



Ms Monica Barone  
Chief Executive Officer  
City of Sydney Council  
GPO Box 1591  
SYDNEY NSW 2001

Dear Ms Barone

**Planning proposal PP\_2020\_SYDNE\_001\_00 to amend Sydney Local Environmental Plan 2012 for 4-22 and 24-44 Wentworth Avenue, Surry Hills**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal for 4-44 Wentworth Avenue, Surry Hills. The proposal seeks to amend Sydney Local Environmental Plan 2012 to introduce a site-specific clause to increase the maximum building height and floor space ratio for 4-22 Wentworth Avenue, Surry Hills, and maximum building height for 24-44 Wentworth Avenue, Surry Hills.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions, enclosed is the Gateway determination.

I have conditioned the Gateway determination to transfer the proposed series of coordinates as the maximum building height control for the site at 4-22 Wentworth Avenue into the Site Specific DCP and amend the proposed maximum building height control to refer to its equivalent Reduced Levels (RL). I believe this amendment will provide the same level of protection of solar access to the adjacent residential apartments. Rather than setting prescriptive coordinates to lock in a building envelope, Council can utilise alternatives to protect the solar access of the adjacent residential apartments such as stipulating objectives in the site-specific clause to limit overshadowing to adjacent buildings.

Although the conditions of the Gateway only require a heritage impact statement and traffic assessment to be undertaken for the southern part of the site at 24-44 Wentworth Avenue, Surry Hills. For the purpose of exhibition and consistency across the whole site, it is recommended that Council consider updating the remaining relevant studies to ensure that any potential cumulative impacts are addressed.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have determined not to condition the Gateway for Council to be the local plan-making authority.

Amending the local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The State government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Luke Thorburn, Planning Officer, to assist you Mr Thorburn can be contacted on (02) 8275 1283.

Yours sincerely



22 June 2020

**David McNamara**  
**Director, Eastern Harbour City**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and Environment**