Attachment G

Gateway Determination

Department of Planning, Housing and Infrastructure

Our ref: IRF25/883

Your ref: 545032

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

2 May 2025

Subject: **Planning Proposal PP-2025-165 to Amendment Sydney Local Environment Plan 2012**

Dear Ms Barone

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979 (the Act)* and additional information received on 28 January 2025 in respect of the planning proposal to amend the City of *Sydney Local Environmental Plan 2012* to include three additional heritage items under Schedule 5, Part 1. The three items are located at:

- 134 Oxford Street, Darlinghurst
- 124 (part of 124-128 Oxford Street) Oxford Street, Darlinghurst
- 85-91 Oxford Street, Darlinghurst

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed per the enclosed gateway determination.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 14 November 2025. As this is a minor amendment, Council is to request Parliamentary Counsel's Office commence drafting as soon as practicable. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

Should you have any enquiries about this matter, I have arranged for Angela Bowden to assist you. Angela can be contacted on 02 8289 6325.

Yours sincerely,

Department of Planning, Housing and Infrastructure

Eva Stanbury
Manager, Local Planning and Council Support
Planning, Land Use Strategy, Housing and Infrastructure

Encl: Gateway determination

Gateway Determination

Planning proposal *(Department Ref: PP-2025-165)*: *Oxford Street LGBTIQA+ Heritage Items*

I, the *Manager* at the Department of Planning, Housing and Infrastructure, 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 2012* to add three sites to Part 1 Schedule 5 should proceed subject to the following

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 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 Act or the Secretary has agreed that any inconsistencies are justified; and

(c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 14 November 2025.

Gateway Conditions

1. 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 basic as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 Guideline* (Department of Planning and Environment, August 2023).

   No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act

2. 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).

Dated 2 May 2025

Eva Stanbury
Manager
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces