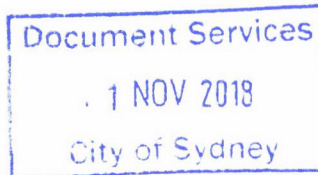


# **Attachment C**

**Gateway Determination – 26 October 2018**

IRF18/5714

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



Dear Ms Barone

**Planning proposal PP\_2018\_SYDNE\_006\_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 amend Sydney Local Environmental Plan 2012 by listing three items at 1A Elizabeth Bay Road, 22-24 Darlinghurst Road, 32-32A Darlinghurst Road, Potts Point as heritage items in Schedule 5 of the LEP.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal is found to be consistent with section 9.1 Directions. No further approval is required in relation to these Directions.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority given that the planning proposal is the result of a development application.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 8 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 Greater Sydney Commission 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 further enquiries about this matter, I have arranged for Ms Kate Masters to assist you. Ms Masters can be contacted on 02 9274 6321.

Yours sincerely



**Amanda Harvey** 26/10/18  
**Director, Sydney Region East  
Planning Services**

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_SYDNE\_006\_00):** to list three new heritage items at 1A Elizabeth Bay Road, 22-24 Darlinghurst Road, 32-32A Darlinghurst Road, Potts Point.

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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 three new heritage items at 1A Elizabeth Bay Road, 22-24 Darlinghurst Road, 32-32A Darlinghurst Road, Potts Point should proceed subject to the following conditions:

1. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the Office of Environment and Heritage under section 3.34(2)(d) of the Act. The Office of Environment and Heritage 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.
3. 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).
4. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 26<sup>th</sup> day of October 2018.



Amanda Harvey  
Sydney Region East  
Planning Services  
Department of Planning and Environment

Delegate of the Greater Sydney Commission