

Attachment E

Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP-2023-1909): to list the two Chinatown Ceremonial Gates and Lions at Dixon Street, Haymarket as a local heritage item.

I, the director, Eastern District City of Sydney at the Department of Planning 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 2012* to list the two Chinatown Ceremonial Gates and Lions at Dixon Street, Haymarket as a local heritage item should proceed subject to the following conditions:

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 3 April 2024.

Gateway Conditions

1. The planning proposal is to be updated prior to public exhibition to
 - (a) Prior to exhibition, the planning proposal is to be amended to reference *Assessing Heritage Significance*, prepared by the Department of Planning and Environment which replaced the NSW Heritage *Office Guidelines* in June 2023 and forwarded to the Minister under s 3.34(6) of the Act.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (b) 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
 - (c) 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).
3. Consultation is required with Heritage NSW (Department of Planning and Environment) under section 3.34(2)(d) of the Act. Heritage NSW is to be provided with a copy of the

planning proposal and any relevant supporting material and given at least 30 working 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).

Dated 28 September 2023



Katie Joyner
Director, City of Sydney and Eastern
District
Planning Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces