



## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_SYDNE\_004\_00): to amend Sydney Local Environmental Plan 2012 to un-defer the land at 600-660 Elizabeth Street from South Sydney Local Environmental Plan 1998, insert development standards and introduce site specific provisions.***

I, the Deputy Secretary, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment, 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 an amendment to the Sydney Local Environmental Plan (LEP) 2012 should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated as follows:
  - (a) provide a shadow analysis to assess the impact of shadows casted by the revised scheme. The shadow analysis should be undertaken at hourly intervals during the winter solstice;
  - (b) revise the overshadowing clause to specify the day range to which it applies;
  - (c) address SEPP 65 and the Apartment Design Guide against the revised scheme;
  - (d) revise the requirement for the development to achieve the minimum BASIX Energy 40 target in the draft Design Guide to be only required if the additional floor space is elected to be used;
  - (e) remove the requirement for all new development to install solar panels in the draft Design Guide;
  - (f) remove the note in the explanation of provisions section which instructs that the clause regarding consideration of the Design Guide will only be required if the development is not assessed as local development;
  - (g) revise the proposed clause relating to the Design Guide from being adopted by City of Sydney Council to being endorsed by the Planning Secretary;
  - (h) remove the provision which allows a bonus FSR of 1:1 if arrangements are made by the landowner to provide community facilities elsewhere in the locality. The proposed distribution of FSR and associated mapping is to be updated accordingly;
  - (i) remove from the planning proposal the provision which requires the development to include at least 30% of total floor area used for the purposes of social housing and 10% of total floor area used for affordable housing. Instead introduce a provision which requires at least 30% of total

floor area to be used for the purposes of a mix of social housing and affordable housing;

- (j) identify and address inconsistency with 9.1 Ministerial Direction 4.1 Acid Sulfate Soils, 4.3 Flood Prone land, 6.3 Site Specific Provision; and
  - (k) provide an explanation and justification for the site to be identified as Class 5 in the Acid Sulfate Soils Map.
2. The revised planning proposal is to be provided to the Department of Planning, Industry and Environment for review and approval prior to public exhibition.
  3. Prior to finalisation the planning proposal is to be updated as follows:
    - (a) demonstrate the proposed scheme is capable of achieving the BASIX commitments identified in the Site Specific Provision and draft Design Guide; and
    - (b) specify the minimum percentage of the total floor area to be used for social housing and affordable housing, not being less than 30% of the total floor area.
  4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
    - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
  5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
    - NSW Environment, Energy and Science;
    - Heritage NSW;
    - Transport for NSW;
    - NSW Environment Protection Authority;
    - Sydney Water; and
    - Ausgrid.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 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).

7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *16<sup>th</sup>* day of *February* 2021



**Brett Whitworth  
Deputy Secretary  
Greater Sydney, Place and Infrastructure  
Department of Planning, Industry and  
Environment**

**Delegate of the Minister for Planning and  
Public Spaces**