

Gateway Determination

Planning proposal (Department Ref: PP-2021-6962): to amend Sydney Local Environment Plan 2012 to facilitate the redevelopment of 923-935 Bourke Street, Waterloo, for a mixed use development including a full-line retail supermarket by increasing the maximum permissible height development standard, applying active street frontage provisions, and including a site specific clause to enable additional floor space to be developed for the purpose of a shop or market under certain conditions.

I, the Director, City of Sydney and Eastern District, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2012 to facilitate the redevelopment of 923-935 Bourke Street, Waterloo, for a mixed use development including a full-line retail supermarket by increasing the maximum permissible height development standard, applying active street frontage provisions, and including a site specific clause to enable additional floor space to be developed for the purpose of a shop or market should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) note that the proposed additional local provision will be subject to the legal drafting process by Parliamentary Counsel.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition should commence within 50 days following the date of the gateway determination as identified in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

3. Consultation is required with the following public authorities:
 - Transport for NSW
 - Environment and Heritage Group

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

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 EP&A 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 LEP should be completed on or before 6 November 2023.
6. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

Dated 18th day of January 2023.



Katie Joyner
Director
City of Sydney and Eastern District
Department of Planning and Environment

**Delegate of the Minister for Planning and
Homes**