

Gateway Determination

Planning proposal (Department Ref: PP_2020_IWEST_005_00): to introduce a maximum height of buildings control, increase the maximum floor space ratio, identify the site on the Key Sites Map and include a site-specific provision for the site at 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield.

I, the A/Director 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 Leichhardt Local Environmental Plan (LEP) 2013 to introduce a maximum height of buildings control, increase the maximum floor space ratio, identify the site on the Key Sites Map, and include a site-specific provision, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) Replace the draft site-specific local provision with a plain English explanation that clearly states the intent of the proposed controls;
 - (b) Include information to address section 9.1 Direction 2.6 – Remediation of Contaminated Land; and
 - (c) Make reference to the current Traffic Impact Assessment, dated October 2020, and revise the discussion on traffic impact accordingly.
2. Prior to finalisation, further information is to be submitted to the satisfaction of the delegate of the Minister to justify inconsistency of the planning proposal with the following section 9.1 Ministerial Directions:
 - (a) 2.6 Remediation of Contaminated Land – Council is to include an updated Phase 1 site investigation report for the entire site in accordance with the Contaminated Land Planning Guidelines. Should the Phase 1 investigation indicate further studies are required, the Department will request as such, in accordance with the Contaminated Land Planning Guidelines.
 - (b) 4.1 Acid Sulfate Soils – an acid sulfate soils study is to be prepared for the site including findings on whether the site can be safely redeveloped.
 - (c) 6.3 Site Specific Provisions – a more detailed justification should be provided that the inconsistency is appropriate and minor in nature.
3. A site-specific development control plan (DCP) is to be prepared to provide more detailed guidance and controls for future development on the site.
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:
- Ausgrid;
 - Heritage NSW;
 - Sydney Airport Corporation (SAC);
 - Sydney Water;
 - NSW Environmental Protection Authority; and
 - Transport for NSW (TfNSW).

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, 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 day of November 2020.



Brendan Metcalfe
A/Director, Eastern and South Districts
Eastern Harbour City
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces