



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

Dear Ms Barone

**Planning proposal PP\_2020\_SYDNE\_005\_00 for Open and Creative Planning Reforms**

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 Open and Creative Planning Reforms. The proposal seeks to amend the Sydney LEP 2012, Sydney LEP 2005, Sydney LEP (Green Square Town Centre) 2013, Sydney LEP (Green Square Town Centre Stage 2) 2013, Sydney LEP (Glebe Affordable Housing Project) 2011, Sydney LEP (Harold Park) 2011, South Sydney LEP 1998, and South Sydney LEP No. 114 (Southern Industrial and Rosebery/Zetland Planning Districts).

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.

The proposed amendments enable later trading hours and small-scale cultural activities as exempt development which could potentially result in social and amenity impacts to the community. To minimise potential negative impacts, it is recommended for appropriate mechanisms to be in place to ensure these impacts can be readily managed and monitored. Therefore, I have conditioned that prior to finalisation, the planning proposal be updated to consider appropriate and effective mechanisms to manage and monitor potential social and amenity impacts, and non-compliance associated with the proposed amendments. These mechanisms could include, requiring a plan of management to mitigate impacts which allows Council to take enforcement action or implementing an online registration platform. The Department can work with Council to explore options and alternatives to best manage and monitor potential negative impacts and non-compliance.

Council should ensure all occupants and landowners in the local government area are informed of the public exhibition of the planning proposal and given opportunity to comment on the proposal. The proposed amendment may not only affect the landowners within the Business and Industrial Zones that subject to the amendment, adjoining Residential Zones are likely to experience cumulative impacts.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the complexity and unique 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



17/9/2020

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