

# **Attachment D**

**Gateway Determination of 2 October 2020**

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_SYDNE\_008\_00): to amend Clause 6.11A of the Sydney Local Environmental Plan 2012 to extend the temporary heritage floor space allocation scheme for a further two years until January 2023.***

I, the Acting Director, Eastern District (City of Sydney) 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 should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be revised as follows:
  - (a) update the explanation of provisions to clearly explain the intent of the planning proposal; and
  - (b) provide an assessment and justification on the consistency with section 9.1 Ministerial Direction 2.3 Heritage Conservation.
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 is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2018) and must be made publicly available for a minimum of **14 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).
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:
  - Heritage NSW; and
  - Property NSW.
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 planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
  
6. The time frame for completing the LEP is to be 3 months following the date of the Gateway determination.

Dated 02 day of October 2020.



**Emma Hitchens**  
**A/Director, Eastern District (City of**  
**Sydney)**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**