

## Gateway Determination

***Planning proposal (Department Ref: PP\_2019\_SYDNE\_006\_00): to amend Sydney Local Environmental Plan 2012 to list the former Kwong War Chong building at 82-84 Dixon Street, including interiors and contents of 84 Dixon Street as a local heritage item in Schedule 5.***

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 public exhibition the planning proposal is to be updated to:
  - (a) provide accurate mapping of the proposed amendment which identifies existing heritage items;
  - (b) include a description of the surrounding area; and
  - (c) include details of the existing planning controls applicable to the site.
2. Written consultation with the landowner is required during public exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (d) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (e) 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, 2018).
4. Consultation is required with the Heritage Council of NSW and its supporting Department under section 3.34(2)(d) of the Act. The Heritage Council of NSW and its supporting Department 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.
5. 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).
6. 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.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 01 day of October 2019.

*Emma Hitchens*

**Emma Hitchens**  
**Acting 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**