

Gateway Determination

Planning proposal (Department Ref: PP-2024-376): *To amend the Sydney Local Environmental Plan 2012 to introduce new planning controls for land in Ultimo and Pyrmont.*

I, the acting Executive Director, Local Planning & Council Support, at the Department of Planning, Housing and Infrastructure, 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 EP&A Act) that an amendment to the Sydney Local Environmental Plan 2012 (the Sydney LEP 2012) to introduce new planning controls for land in Ultimo and Pyrmont should proceed subject to the conditions listed below.

The LEP should be completed on or before 13 May 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) Resolve inconsistencies between the explanation of provisions and the example drafting provided in Appendix 1.
 - (b) Provide a plain English explanation of the proposed amendments and clarify the development and land to which they would apply.
 - (c) Justify excluding the application of the building height bonuses available under clause 6.21D(3)(a) of the Sydney LEP 2012.
 - (d) Clarify how the proposed sun access plane for Wentworth Park would interact with existing provisions in the Sydney LEP 2012 that limit additional overshadowing of Wentworth Park.
 - (e) Include a map showing the proposed changes to the Sun Access Protection Map.
 - (f) Remove reference to *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*.
 - (g) Demonstrate that the proposed building heights provide an appropriate level of protection to the public open spaces identified in Part 3 of the Urban Design Report.
 - (h) Assess potential impacts on the future view corridor along Quarry Master Drive and through site links to the Sydney Fish Market.
 - (i) Consider the likelihood of the planning proposal adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats.
 - (j) Address section 9.1 Direction 4.1 Flooding and provide a flood impact assessment that considers relevant guidelines, including the NSW Flood Risk Management Manual 2023 and the Flood Impact and Risk Assessment – Flood Risk Management Guide LU01.

- (k) Provide further information addressing the planning proposal's consistency with the following section 9.1 Directions: 1.15 Implementation of the Pyrmont Peninsula Place Strategy; 4.2 Coastal Management; 4.4 Remediation of Contaminated Land; 6.1 Residential Zones; and 7.1 Employment Zones.
2. The planning proposal is to be updated prior to the LEP being made to address consistency with section 9.1 Direction 5.3 Development Near Regulated Airports and Defence Airfields.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the EP&A Act as follows:
- (l) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and
- (m) 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 Guideline* (Department of Planning and Environment, August 2023).
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the EP&A Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Transport for NSW
 - Sydney Metro
 - Heritage NSW
 - NSW Environment Protection Authority
 - The Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water
 - NSW State Emergency Service
 - Placemaking NSW
 - NSW Land and Housing Corporation
 - NSW Department of Education
 - Infrastructure NSW
 - Sydney Airport Corporation
 - Department of Infrastructure, Transport, Regional Development, Communications and the Arts
 - Civil Aviation Safety Authority
 - Metropolitan Local Aboriginal Land Council.
 - Relevant utility providers, including Sydney Water, Ausgrid and Jemena

Each public authority and government agency is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working 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 EP&A 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).

Dated 15 July 2024



Daniel Thompson
Acting Executive Director, Local
Planning & Council Support
Planning, Land Use Strategy, Housing
and Infrastructure
Department of Planning, Housing and
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Delegate of the Minister for Planning
and Public Spaces