

Gateway Determination

Planning proposal (Department Ref: PP-2024-709): *To make policy and housekeeping amendments to Sydney Local Environmental Plan 2012, Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013 and transfer the planning controls for various sites from legacy local environmental plans and State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 into Sydney Local Environmental Plan 2012.*

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 the above planning proposal should proceed subject to the conditions listed below.

The LEP should be completed on or before 28 November 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 A.
 - (b) Clarify that the ‘drafting instructions’ provided in Appendix A are only one example of how the proposed amendments could be worded, with the final wording subject to drafting and agreement by the Parliamentary Counsel’s Office.
 - (c) Clarify whether the planning proposal seeks to repeal Sydney LEP 2005.
 - (d) Remove the proposal to add a definition of a deep soil zone that differs from the one in the Housing SEPP.
 - (e) Remove the proposal to add a new deep soil clause to the Sydney LEP 2012 and the Green Square Town Centre LEPs 2013
 - (f) Remove the following detailed design requirements for structures associated with rooftop gardens and communal open space:
 - i. The solar reflectivity of non-glazed surfaces.
 - ii. The percentage of the roof that must be used as a communal open space and gardens.
 - (g) Clarify the proposed car parking rates for co-living housing.
 - (h) Remove the following detailed design requirements for community electric vehicle chargers:
 - i. A payment system to charge users.

- ii. Net zero emissions from energy used, including by renewal energy generated on-site and off-site.
- (i) Clarify where the proposed exempt development provision for bicycle parking devices would apply.
- (j) Remove the proposed exempt development provision for electric vehicle charging units in existing car parking spaces.
- (k) Provide a detailed justification for the proposed restrictions on overshadowing of Gunyama Park and Cook and Phillip Park, including the times of day and year when overshadowing would be limited.
- (l) Provide a detailed assessment of the potential impacts of the proposed restrictions on overshadowing of Gunyama Park and Cook and Phillip Park on existing and future development in the surrounding area.
- (m) Remove the land shown as 'Central Station' from the draft Sun Access Protection Map.
- (n) Align the approach to incentivising basement intensive plant agriculture with existing clauses in Part 6 of the Sydney LEP 2012.
- (o) Clarify that Council would be responsible for granting exemptions for competitive design processes for DAs that are to be determined by Council, the Local Planning Panel, or the Central Sydney Planning Committee.
- (p) Clarify that Council would be responsible for granting exemptions for site-specific DCPs where the detailed DA is to be determined by Council, the Local Planning Panel, or the Central Sydney Planning Committee.
- (q) Provide additional justification for the proposed changes to the planning controls for the Powerhouse Museum.
- (r) Provide additional justification for removing the application of clause 5.3 from land zoned SP1 Special Activities.
- (s) Clarify the circumstances where affordable housing contributions would apply to applications to modify development consents.
- (t) Simplify the proposed planning controls for the integration areas and make them more consistent with how principal development standards are expressed elsewhere in the LGA.
- (u) Include the amendments to the Eastern Harbour City SEPP needed to give effect to the transfer of the planning controls for the Redfern-Waterloo Authority Sites into the Sydney LEP 2012.
- (v) Remove the proposed exclusion to clause 4.6 of the Sydney LEP 2012.
- (w) Clarify ownership and any existing agreements for land proposed to be zoned for a public purpose in the Sydney LEP 2012.
- (x) Confirm whether any additional amendments are required to the Land Reservation Acquisition Map and clause 5.1 of the Sydney LEP 2012.

- (y) Consider the potential impacts of the proposed building heights and FSR for 257 Sussex Street, Sydney.
 - (z) Remove any proposed heritage items or additions to heritage conservation areas that are not conserved by an existing or draft LEP or SEPP, or have not been assessed against the Assessing Heritage Significance guidelines (NSW Environment and Heritage, 2023) and found to meet the threshold for local heritage listing.
 - (aa) Remove the proposal to limit development for the purposes of shops and food and drinks premises on land zoned R1 General Residential to buildings that were originally designed and constructed for the purposes of a shop or a pub.
 - (bb) Provide additional supporting analysis for the proposed car parking rates.
 - (cc) Provide further information addressing the planning proposal's consistency with the following section 9.1 Directions: 1.4 Site Specific Provisions; 4.1 Flooding; 5.2 Reserving Land for Public Purposes; 5.3 Development Near Regulated Airports and Defence Airfields; 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. Council is to write to the Department prior to the LEP being made to formally approve the listing of land at 9-13 and 22 O'Riordan Street, Alexandria on the Land Reservation Acquisition Map and the identification of Council as the relevant acquisition authority under clause 5.1.
 4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the EP&A Act as follows:
 - (a) the planning proposal is categorised as principal 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
 - (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).
 5. 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:
 - NSW Department of Creative Industries, Tourism, Hospitality and Sport
 - NSW Environment Protection Authority
 - Placemaking NSW
 - Transport for NSW
 - Government Architect NSW.

- NSW Land and Housing Corporation
- Heritage NSW (part of the NSW Department of Climate Change, Energy, the Environment and Water)
- Sydney Airport Corporation
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Civil Aviation Safety Authority.

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.

6. 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 8 October 2024



Madeleine Thomas
Acting Executive Director
Local Planning & Council Support
Planning, Land Use Strategy, Housing
and Infrastructure
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning
and Public Spaces