

Gateway Determination

Planning proposal (Department Ref: PP-2024-452): to enable an increased floor space ratio (FSR) and increased maximum building height for development at 1-25 O'Connell Street and 8-16 Spring Street, Sydney for uses other than residential accommodation, serviced apartments or commercial car park.

I, the Director Local Planning (North, East and Central Coast) 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 Act) that the above planning proposal should proceed.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 11 September 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - a. Remove the exclusion of the proposed provision from Clause 4.6 to address inconsistent with Section 9.1 Direction 1.4A Exclusion of Development Standards From Variation
 - b. Remove reference to the proposed provision being on an opt-in basis from Appendix 1 and anywhere else occurring in the Planning Proposal
 - c. Provide an assessment of overshadowing impacts on residential properties in the vicinity of the site.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard 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 20 working days; and
 - (b) 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).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Transport for NSW
- 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
- Heritage NSW (Department of Climate Change, Energy, the Environment and Water)

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. 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 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 November 2024



Jazmin van Veen
Director, Local Planning (North, East and Central Coast)
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces