

ATTACHMENT E

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**GATEWAY DETERMINATION
DEPARTMENT OF PLANNING
16 SEPTEMBER 2010**



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Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_SYDNE_002_00 (10/17770)
Your ref: 2010/181173 (S079516)

Ms Monica Barone
General Manager
Sydney City Council
GPO Box 1591
SYDNEY NSW 2001

Dear Ms Barone,

Re: Planning Proposal to prepare a standalone LEP for Green Square Town Centre

I am writing in response to your Council's letter dated 4 August 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the South Sydney Local Environmental Plan 1998 to prepare a standalone LEP based on the Standard Instrument for the Green Square Town Centre.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination, or earlier if it is practical to achieve this. Council should aim to commence the exhibition of the Planning Proposal within two (2) months from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date. Council is requested to submit a Production Program identifying key milestones and times for progressing this planning proposal.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Antony Pedroza of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_SYDNE_002_00): to prepare a standalone LEP based on the Standard Instrument for the Green Square Town Centre.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the South Sydney Local Environmental Plan 1998 to prepare a standalone LEP based on the Standard Instrument for the Green Square Town Centre should proceed subject to the following conditions:

1. The Planning Proposal should provide at least the following maps for the purposes of exhibition for community consultation:
 - (a) Land Application Map;
 - (b) Land Zoning Map;
 - (c) Height of Building Map;
 - (d) Floor Space Ratio Map;
 - (e) Land Acquisition Map; and
 - (f) Acid Sulphate Soil Map.

It should be noted that the maps will need to be in a format compatible with the Department's standard technical requirements for LEP maps prior to the finalisation of the LEP.

2. The Height of Building Map to show the maximum heights applicable to lots and does not seek to directly copy the height detailed in the architectural drawings.
3. The Planning Proposal is to identify any inconsistencies with the land use zones, permissible land uses, and planning controls proposed for the Principal LEP, draft Sydney LEP 2010 and explain any variation or additional provisions.
4. A commentary is to be included in the Planning Proposal that explains the purpose of land use mix control, how such a control would operate, and confirms that such a control would not prohibit land uses that were otherwise permissible in the land use table.
5. The Planning Proposal is to demonstrate its consistency or otherwise with all current Section 117 Directions, SEPPs, and deemed SEPPs.
6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**;
 - (b) the relevant planning 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 section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*; and
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - Department of Housing

- Energy Australia
- NSW Police Service
- NSW Transport and Infrastructure
- Rail Corporation of NSW
- State Rail
- State Transit Authority of NSW
- Sydney Water
- Adjoining LGAs
- Transgrid
- Roads and Traffic Authority
- Airservices Australia
- Sydney Airports Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
9. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.
10. Within four (4) weeks of the date of this determination, Council is required to submit a Production Program for this planning proposal that illustrates the key milestones and related times.

Dated *16th* day of *September* 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning