjoin the site.

The Department notes that no change to the land use zone is proposed and the intended use of the site is permissible with consent. The proposal seeks additional height and floor space to facilitate employment uses only subject to the existing building being retained. The planning proposal does not result in a significant increase in the development of the site.

A development application for the site was approved by Council in May 2024 consistent with the intended employment use for the site. Council's assessment report noted the proposed development was compliant with the relevant flooding provision in the Sydney LEP 2012. It is understood that the proponent will seek to modify the consent to incorporate additional height and floorspace sought under this planning proposal.

A flood assessment has been undertaken for the planning proposal and development application. The flood assessment report finds that there will generally be no change in flood affectation from the existing conditions at the site.

The flood assessment notes that it is expected the main entry should be safe for people to exit the building onto Kippax Street in the 1% AEP event. The steep slope in Terry Street results in a high velocity of flood waters in the 1% AEP storm event, increasing the flood hazard level to unsafe for vehicles and people and requiring the building to have special engineering design and construction (H5 classification). Sophia Street is generally safe for people, vehicles and buildings noting the severity of the flood hazard increases towards Terry Street.

In a PMF event, Sophia Street worsens to an H3 flood hazard classification (unsafe for vehicles, children and the elderly). Terry Street becomes unsafe for vehicles and people and the building vulnerable to failure (H6 classification) while Kippax Street is unsafe for vehicles and people and the building needs special engineering design and construction (H5 classification).

A Flood Emergency Response Plan has been prepared to ensure on-site refuge in the case of a flood emergency. On-

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>site refuge is recommended for the site for all flood events once an official flood warning is issued. The site is not expected to be inundated above 0.3 metres for more than 30 minutes in accordance with the City of Sydney's Floodplain Risk Management Study.</p> <p>The flood assessment finds that the proposal meets the requirements of Council's Interim Flood Management Plan noting some areas of the site will require alternative methods such as flood doors. Given the proposal is deemed to be in accordance with Council's Interim Flood Management Plan, the inconsistency is considered to be justified.</p>
4.5 Acid Sulfate Soils	Consistent	The planning proposal is consistent with this Direction as the land is classified as Class 5 under section 7.14 of the Sydney LEP, is not located within 500m of land designated Class 1,2,3 or 4 and the development on this site is not likely to disturb, expose or drain acid sulfate soils and cause environmental damage. A Desktop Contamination Study submitted with the planning proposal confirms the site is not located in a known acid sulfate soil area.

#### Focus area 5: Transport and Infrastructure

5.3 Development Near Regulated Airports and Defence Airfields	Consistent	The planning proposal does not include a proposed building height that would impede on the operation or safety of Sydney Airport. However, as the planning proposal is on land that is located near Sydney Airport. The Direction requires that development near a core regulated Airport must consult with the Commonwealth Department and Sydney Airport (the operator). A Gateway condition has been included to reflect this.
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#### Focus Area 6: Housing

6.1 Residential Zones	Consistent	The planning proposal is consistent with the Direction as while it seeks to incentivise commercial development it will not reduce the permissible residential density of the land.
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#### Focus Area 7: Industry and Employment

7.1 Employment Zones	Consistent	The planning proposal is consistent with this Direction as it will encourage employment contributing to the creation of jobs as well as in investment and business opportunities in the surrounding area.
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### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	Consistent	<p>The site is located on land in the Sydney Harbour Catchment under the SEPP. However, it is not within the Foreshore and Waterway Area.</p> <p>Development permitted under the planning proposal controls includes adaptive reuse of the of the existing building and does not contain any provisions that will impede the operation of the SEPP.</p>
SEPP (Resilience and Hazards) 2021	Consistent	<p>A Detailed Site Investigation has been submitted with the planning proposal. The study concludes that widespread site contamination is likely to be low to moderate and it is unlikely that significant contamination is present at the site which would render the site unsuitable for the proposed development.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>

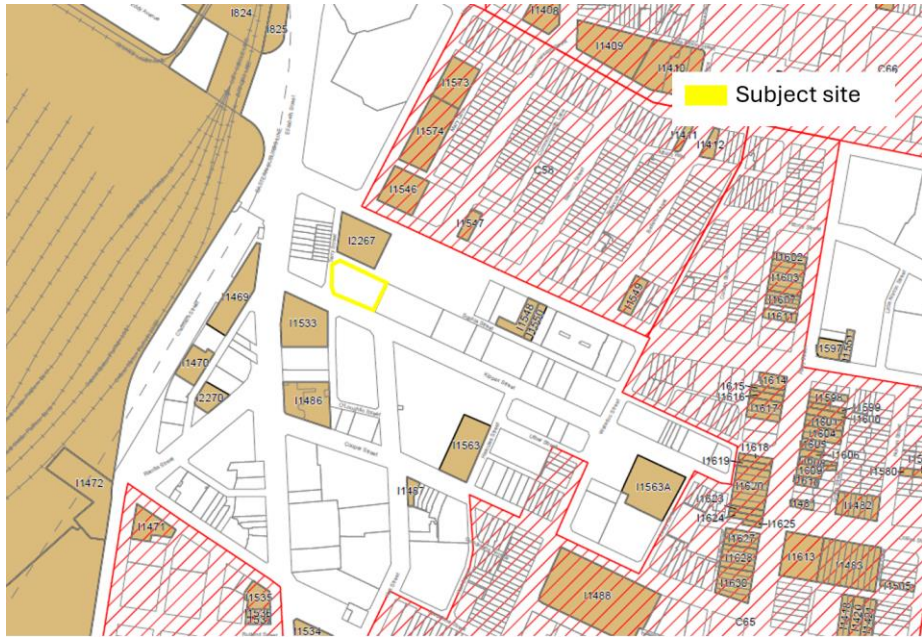
## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Built Form	<p>The proposed built form includes the retention of the existing 10 storey commercial building and additional height that would allow a new two storey rooftop addition. No significant external change will be made to the existing building and the additional height permitted under the planning proposal can be designed to be recessive in nature and setback from the parapet of the existing building. This will ensure the additions will not contribute unnecessary visual bulk and scale, providing for a sensitive redevelopment of the site and delivering much needed additional employment floor space in the precinct.</p>

Solar Access and Overshadowing	<p>Overshadowing analysis submitted with the planning proposal illustrates the proposed planning controls will result in minimal overshadowing impacts to adjacent commercial buildings during the mid-winter solstice from 9am.</p> <p>Additionally, the envelope permitted under the proposed controls will not result in any additional overshadowing or significant amenity impacts to the any of the apartments within the adjoining apartment building on Kippax Street. The nearest residential buildings on Cooper Street will not be impacted by overshadowing as a result of the proposed controls.</p>
Heritage	<p>The site is not identified as a heritage item and is not located within a heritage conservation area (HCA). However, there are several heritage items near the site as shown on <b>Figure 3</b>. The site is located close to the Albion Estate conservation area (C73).</p>  <p>A Heritage Impact Statement submitted in support of the planning proposal concludes that works permitted under the planning proposal will have no detrimental impacts to the surrounding items.</p>
Flood Risk	<p>The site is affected by flooding. See discussion relating to this matter in <b>Section</b> Error! Reference source not found. of this report.</p>
Acoustic	<p>The planning proposal is supported by an Acoustic Assessment that demonstrates future development permitted under the planning proposal can achieve the relevant Council noise criteria. Further acoustic assessments will be undertaken as part of any future development approval to confirm the development will meet the relevant noise criteria.</p>
Sustainability	<p>The planning proposal is supported by a sustainable statement confirming that development permitted under the planning proposal will meet City of Sydney sustainability objectives and provisions in the LEP 2012 and DCP 2012. In particular, development permitted under the planning proposal will deliver embodied carbon benefits through the retention and adaptive reuse of the existing building.</p>

## 4.2 Social and economic

The planning proposal will have positive economic impacts, with development resulting from the planning proposal providing additional commercial floor space and jobs, supporting the economic growth of Sydney and contributing to strengthening Sydney's role as a globally competitive city.

The planning proposal will also have positive social impacts through encouraging greater walking, cycling and public transport usage through the removal of all on-site parking, utilising the site's location close to Central Railway Station and other public and active transport network.

It is not expected that development resulting from the planning proposal will have adverse social and economic impacts.

## 4.3 Infrastructure

The following table assesses the adequacy of infrastructure to service development resulting from the planning proposal, as well as proposed infrastructure to support future development.

**Table 10 Infrastructure assessment**

Infrastructure	Assessment
Traffic, Transport and Car Parking	<p>A Traffic and Parking Assessment was submitted with the planning proposal. The assessment concludes that the proposal will not result in adverse traffic and transport impacts as:</p> <ul style="list-style-type: none"> <li>Removal of the existing car parking on the site is considered appropriate given the sites proximity to the public transport network and pedestrian and cycle links will encourage the use of sustainable transport modes.</li> <li>The provision of 94 bike spaces, including end of trip facilities are suitable for the proposal.</li> <li>Traffic movements generated are limited to set down / pick up movements, and service and delivery vehicles via Sophia Sheet frontage and are suitable for the proposal.</li> </ul>
Utilities and Services	<p>Council has advised that the site is adequately serviced by public utilities and infrastructure, including electricity, telecommunications, water, sewerage and stormwater.</p> <p>Noting the planning proposal involves increasing commercial floorspace a Gateway condition has been included to consult with relevant utility providers including Sydney Water during the exhibition period.</p>

## 5 Consultation

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

### 5.1 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Sydney Airport
- Civil Aviation Safety Authority
- Air Services Australia
- Utility Providers, including Sydney Water

Consultation with the above agencies has been included as a condition of the Gateway determination.

## 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 29 July 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

At its meeting on 24 June 2024, Council resolved to seek authority from the Department to exercise the delegation of all the functions under Section 3.36 of the EP&A Act 1979 as the Local Plan-Making Authority (LPMA).

Given the nature of the planning proposal, the Department recommends that Council be authorised to be the LPMA. This is because the planning proposal is consistent with the District Plan, the endorsed LSPS, applicable SEPPs and has minor and justifiable inconsistencies with Section 9.1 Directions.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the District Plan and Council's Local Strategic Planning Statement because it will enable the delivery of additional employment floor space in the City Fringe, helping to accommodate more jobs and supporting the continued economic growth of the Harbour CBD.
- Inconsistency with Section 9.1 Direction 1.4 Site Specific Provisions and 4.1 Flooding is minor and justified.
- An amendment to the Sydney LEP 2012 is the best means of achieving the objectives and intended outcomes of the planning proposal.
- Likely environment, social, economic and infrastructure impacts have been considered.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with the following section 9.1 Direction is justified:
  - 1.4 Site Specific Provisions
  - 4.1 Flooding

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities:
  - Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
  - NSW Department of Climate Change, Energy, the Environment and Water
  - the NSW State Emergency Service
  - Sydney Airport
  - Civil Aviation Safety Authority
  - Airservices Australia
  - Utility Providers, including Sydney Water
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 29 July 2025 be included on the Gateway.



5 September 2024

Emma Hitchens

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3 October 2024

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