



IRF24/1882

Gateway determination report – PP-2024-408

383-395A Kent Street, Sydney

August 24

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2024-408

Subtitle: 383-395A Kent Street, Sydney

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (June 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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.

Contents

1	Planning proposal.....	1
1.1	Overview	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provisions.....	2
1.4	Site description and surrounding area	2
2	Need for the planning proposal	4
3	Strategic assessment	5
3.1	Regional Plan	5
3.2	District Plan	5
3.3	Local.....	6
3.4	Section 9.1 Ministerial Directions.....	8
3.5	State environmental planning policies (SEPPs)	9
4	Site-specific assessment	10
4.1	Environmental	10
4.2	Social and economic	12
4.3	Infrastructure	13
5	Consultation.....	14
5.1	Community	14
5.2	Agencies	14
6	Timeframe	14
7	Local plan-making authority	15
8	Assessment summary	15
9	Recommendation.....	15

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Site Survey (Beveridge Williams, September 2022)
Design Excellence Strategy (Ethos Urban, February 2024)
Public Benefit Offer (Charter Hall, February 2024)
ESD Report (LCI, February 2024)
Pedestrian Wind Environment Study (Windtech, January 2024)
Pedestrian Comfort Assessment (Movissian, July 2023)
Traffic and Transport Assessment (Stantec, December 2023)
Preliminary Aeronautical Impact Assessment (Avlaw, July 2023)
Heritage Impact Statement (Urbis, December 2023)
Geotechnical Desktop Investigation (Douglas Partners, June 2023)
Preliminary Site Investigation (Contamination) (Douglas Partners, December 2023)
Preliminary Acid Sulfate Soils Desktop Study Review and Management Plan (Douglas Partners, December 2023)
Operational Waste Management Plan (Foresight Environmental, December 2023)
Urban Design Report (fjc studio, February 2024)
Civil Engineering Report (TTW, December 2023)
Draft Site Specific DCP (City of Sydney Council, May 2024)
Planning Proposal Justification Report (Ethos Urban, February 2024)
Planning Proposal (City of Sydney Council, May 2024)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Sydney
PPA	City of Sydney Council
NAME	383-395A Kent Street, Sydney
NUMBER	PP-2024-408
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012
ADDRESS	383-395A Kent Street, Sydney
DESCRIPTION	Lot 1, DP 778342
RECEIVED	20/05/2024
FILE NO.	IRF24/1882
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	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 objectives of the planning proposal are to enable the redevelopment of the site to deliver:

- a future tower of approximately 170m that does not overshadow Sydney Square, Town Hall Steps and future Town Hall Square;
- 73,000 sqm of commercial and retail floor space in a tower cluster area;
- a built form which protects and enhances the amenity of the public domain, particularly sun access and wind conditions;
- a built form which is responsive to the surrounding streetscape and character of Kent Street and the western edge of the CBD;
- a built form capable of achieving design excellence and acceptable sustainability outcomes;
- a pedestrian through-site link connecting Kent Street and Sussex Street;
- the removal of a large 10-storey, approximately 800 space, commercial car park; and
- the provision of a shared precinct loading dock facility for the use of surrounding businesses

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal 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 383-395A Kent Street that is used wholly for purposes other than residential accommodation, serviced apartments or commercial car park.

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

- Permit a maximum building height of RL 189.8 metres
- Permit a maximum floor space ratio of 20.3:1, inclusive of the following:
 - The maximum floor space ratio as shown on the Floor Space Ratio Map
 - The maximum accommodation floor space ratio under Clause 6.4 to which the City's heritage floor space scheme will apply
 - Shared loading dock facility floor space (under clause 6.5A)
 - End of journey floor space (under Clause 6.6)
 - Additional floor space, of up to 10%, if the building demonstrates design excellence (under Clause 6.21D(3)(b))
- Prevent development consent being granted under this clause unless the consent authority is satisfied that the resulting building would comply with Clause 6.18 "Overshadowing of certain public places"
- Prevent development consent being granted under this clause unless the consent authority is satisfied that the resulting building:
 - Would not be used for the purpose of residential, serviced apartments or a commercial car park;
 - Would include a pedestrian through-site link connecting Kent Street and Sussex Street; and
 - Would include a shared loading dock facility, in addition to the sites own requirements, for the use of surrounding businesses.

Clause 6.21D(3)(a), which allows for additional height where design excellence is demonstrated, is not proposed to apply to these site-specific controls. This is as no additional building height should be available to exceed the maximum set at RL 189.8 metres.

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 built form of the proposed development, provision of a pedestrian through-site link, design excellence and sustainability. Council intends to publicly exhibit the draft DCP with this planning proposal.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located in the Sydney CBD approximately 500 metres from Town Hall Railway Station. and adjoins Kent Street to the east and Sussex Street to the west (see Figure 1). The site has an area of 3,606sqm with a frontage of approximately 53 metres to Kent Street and a frontage of approximately 43 metres to Sussex Street. The site's length between Sussex and Kent streets is approximately 73 metres and it slopes by approximately 10 metres from Sussex Street to Kent Street.

The site currently contains a 19 storey building including a 10 storey commercial car park (see Figure 2). Current vehicular access to the car park and loading dock is off Sussex Street, and the lobby for the office tower is accessed via Kent Street.

The surrounding area contains a mix of commercial and retail uses. The scale of surrounding buildings range from 5 storeys to 25 storeys. The site adjoins a 22-storey commercial building to the south and two 8-14 storey commercial buildings to the north. A two-way cycleway is located opposite the site on Kent Street.

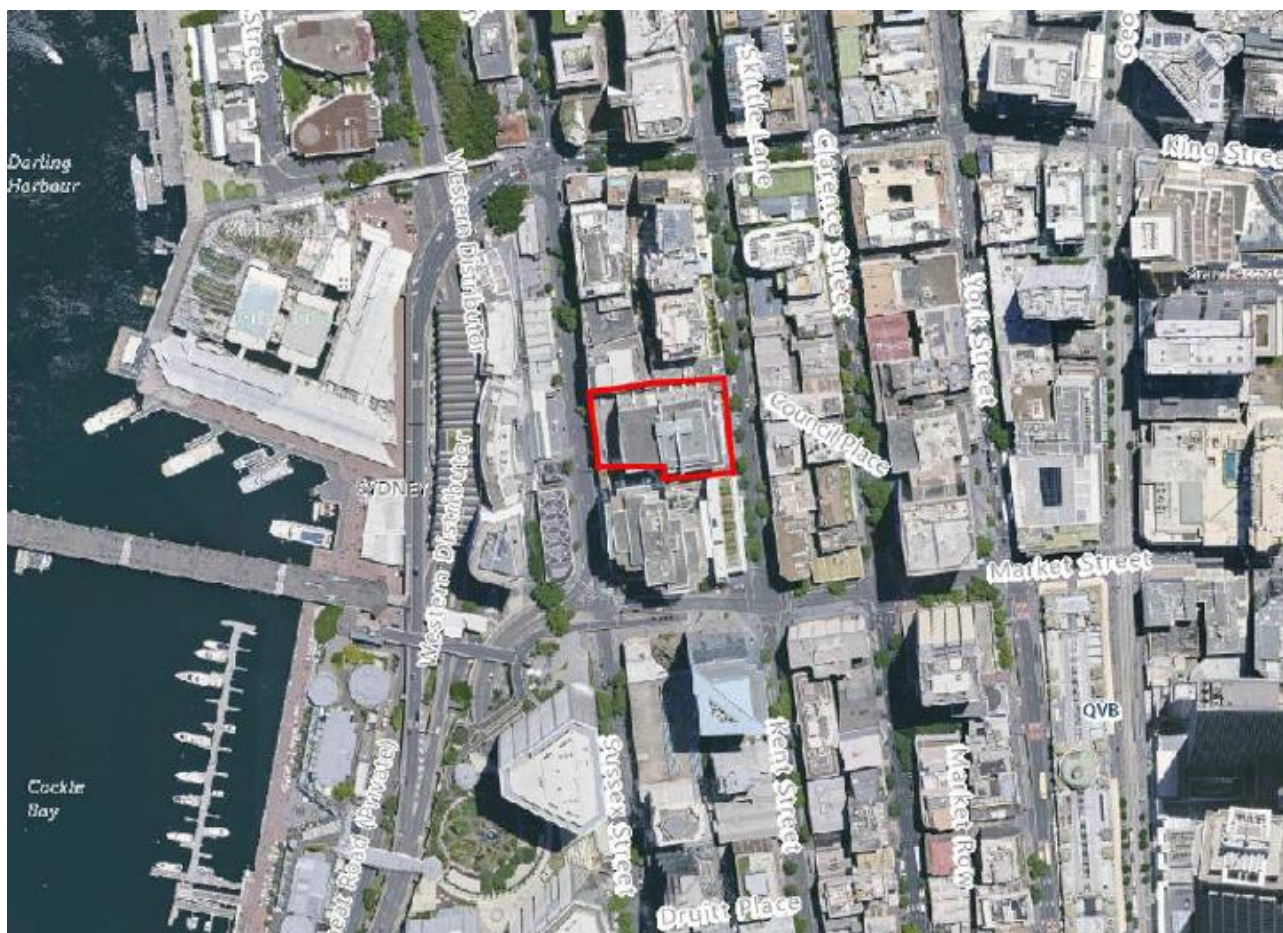


Figure 1 Site Location, site bound in red (source: City of Sydney)

The site is not heritage listed but the surrounding area includes a number of local and State listed heritage items. The site is also partially located in the York Street Special Character Area characterised by 3-8 storey nineteenth and twentieth century warehouses, interspersed with hotels established nears the wharves as well as a number of banks.

A locally listed item, the façade of a former maritime building ‘CMC House’ adjoins the site at 160-166 Sussex Street and a number other local items are located along Kent and Sussex Streets.



Figure 2 Subject site, bound 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 (Charter Hall). It gives effect to the Council's Central Sydney Planning Strategy because it will:

- Facilitate redevelopment of the site into a new commercial office tower, delivering new employment floor space and increasing capacity and space within Central Sydney;
- Ensure future development has appropriate built form including setbacks, separation, and through site pedestrian link; and
- Increase height and floor space in an identified tower cluster area, permitting greater development and density while preserving public amenity.

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 planning priorities in the Central Sydney Planning Strategy.

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.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) (Region Plan) 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 support the delivery of higher capacity development in line with recent infrastructure investment by local and State government (i.e. Sydney Metro and Light Rail). It will also continue and build on the existing use of the site for employment and retail purposes.

3.2 District Plan

The site is within the Eastern City District and the 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 Plans priorities for infrastructure and collaboration, liveability, productivity, and sustainability. 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*. The following table includes an assessment of the planning proposal against relevant directions and actions.

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 non-residential and office space in proximity to existing and planned transport infrastructure, maximising the efficient use of rail, light rail, 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 includes a pedestrian link through the site between Kent and Sussex streets which will contribute to more efficient pedestrian movement through the city.</p> <p>The site is close to both State heritage items listed under the Heritage Act 1977 and S.170 Register, as well as local heritage items listed under Schedule 5 of the Sydney LEP 2012. Further, the site is identified within the 'York Street Special Character Area including Clarence Street and Kent Street', in the Sydney DCP.</p> <p>The planning proposal is supported by a Heritage Impact Statement that concludes that development resulting from the planning proposal will not impact nearby heritage items and will have a more positive heritage response to the surrounding area than the existing building.</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.
Growing and investing in health and education precincts and the Innovation Corridor (Planning Priority E8)	The site is located within the Innovation Corridor, Camperdown-Ultimo Collaboration Area and Haymarket activity node, the planning proposal will assist efforts to develop an innovation corridor with supply of adaptable commercial spaces, co-location with other similar uses, high walkability and high amenity.
Delivering integrated land use and transport planning and a 30-minute city (Planning Priority E10)	The site is located approximately 500m from Town Hall Station and 800m from Wynyard 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, 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.

3.3 Local

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

Table 4 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement City Plan 2036	<p>The planning proposal is consistent with the LSPS because it will:</p> <ul style="list-style-type: none"> • facilitate well positioned commercial development close to existing and future transport connections, while encouraging walking through a new pedestrian through-site link (I1 Movement for walkable neighbourhoods and connected city) • facilitate the development of new commercial office space close to existing transport infrastructure (I2 Align development and growth with supporting infrastructure) • deliver improved street activation through the new pedestrian through-site link, providing shared off street loading facilities and new opportunities for retail and food and drink premises further enhancing the character and walkability of the western edge of the CBD (L5 Creating great places) • support growth in Central Sydney by facilitating development that will deliver additional capacity for economic and employment growth (P1 Growing a stronger and more competitive Central Sydney).
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"> • meet the City of Sydney's target for 200,000 new jobs by 2036 (Ten targets to measure progress) • encourage people to walk, cycle or use public transport to get to and from work (Direction 5: A city for walking, cycling and public transport) • maintain the City's position locally, nationally and internationally as a destination for business investment and talent (Direction 9: A transformed and innovative economy).
Central Sydney Planning Strategy (CSPS)	<p>The CSPS sets out a 20-year growth strategy through 10 keys moves that aim to balance opportunities for development to meet the demands of growing numbers of workers, residents and visitors and their changing needs in Central Sydney. The planning proposal is consistent with the CSPS because it will:</p> <ul style="list-style-type: none"> • Prioritise employment growth and increase employment capacity (Key move 1) • Ensure new increased density responds to its context (Key move 2) • Provide for new employment space in tower cluster areas (Key move 4) • Protect and enhance Central Sydney's public places and spaces (Key move 6) • Provide for enhanced pedestrian movement corridors (Key move 8) • Ensure development will exhibit design excellence (Key move 9).

3.4 Section 9.1 Ministerial Directions

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

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provision	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 the delivery of additional employment floor space on the site, consistent with the objectives of the District Plan and LSPS whilst not restricting permissible land uses in the SP5 Metropolitan Centre zone.</p>
3.2 Heritage Conservation	Consistent	<p>There are no heritage-listed items on the site and the site is not located in a heritage conservation area (HCA). There are however several heritage items adjoining the site to the north and along Kent Street, see Figure 3 of this report for more details.</p> <p>The planning proposal is supported by a Heritage Statement that concludes the proposal would not impact on any heritage items or significant views. Sydney LEP 2012 includes sufficient provisions to ensure heritage will be further considered through a future development application stage.</p> <p>The planning proposal is consistent with the Direction having adequately considered potential impacts on nearby heritage items.</p>
4.5 Acid Sulfate Soils	Consistent	<p>The planning proposal proposes an intensification of commercial land uses, in accordance with the Direction an Acid Sulfate Soils desktop study review and preliminary ASS Management Plan has been submitted with the planning proposal. The study confirms that existing mapping identifies the site as Low or Extremely Low probability of ASS, however confidence on this rating is either Low or unknown.</p> <p>The study also outlines works required to confirm if ASS are present and potential management options should ASS be present to ensure any intensification of land use is acceptable. Clause 7.13 of Sydney LEP 2012 provides a mechanism for this to be further considered and addressed at the development application stage.</p> <p>The planning proposal is consistent with the Direction having considered and addressed the above requirements.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.3 Development Near Regulated Airports and Defence Airfields.	Unresolved	<p>The height of development resulting from the provisions of the planning proposal would constitute a controlled activity under the Airports Act 1996, due to penetration of the Obstacle Limitation Surface. Under this Direction during the preparation of the planning proposal the relevant authority must obtain permission from the Department of the Commonwealth responsible for airports prior to public exhibition.</p> <p>The planning proposal notes that the required consultation will be undertaken during public exhibition. It is considered acceptable to undertake consultation and obtain feedback during public exhibition given the large number of buildings taller than the proposed development nearby in Central Sydney that have recently obtained advice from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and Sydney Airport as operator.</p> <p>A Gateway condition has been included requiring consultation with the Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Sydney Airport as operator and the Civil Aviation Safety Authority (CASA).</p>
6.1 Residential Zones	Consistent	The planning proposal is consistent with the Direction as while it seeks to incentivise commercial development in accordance with the Central Sydney Planning Strategy it will not reduce the permissible residential density of the land.
7.1 Employment Zones	Consistent	<p>The Planning Proposal is consistent with the Direction as it will facilitate development of a commercial tower that will:</p> <ul style="list-style-type: none"> • Encourage employment growth in Central Sydney • Support the viability of Central Sydney by increasing the floor space for employment uses.

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below. Table 6 Assessment of planning proposal against relevant SEPPs

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Transport and Infrastructure) 2021	The SEPP requires consultation with public authorities for certain types of development applications.	Consistent	<p>Under the SEPP development resulting from the planning proposal will require referral to Transport for NSW due likely excavation depths combined with the sites location in a rail corridor and the traffic generating nature of the development.</p> <p>A Gateway condition has been included requiring consultation with Transport for NSW during the exhibition period.</p>
SEPP (Biodiversity and Conservation) 2021	The SEPP contains provisions to protect the catchment, foreshores, waterways and islands of Sydney Harbour.	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>The SEPP contains general controls, as well as controls for development in specific areas and for specific purposes in the Sydney Harbour Catchment. The SEPP controls can be considered during the assessment of future development applications.</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 7 Environmental impact assessment

Environmental Impact	Assessment
Solar, Access and Overshadowing	<p>An Urban Design Report prepared FJC Studio accompanying the planning proposal includes a reference design that illustrates an approach to the proposed controls. The shadow diagrams included with the reference design illustrate:</p> <ul style="list-style-type: none"> • It is consistent with both the Sydney Square and Sydney Town Hall Steps No Additional Overshadowing provisions; • It will not cast any shadow to the land identified as the Future Town Hall Square during the prescribed time of midday to sunset, all year round; • It results in some additional overshadowing of various city streets compared to the existing situation. This additional shadow is considered minor given the existing built-up nature of the city. • Two buildings are likely to be potentially impacted by the proposed building envelope; 25 Market Street to the south-east of the site, and 222-228 Sussex Street to the south of the site. • It would have an impact on some apartments contained at the northern elevation of 25 Market Street which is an existing 22 storey mixed use building, containing 127 apartments. • It may impact on the northern oriented habitable spaces at 222-228 Sussex Street which is a 32-storey residential building that contains 114 residential apartments. <p>Images showing sun access analysis for 25 Market Street and 22-228 Sussex Street contained in Council's Planning Proposal documentation are shown in Figure 3 and 4 below.</p> <p>Given the above and context of the site in a dense urban area, it is considered the planning proposal will not result in adverse overshadowing impacts for the surrounding area. In addition, the planning proposal gives effect to the Central Sydney Planning Strategy which aims to allow for additional height and density in Central Sydney for employment uses.</p>
Heritage	<p>The site is located in proximity to several heritage items and there is potential presence of Aboriginal archaeological deposits.</p> <p>The planning proposal is supported by a Heritage Impact Statement that concludes the proposal would not impact any heritage items and there are no identified views to nearby heritage items that would be affected. It also concludes that the removal of the existing multi storey car park provides the opportunity for a new podium that maintains consistency with surrounding built forms and new tower setbacks that maintain appropriate visual separation from heritage items, see further discussion in Section 3.4 of this report.</p>

Environmental Impact	Assessment
Contamination	The planning proposal is supported by a preliminary site investigation which concludes that there are not likely to be any significant contamination risks, and that the site can be made suitable for future redevelopment subject to further detailed site investigation.
Sustainability	The planning proposal is supported by an ecological sustainable design report confirming that developed permitted under the planning proposal will meet and, in some cases, exceed both National Construction Code 2022 and City of Sydney sustainability provisions.
Wind	The planning proposal is supported by a pedestrian wind environment study which demonstrates that wind conditions for the maximum planning envelope permitted under the planning proposal are within target comfort criteria and safety limits being equivalent to existing site wind conditions or better than existing conditions.

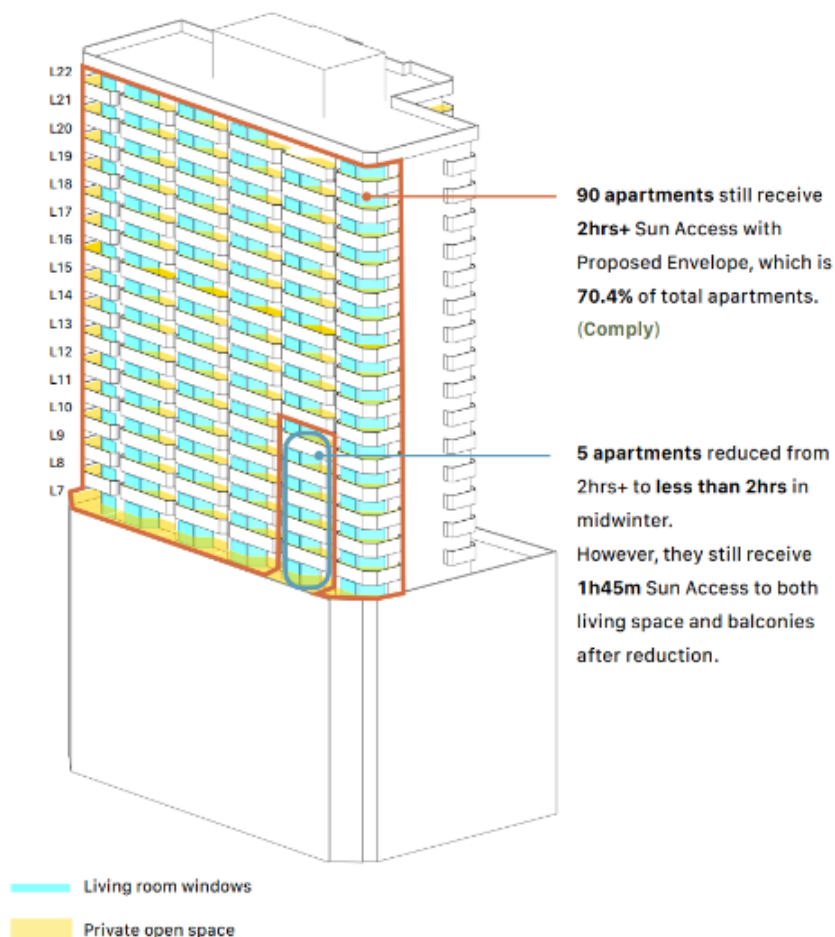


Figure 3 Sun Analysis 25 Market Street Sydney

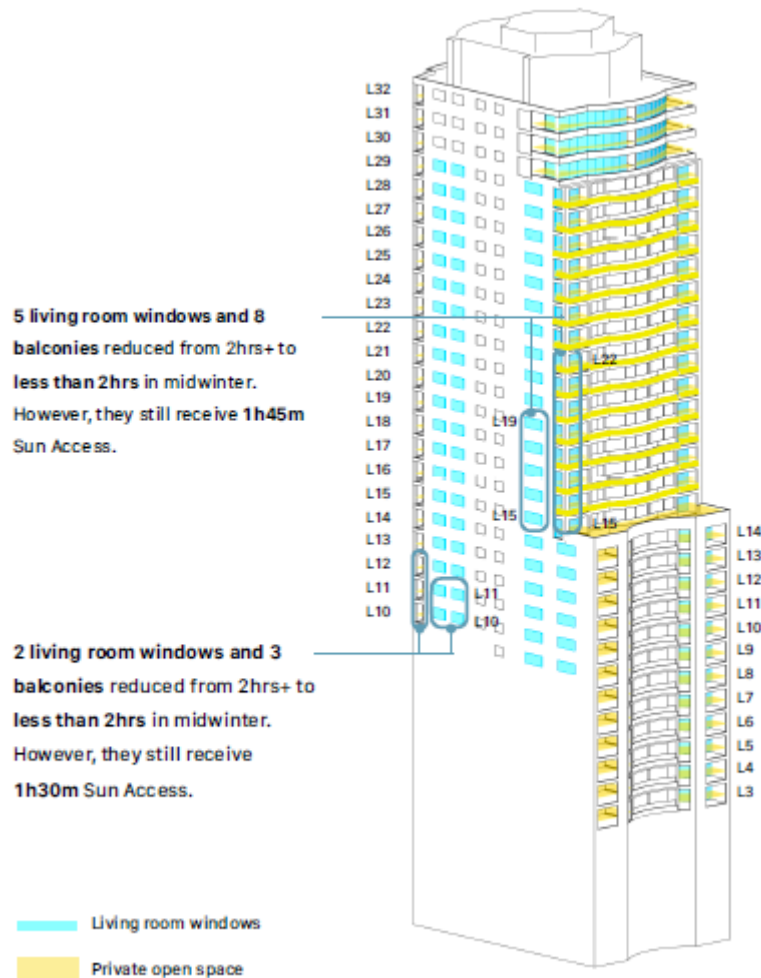


Figure 4 Sun Analysis 222-228 Sussex Street, Sydney

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 the provision of a through site link improving walkability and connections in the Central Sydney area.

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

4.3 Infrastructure

Table 8 assesses the adequacy of infrastructure to service development resulting from the planning proposal, as well as proposed infrastructure to support future development.

Table 8 Infrastructure assessment

Infrastructure	Assessment
Traffic, Transport and Car Parking	<p>A Traffic Impact Assessment was submitted in support of the planning proposal, it concludes that the proposal will not result in adverse traffic and transport impacts given:</p> <ul style="list-style-type: none"> • The sites proximity to the public transport network as well as pedestrian and cycle links will encourage the use of sustainable transport modes. • Car parking and bicycle parking can be provided on site in a future development application. • The net increase in traffic movements will not result in the need for external improvements. • The provision of a loading dock on site to cater for both the site and additional servicing demand generated by neighbouring businesses located between King Street and Market Street as part of the Kent Street Logistics Hub strategy, thereby reducing on street service vehicles and associated congestion.
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

5.1 Community

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.

5.2 Agencies

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

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

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

6 Timeframe

Council proposes an 8 month time frame to complete the LEP.

The Department recommends an LEP completion date of 18 April 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to this effect is recommended in the Gateway determination.

7 Local plan-making authority

At its meeting on 8 April 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).

Council also resolved to provide delegated authority to Council's CEO to make any minor variations to the planning proposal to correct any drafting errors or to ensure consistency with the Gateway Determination.

The Department recommends that Council be authorised to be the LPMA given the standard nature of the planning proposal and given 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 enabling the delivery of additional employment floor space in the CBD, helping to accommodate more jobs and support continued economic growth.
- Inconsistency with Section 9.1 Direction 1.4 Site Specific Provisions is minor and justified, a Gateway condition requiring consultation with the Department of Infrastructure, Transport, Regional Development, Communication and the Arts, Sydney Airport and the Civil Aviation Safety Authority will assist in resolving consistency with Direction 5.3 Development Near Regulated Airports and Defence Airfields and the planning proposal is consistent with all other relevant Section 9.1 Directions.
- 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

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:
 - Transport for NSW
 - Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts

- Sydney Airport
 - Civil Aviation Safety Authority
 - 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 18 April 2025 be included on the Gateway.



5 August 2024

Emma Hitchens

Manager, Local Planning (North, East and Central Coast)



30 August 2024

Jazmin van Veen

Director, Local Planning (North, East and Central Coast)