



Gateway Determination

Planning proposal (Department Ref: PP_2020_SYDNE_003_00): to amend Clause 6.25 of the Sydney Local Environmental Plan 2012 for 55 Pitt Street, Sydney.

I, the Director, Eastern District (City of Sydney) 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 revised to provide justification on the consistency with section 9.1 Directions 6.3 Site-Specific Provisions and 3.5 Development Near Licensed Aerodromes.
2. 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**;
 - (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); and
 - (c) All landowners in the APDG block, Ausgrid and Telstra are to be given notice of the planning proposal and public exhibition.
3. 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:
 - Heritage Council of NSW;
 - Sydney Water;
 - Sydney Airport Corporation;
 - Airservices Australia;
 - Commonwealth Department of Infrastructure, Cities and Regional Development;
 - Civil Aviation Safety Authority; and
 - Transport for NSW.
4. 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).

5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

Dated 22 day of June 2020.



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

Delegate of the Minister for Planning and
Public Spaces



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

Dear Ms Barone

Planning proposal PP_2020_SYDNE_003_00 to amend Sydney Local Environmental Plan 2012 for 55 Pitt Street, Sydney

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 to amend Clause 6.25 'APDG Block' of Sydney Local Environmental Plan 2012 for the site known as 55 Pitt Street, Sydney.

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.

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 conditioned the Gateway for Council to be authorised as 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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 District (City of Sydney)
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment

MEMO

FILE: X027614 **DATE:** 06 July 2020
TO: Monica Barone, Chief Executive Officer
FROM: Graham Jahn AM, Director City Planning, Development and Transport
THROUGH: Ben Pechey, Executive Manager Strategic Planning and Urban Design
SUBJECT: **Planning - CEO Delegation – Amendments to Planning Proposal – 55 Pitt Street, Sydney**

Recommendation

- (A) The CEO approve the minor amendments to Planning Proposal – 55 Pitt Street, Sydney dated 22 June 2020 to forward to the Department of Planning, Industry and Environment to commence public exhibition for the planning proposal.
- (B) Sign the attached declaration in relation to Disclosures of Interest.

Delegation / Council Resolution

- (E) Authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - 55 Pitt Street, Sydney, following receipt of the gateway determination;

Background

On 14 and 18 May 2020, the Central Sydney Planning Committee and Council respectively, approved Planning Proposal – 55 Pitt Street, Sydney to be submitted to the Minister for Planning and Public Places with a request for gateway determination and to be placed on public exhibition. Authority was delegated to the Chief Executive Officer to make minor variations to the planning proposal following receipt of the gateway determination.

The planning proposal was sent to the Department of Planning, Industry and Environment (Department) on 22 May 2020 with a Request for gateway determination and approval for public exhibition and public authority consultation. The gateway determination is located at Attachment B to this memo.

Following an assessment, the Department issued the gateway determination dated 22 June 2020, approving the planning proposal to proceed. Approval was subject to several conditions, that mostly related to public exhibition, specifying that it was to take place for 28 days and listing the required public agencies that were required to be consulted.

A further condition on the gateway determination sought for a minor amendment to the planning proposal to provide additional justification on how the proposal is consistent with Ministerial Directions 3.5 Development Near Licenced Aerodromes and 6.3 Site-Specific Provisions.

The planning proposal has been amended to include the additional justification as requested in the Department's gateway determination. This is shown in bold and italics on page 41 of Planning Proposal – 55 Pitt Street, located at Attachment A to this memo.

Prepared by: Daniel Thorpe, Specialist Planner

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Attachments

Attachment A Planning Proposal – 55 Pitt Street, Sydney – Amended 22 June 2020 (2020/271774-01)

Attachment B Gateway Determination – 55 Pitt Street, Sydney (2020/271774-02)

Attachment C Advice from Department of Planning, Industry and Environment advising amendments to planning proposal are acceptable (2020/271774-03)

approved



Monica Barone, Chief Executive Officer

DISCLOSURE OF INTEREST

I, Monica Barone, Chief Executive Officer of the Council of the City of Sydney declare to the best of my knowledge that I have no significant private or personal pecuniary or non-pecuniary interests, in this item or persons associated with it.

P. M. Barone

Monica Barone, Chief Executive Officer