



Gateway Determination

Planning proposal (Department Ref: PP_2018_SYDNE_008_00): to list and map eight post-war buildings and one artwork as being of local heritage significance under Schedule 5 Environmental Heritage of Sydney Local Environmental Plan 2012

I, the Group Deputy Secretary, Planning and Assessment 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 to list eight post-war buildings and one artwork as heritage items under Schedule 5 Environmental Heritage should proceed subject to the following conditions:

1. Prior to public exhibition consultation is required with:
 - (a) NSW Office of Environment and Heritage; and
 - (b) Heritage Council of NSW
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**; 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, Industry and Environment 2016).
 - (c) write to all land owners whose properties are proposed to be listed and provide them with a copy of the planning proposal and supporting studies; and
 - (d) heritage assessments prepared by landowners are to be exhibited with the planning proposal and considered by Council.
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:
 - NSW Office of Environment and Heritage
 - Heritage Council of NSW

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.

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.

Dated 10th day of July 2019.



Marcus Ray
Group Deputy Secretary
Planning and Assessment
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

Monica

Planning proposal PP_2018_SYDNE_008_00 to amend Sydney Local Environmental Plan 2012

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 list nine items identified under the Sydney Modern Movement heritage study as items of local heritage significance.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The planning proposal is to be exhibited for a minimum of 28 days and Council is to write to each effected landowner and provide them with a copy of the planning proposal and supporting documents. The Department has also received representations from three landowners objecting to the planning proposal, these landowners have commissioned their own heritage assessments that contest the heritage listings. The Department considered these and has recommended that the heritage assessments be additionally exhibited with the planning proposal to ensure their views are considered by public authorities, the community and Council.

I have considered Council's request to be authorised as the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as the proposal is expected likely to raise concern from landowner's subject to the proposed listing.

The amending 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 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 Bailey Williams to assist you. Mr Williams can be contacted on 8275 1306.

Yours sincerely



Marcus Ray
Group Deputy Secretary
Planning and Assessment

10/07/2019
Encl: Gateway determination