

Place, Design and Public Spaces

IRF20/1330

Gateway determination report

LGA	City of Ryde
PPA	City of Ryde Council
NAME	Planning Proposal to Heritage List Macquarie Ice Rink
NUMBER	PP_2020_RYDEC_002_00
LEP TO BE AMENDED	Ryde Local Environmental Plan 2014
ADDRESS	197-223 Herring Road, Macquarie Park
DESCRIPTION	Part Lot 100, DP1190494
RECEIVED	17 March 2020
FILE NO.	IRF20/1330
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend Ryde Local Environmental Plan 2014 to:

- identify the Macquarie Ice Rink, located within the Macquarie Shopping Centre at 197-223 Herring Road, Macquarie Park, as a local heritage item; and
- include a local provision that requires the consent authority to endorse a Conservation Management Plan addressing key aspects of the ice rink prior to determining any redevelopment of the ice rink and/or relocation of the ice rink within the Macquarie Shopping Centre.

The planning proposal is supported by a Heritage Assessment Report prepared by GML Heritage consultants (September 2019) which is discussed further in this report.

1.2 Site description

The Macquarie Ice Rink is located within a large suburban shopping centre known as the Macquarie Centre. The Centre is legally described as 100 in DP1190494 and has an address of 197-223 Herring Road, Macquarie Park (**Figure 1**). The Macquarie Centre is bounded by Waterloo Road, Herring Road and Talavera Road within the Ryde Local Government Area (LGA). The ice rink is located within the westernmost corner of the Centre site, near the corner of Herring Road and Waterloo Road (**Figure 1**).

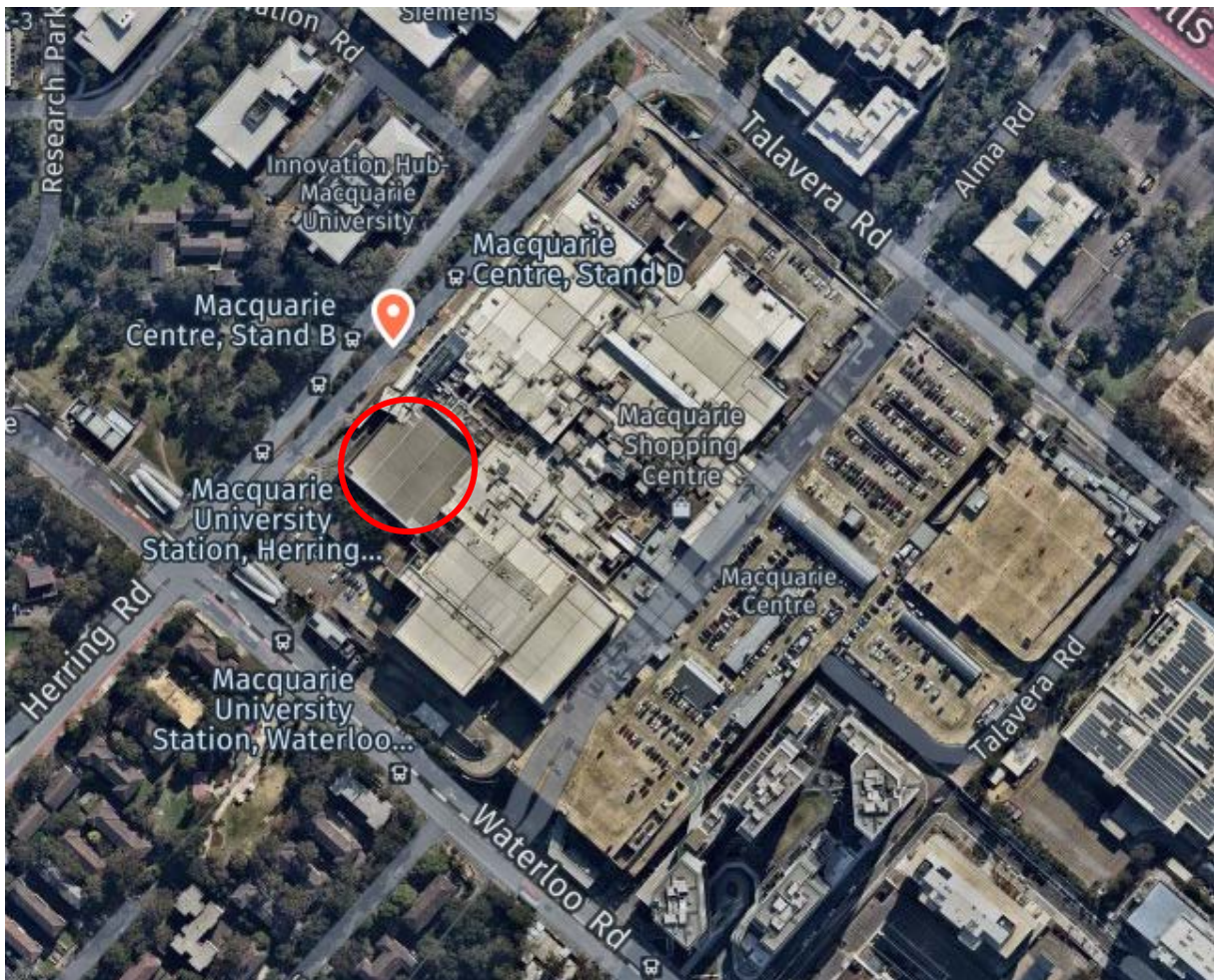


Figure 1: Site location (Source: Nearmap) (approximate location of Macquarie Ice Rink circled in red)

Construction on the Centre was finalised in 1981. Major refurbishments were realised in 2000, 2003 and 2014. The Centre occupies a 11.25-hectare site and is owned by AMP Capital.

The Macquarie Ice Rink is an Olympic sized ice rink which opened with the Centre in 1981 (**Figure 2**). It is located on Level 1 and is accessed internally via a set of stairs leading up from a public walkway. It has a carpeted lobby, ticketing desk, a waiting area, and windows providing a view of the rink. The ice rink can also be viewed from the food court on Level 2 of the Macquarie Centre, which provides a full-height glazed wall overlooking the rink (**Figure 3**). Another full-height glazed wall provides a visual link to the outdoors and also access to daylight (**Figure 4**).

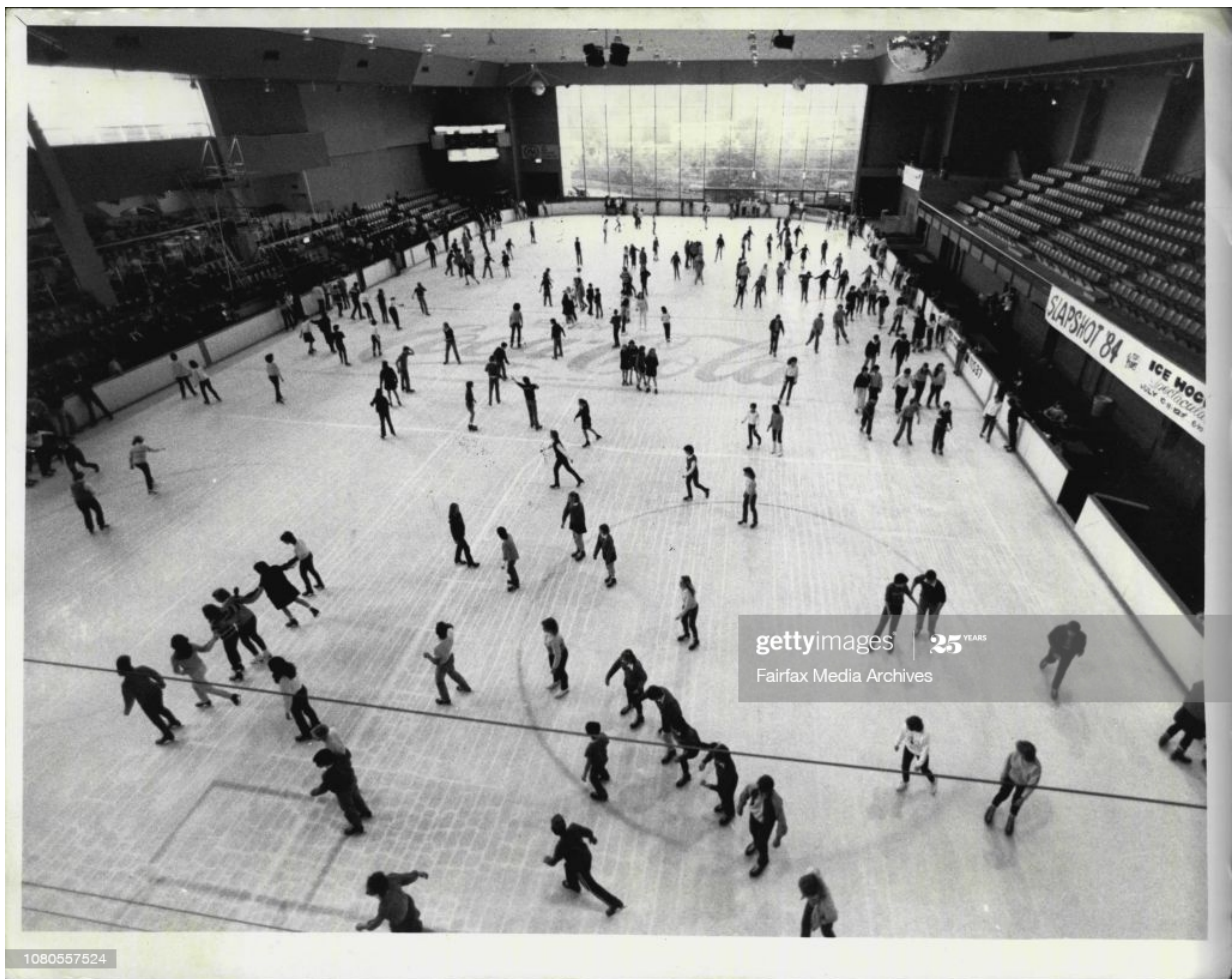


Figure 2: Macquarie Ice Rink (Source: Fairfax Media Archives)



Figure 3: View of ice rink and overlooking food court in background (Source: ellalist.com.au)



Figure 4: Ice rink with visual link to outdoors in background (Source: macquarieicerink.com.au)

The rink is home to the Sydney Bears and Sydney Ice Dogs (ice hockey teams) and is also used for ice skating, ice dance, speed skating and ice hockey. It seats 2,000 spectators in the stand area and is a popular site for sport and community recreation.

1.3 Existing planning controls

- The site is zoned B4 Mixed Use under Ryde LEP 2014 Land Zoning Map (**Figure 5**).
- The building height for the site ranges from 65m to a maximum of 120m as per Ryde LEP 2014 Height of Buildings Map (**Figure 6**).
- The maximum floor space ratio relating to the site is 3.5:1 as per Ryde LEP 2014 Floor Space Ratio Map (**Figure 7**).
- The site is within the Macquarie University Station Precinct (also known as Herring Road Precinct) which was designated as a Priority Precinct in 2012 with LEP amendments finalised by the former Department of Planning in 2015.

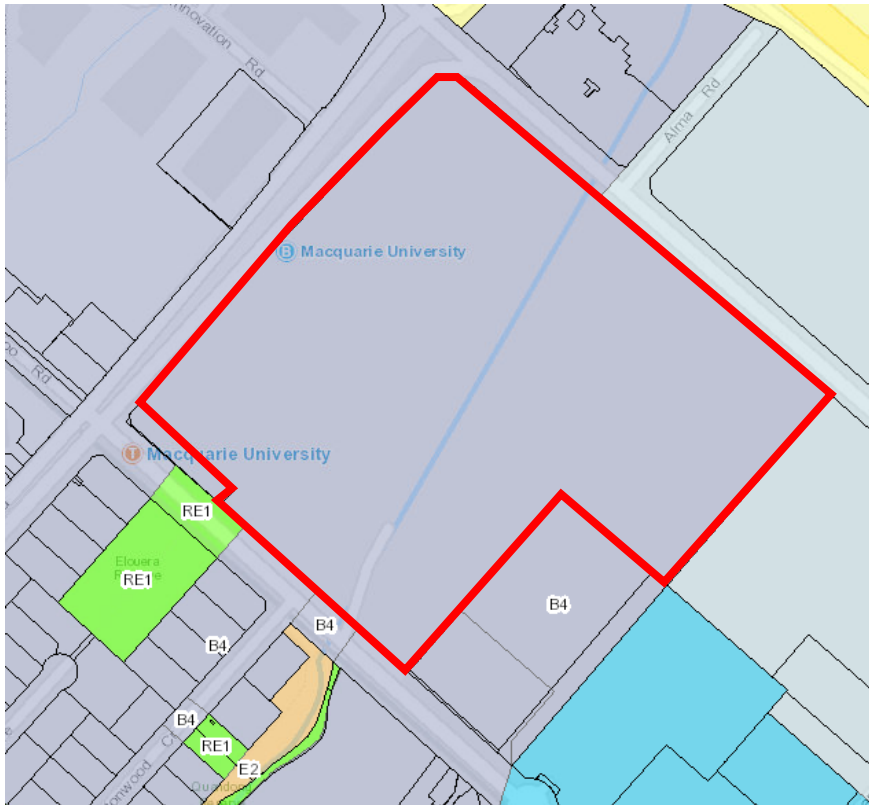


Figure 5: Extract of Land Zoning Map (Source: DPIE Planning Portal) (site outlined in red)

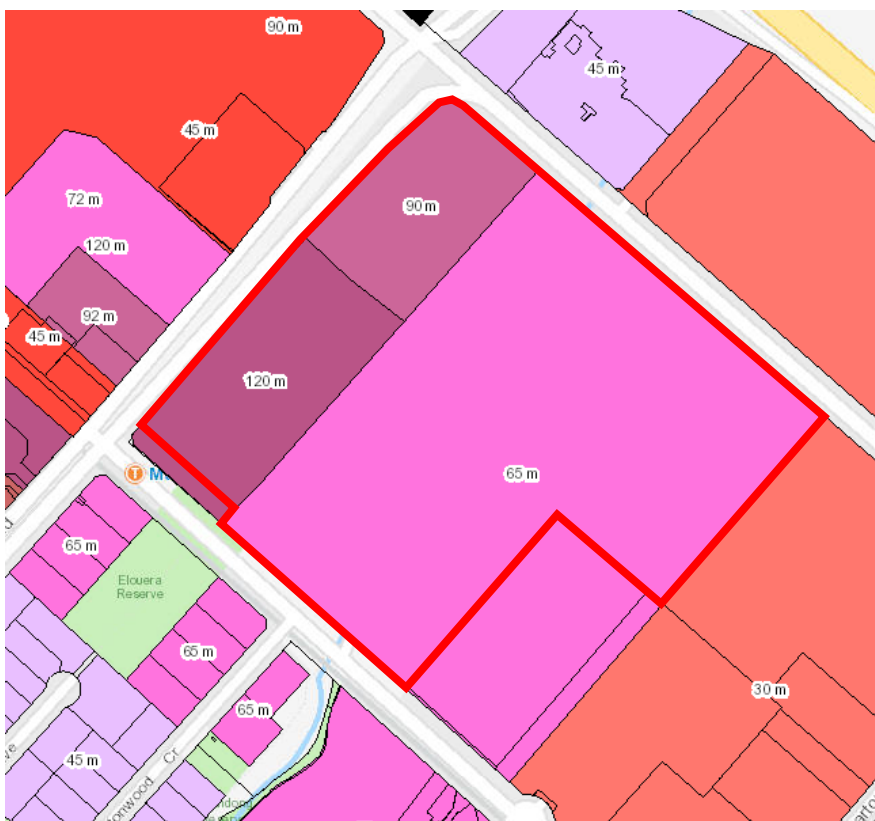


Figure 6: Extract of Height of Buildings Map (Source: DPIE Planning Portal) (site outlined in red)

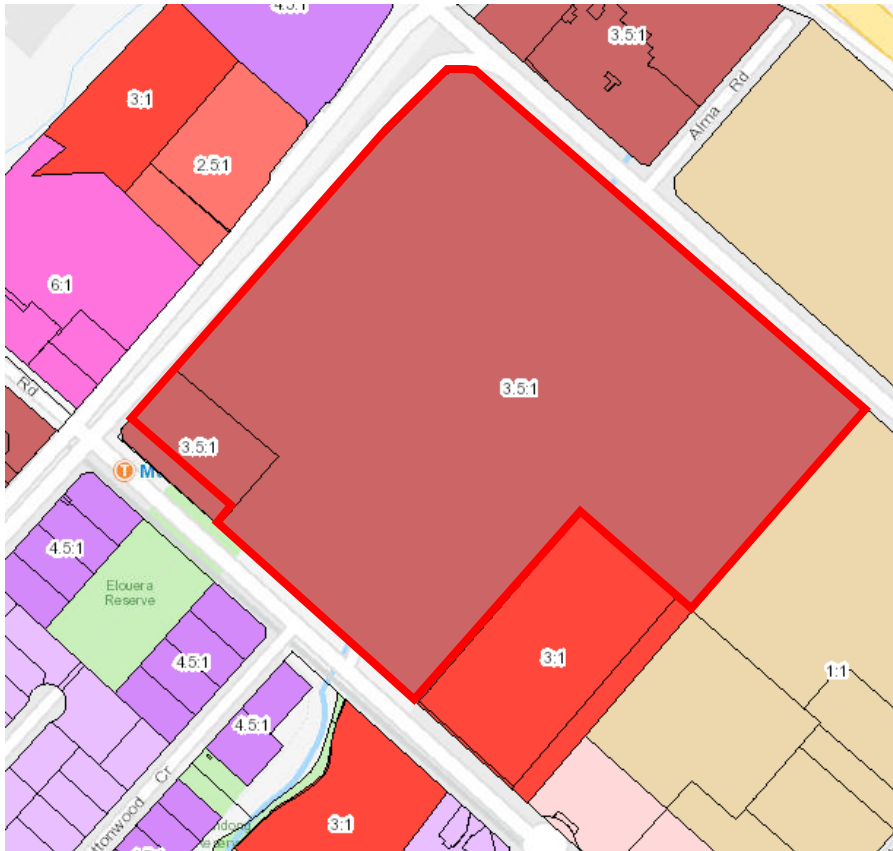


Figure 7: Extract of Floor Space Ratio (Source: DPIE Planning Portal) (site outlined in red)

1.4 Surrounding area

The site is bound by Herring Road to the north west, Talavera Road to the north East, commercial uses to the south east and Waterloo Road to the south west. The site is situated immediately adjacent to the Macquarie University Railway Station and the Herring Road Bus Interchange. Macquarie University, to the north west, is a short walk from the site. The site is also located in close proximity to the M2 Hills Motorway.

The site slopes from the north-west to the south-east becoming steeper as the topography slopes towards the creek catchment to the east of the site and further towards Lane Cove National Park. Herring Road follows a ridge line from Epping Road to the site, which then falls away towards Talavera Road. Waterloo Road and Talavera Road present significant grade changes as they fall away from the ridge line towards Shrimptons Creek. Shrimptons Creek runs in an approximate north-easterly direction underneath the south east portion of Macquarie Centre.

The area is characterised by a mix of land uses on large allotments. This includes the shopping centre, Macquarie University, commercial buildings, and residential developments.

1.5 Background

A summary outline of the proposal history is provided below.

2016

- AMP Capital attained Concept Plan Approval for the redevelopment of the Macquarie Shopping Centre site (LDA2015/0655) including for built form envelopes for the proposed basement, expanded podium and four tower forms fronting Herring Road. The application was approved by the former Sydney East Region Joint Regional Planning Panel (JRPP) in 2016 subject to a number of deferred commencement conditions and conditions of consent.

2018

- A subsequent development application (LDA2018/0498) was lodged by AMP Capital on December 2018 seeking approval for a series of 'early works' or 'partial works' consistent with the concept approval including demolition of the existing buildings and structures on the Herring Road corner platform site and construction of a number of components including a new four storey platform area for retail premises, basement levels, carparking and Station plaza. As the capital investment value (CIV) of the proposal exceeded \$30 million, the development will be determined by the Sydney North Planning Panel.

2019

- LDA2018/0498 was placed on exhibition and received a strong community response in opposition to the removal of the ice rink.
- Council resolved in an extraordinary meeting held 29/01/19 to express its opposition to the proposed closure and demolition of the Macquarie Ice Rink (as part of the partial works DA). At this meeting Council also resolved to engage a heritage specialist with appropriate skills and qualifications to investigate whether Macquarie Ice Rink holds heritage significance.
- On 4 February 2019, an Interim Heritage Order (IHO) was placed on the venue (IHO No. 147 Government Gazette No.10).
- GML Heritage was engaged to prepare a report that finds that Macquarie Ice Rink demonstrates heritage significance for its social value to the local community and association with prominent sportspeople/sports teams. The report recommends that the Macquarie Ice Rink be listed as a heritage item of local significance and that the rink should be retained in its current form and location.
- The IHO was referred to the NSW State Heritage Register of the Heritage Council. The Committee advised that the rink is unlikely to be of State significance but may warrant local listing on the Ryde LEP
- January 2019: AMP requested that the City of Ryde Council place the DA on hold whilst they undertake further consultation and investigation.
- February 2019: AMP makes public statement that they are committed to retaining an Olympic sized ice rink in the redevelopment of the Macquarie Centre and are assessing how best to accommodate the facility, whilst engaging with the local community, Council, and State government

stakeholders. The public statement remains on AMP Capital project website <https://www.macquariecentre.com.au/redevelopment>

1.6 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions. A heritage assessment commissioned by Council recommends the property be listed as an item of local heritage significance. Consultation with Heritage NSW (Department of Premier and Cabinet) has been included as a condition of the Gateway determination.

2. PROPOSAL

2.1 Objectives or intended outcomes

The planning proposal states that the objectives of the proposal are:

- To amend Ryde LEP 2014 Schedule 5 Environmental Heritage to include Macquarie Ice Rink at 197– 223 Herring Road Macquarie Park.
- To ensure that prior to any Council approval being given to the redevelopment and/ or relocation of the Macquarie Ice Rink within the broader context of the Macquarie Shopping Centre, a Conservation Management Plan (CMP) is endorsed by the consent authority for the Centre demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained.

The Department considers the planning proposal's objectives are clearly explained, however recommends an amendment in relation to the requirement for an endorsed Conservation Management Plan, as discussed in section 2.2 of this report.

The proposal states that the intended outcome is to:

- Provide appropriate protection to an item of built, social and cultural heritage to the City of Ryde, through the heritage listing of the Macquarie Ice Rink in Schedule 5 Environmental heritage of Ryde LEP 2014.
- Ensure greater certainty is provided for in the future development of Macquarie Shopping Centre.

The Department considers the planning proposal's intended outcomes are adequately explained.

2.2 Explanation of provisions

The planning proposal identifies the relevant parts of Ryde LEP 2014 that will be amended, that being, to insert a new local clause in Part 6 Additional local provisions and list the Macquarie Ice Rink as a local heritage item in Schedule 5 Environmental heritage.

The proposed new clause requires that prior to the consent authority determining redevelopment of the ice rink and/or relocation of the ice rink within the broader context of the Macquarie Shopping Centre, a Conservation Management Plan must be endorsed by the consent authority addressing key aspects of the ice rink.

The Department notes the proposed new local clause is inconsistent with compulsory provision clause 5.10(6) in Ryde LEP 2014. Clause 5.10(6) states that the consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause (underline added). Clause 5.10 Heritage conservation is considered a mandatory provision of the Standard Instrument.

Clause 5(1) of the Standard Instrument (Local Environmental Plans) Order 2006 states that “additional provisions may be included in the plan, but only if they are not inconsistent with the mandatory provisions of the standard instrument and comply with any relevant directions in that instrument.”

For this reason, it is recommended a condition of the Gateway determination requires the removal of the proposed new local clause from the planning proposal prior to public exhibition. Clause 5.10 of Ryde LEP 2014 makes provision for the consent authority to require a conservation management plan after considering the heritage significance of a heritage item and the extent of change proposed to it.

2.3 Mapping

The planning proposal states there are no mapping amendments associated with the planning proposal. The Department notes there is no explanation in the planning proposal as to why the proposed heritage item will not be identified on the Ryde LEP 2014 Heritage Map.

The Council officer report to Council Meeting of 25 February 2020 discusses how the planning proposal has addressed a recommendation of the Ryde Local Planning Panel by referring to “Part Lot” in Schedule 5 and relying solely on a text-based description (i.e. no heritage mapping). This approach was taken to minimise the impact of the listing on the use of the exempt and complying provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (‘the Codes SEPP’).

A Direction to clause 5.10 Heritage conservation in the Standard Instrument LEP states: “Heritage items as identified in Schedule 5 must be shown on the Heritage Map.” It is therefore recommended that a condition of Gateway requires the planning proposal to include a draft Heritage Map identifying the Macquarie Ice Rink, as a portion of the Macquarie Shopping Centre.

The Department notes that the Codes SEPP clarifies circumstances where a heritage item is identified in an LEP but does not comprise, or is not located on, the whole of the relevant land (see clause 1.17A(4) of the Codes SEPP). This is relevant to the planning proposal as the Macquarie Ice Rink only forms a portion of the Macquarie Shopping Centre.

While the Department appreciates Council's concerns to minimise the impact of the listing on the use of the complying development pathway, such as, for internal building alterations to other commercial tenancies within the Macquarie Shopping Centre, the Department does not anticipate the same implications with mapping the

proposed heritage item on the Ryde LEP 2014 Heritage Map. Notwithstanding, Council should seek their own independent legal advice in relation to this matter.

The Department recommends a condition of Gateway requires the planning proposal to be updated to include a draft Heritage Map. It is also recommended that the planning proposal include extracts of the existing and proposed Heritage Maps in relation to the site.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is needed to protect the heritage significance of Macquarie Ice Rink. The planning proposal states that it is a result of Ryde Council's ongoing process of heritage identification and protection. An Interim Heritage Order (IHO) was made by the Minister for Heritage over the Macquarie Ice Rink on 4 February 2019 (IHO No. 147 Government Gazette No.10).

Council engaged GML Heritage Consultants to conduct a heritage assessment of the Macquarie Ice Rink to determine if it meets the criteria for heritage listing. The Macquarie Ice Rink Heritage Assessment (GML Heritage Consultants, September 2019) was undertaken in accordance with NSW Heritage Council Guidelines, and concluded that the Macquarie Ice Rink meets several criteria for local and potentially State heritage listing.

The GML report also recommended that

“The rink should be retained in its current form and location. The significance of the ice rink is embodied in the rink itself and the general volume of the space should be retained. The cultural significance of the ice rink is embodied in its social value to the community as a place of public recreation and as a training ground for past and future Olympic competitors. However, the form, layout, size and location of the ice rink is an important part of this significance. Although the physical fabric of the place itself is not considered to be significant, it cannot be expected that the community sentiment and social values of the existing rink could be transferred to a new rink in an alternative location. A new rink would lose the significant association and social significance of the existing rink, and it is unlikely it could recreate these values.

There is scope for future alterations and adaptations of the area in the vicinity of the ice rink, including the surrounding tiered seating or ancillary facilities. The rink should be retained in its current location in any future redevelopment proposal of the Macquarie Centre in order to retain its significance and value to the community.”

Notwithstanding, Council considers that the redevelopment and/or relocation of the ice rink within the broader context of the Macquarie Shopping Centre may be suitable subject to a Conservation Management Plan (CMP) being prepared for the Rink and endorsed by the consent authority, demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.

If listed, the Macquarie Ice Rink's heritage significance as a local item would be afforded statutory protection under Ryde LEP 2014. The subject site is not currently listed as a heritage item, nor is it within a heritage conservation area within Ryde LEP 2014.

4. STRATEGIC ASSESSMENT

4.1 North District Plan

The North District Plan was released by the Greater Sydney Commission in March 2018. The District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The North District covers Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde and Willoughby local government areas.

The planning proposal supports the following North District Plan Planning Priority in the retention and renewing of local heritage:

Planning Priority N6 – "Creating and renewing great places and local centres, and respecting the District's heritage"

The planning priority promotes local heritage as an important component of local identity that creates a distinctive built character.

The GML heritage study attached to the proposal confirms the heritage significance of the Macquarie Ice Rink. The listing of the Ice Rink in Ryde LEP 2014 supports *Planning Priority N6* of the North District Plan.

4.2 Local

The City of Ryde Local Strategic Planning Statement (LSPS) outlines how Council intends to protect the area's history and preserve it for future generations. The planning proposal is consistent with the following planning priority identified in Council's LSPS:

HE1 - Protect and enhance the cultural heritage of the City of Ryde, safeguarding historic buildings, landscape items and places with natural heritage significance that:

- provide the community with an understanding of its past and contribute to the cultural life and vibrancy of the community
- contribute to local distinctiveness and sense of place, together with the creation of attractive streetscapes
- contribute to the local economy by attracting visitors.

The planning proposal is also consistent with the goals and strategies of Ryde Council's Community Strategic Plan 2028, specifically Outcomes 1 and 6 of the Plan.

4.3 Section 9.1 Ministerial Directions

The proposal is consistent with the applicable section 9.1 Ministerial Directions, particularly:

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The Direction requires that a planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, as identified in a study of the environmental heritage of the area.

The proposal is supported by a heritage assessment prepared by GML Heritage Consultants, which recommends that the Macquarie Ice Rink should be listed as a heritage item of local significance in Schedule 5 of Ryde Local Environmental Plan 2014. The proposed heritage listing will provide ongoing statutory protection and recognition of its significance and is consistent with the Direction.

4.4 State environmental planning policies (SEPPs)

State Environmental Planning Policies which apply to the subject land include:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004: State Environmental Planning Policy (Concurrences) 2018
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
- State Environmental Planning Policy (Primary Production and Rural Development) 2019
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No 19—Bushland in Urban Areas
- State Environmental Planning Policy No 1—Development Standards
- State Environmental Planning Policy No 21—Caravan Parks
- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- State Environmental Planning Policy No 36—Manufactured Home Estates
- State Environmental Planning Policy No 50—Canal Estate Development
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Assessment of the proposal against relevant SEPPs:

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('the Codes SEPP') aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application.

A complying development certificate (CDC) cannot be issued in relation to land containing a heritage item under an environmental planning instrument (EPI) or an

item on the State Heritage Register, or land that is critical habitat, wilderness area, environmentally sensitive area or development that requires the concurrence of another person (e.g. EPA).

Where a heritage item (identified in an EPI and not on the State Heritage Register) does not comprise, or is not located on, the whole of the relevant land, complying development cannot be carried out on the part of the land that is described and mapped in that EPI.

Listing the Macquarie Ice Rink as a local item of heritage significance as proposed by the planning proposal will have implications with the Codes SEPP, however the proposal is not considered to be inconsistent with the aims of the SEPP.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The Heritage Assessment report (GML Heritage Consultants, September 2019) states the Macquarie Ice Rink is highly valued by the skating community of the local area and NSW generally, as a training facility catering for recreational, national, international and Olympic skaters since opening. The rink is significant as the home rink of Sydney's two ice hockey teams, making it the only rink in Sydney where Australian Ice Hockey League games are played, hosting teams from across Australia.

The proposed redevelopment and upgrade of the Macquarie Shopping Centre in 2018 by AMP Capital proposed the demolition of part of the Macquarie Shopping Centre (including the ice rink), redevelopment of the Herring Road Corner Podium site, the delivery of a new publicly accessible Station Plaza and additional deck parking on the Talavera Road frontage. The potential loss of the ice rink created significant community opposition, with a change.org petition attracting over 31,000 signatures.

Outright loss of the facility would constitute an adverse social impact through the loss of an important community facility with identified social value as outlined in the recommendations of the Heritage Assessment report.

The planning proposal's intention to locally heritage list the Macquarie Ice Rink will recognise the social significance of the ice rink. It is considered that the planning proposal will have a positive social impact through increased local heritage protection.

5.2 Environmental

The site of the Macquarie Ice Rink is located within the Macquarie Shopping Centre site which is fully developed. The proposal to heritage list a portion of the Macquarie Shopping Centre that comprises the ice rink will not adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.

5.3 Economic

The planning proposal states the proposed heritage listing is not considered likely to have any significant economic impacts.

The Department notes that the planning proposal is not accompanied by an assessment/methodology to measure economic costs and benefits.

It is considered that the proposal could potentially have an economic impact on the landowner by making it more difficult/expensive to refurbish and redevelop the site due to additional heritage controls and considerations that apply to items of heritage significance.

Some private economic impact is considered reasonable in the context of the broader public interest and protecting the heritage significance of the site. It is considered that the proposal may also have a positive economic impact on the broader Macquarie Shopping Centre area by attracting consumers to the shopping centre, diversifying the consumer experience, as well as encouraging people to linger in the shopping centre longer during their visit.

6. CONSULTATION

6.1 Community

Council proposes a public consultation period of a minimum of 28 days. Having regard to the nature and scale of the planning proposal, this is considered an appropriate timeframe for community consultation.

The planning proposal states that consultation would include:

- notice in the local newspaper;
- notice on Council's website;
- a letter to the landowner of the site;
- a letter to landowners in the vicinity of the site;
- a letter to those that made a submission to development application LDA2018/498;
- a letter to local and state government representatives; and
- a letter to relevant State and Commonwealth authorities as identified in the Gateway determination.

In addition to the above, the Department recommends a notification letter be sent to relevant community groups.

On 25 March 2020, the NSW Government introduced the *COVID-19 Legislation Amendment (Emergency Measures) Bill 2020*, which made changes to the *Environmental Planning and Assessment Act 1979*. This has allowed the provision of planning documents online via the NSW Planning Portal or local council website, in lieu of displaying physical copies. Council has advised that planning documents will be made available on its website in digital form. Council also has the option to utilise a generally circulated newspaper, such as Sydney Morning Herald, to provide notice about exhibition of the planning proposal.

6.2 Agencies

The planning proposal does not specify any agencies to be consulted.

The Department notes that Council has consulted with the Heritage Council of NSW where the State Heritage Register Committee considered the GML Heritage Assessment report at its meeting of 5 November 2019. The Committee concluded

that the Macquarie Ice Rink is unlikely to be of state significance, however the Committee noted that the ice rink may potentially be of local heritage significance.

The Department recommends consultation of the planning proposal is undertaken with Heritage NSW (Department of Premier and Cabinet).

Correspondence with Heritage NSW should state that consultation is required in accordance with the Gateway determination.

7. TIME FRAME

The planning proposal includes a project timeline of six (6) months, with a projected finalisation date of August 2020. To allow flexibility for Council to administer the planning proposal process, a time frame of 12 months for finalising the LEP following Gateway determination is recommended.

A Gateway condition is recommended to require the project time frame to be updated prior to exhibition to reflect the current progress and recommended 12-month project timeline.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested the Minister's delegate authorise Council as the local plan-making authority. Having regard to the nature of the planning proposal, it is recommended that authorisation be granted for Council to exercise the plan making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in this instance.

9. CONCLUSION

The planning proposal to list the Macquarie Ice Rink, located within the Macquarie Shopping Centre at 197-223 Herring Road, Macquarie Park, as a local heritage item should proceed because:

- The proposed heritage listing is supported by a Heritage Assessment study (GML Heritage Consultants, September 2019), which concludes the ice rink meets the threshold for local heritage listing and recommends that the ice rink is identified in Schedule 5 Environmental heritage of Ryde LEP 2014. The heritage assessment has been undertaken in accordance with the NSW Heritage Office Guidelines;
- The proposal will recognise and provide on-going statutory protection of the heritage significance of the item; and
- The proposal is consistent with the objectives, directions and planning priorities of the Greater Sydney Region Plan, North District Plan and Council's local strategic plans, and relevant State Environmental Planning Policies and Section 9.1 Directions.

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) remove any references to the proposed new additional local provision which requires the endorsement of a Conservation Management Plan prior to the consent authority determining any redevelopment and/or relocation of the Macquarie Ice Rink;
 - (b) provide a draft LEP Heritage Map consistent with the *Standard Technical Requirements for Spatial Datasets and Maps* (Department of Planning and Environment, August 2017);
 - (c) include extracts of the existing and proposed Heritage Maps in relation to the site; and
 - (d) include a revised project timeline.
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 must be made publicly available for a minimum of **28 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 Heritage NSW (Department of Premier and Cabinet) 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 21 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, 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 **12 months** from the date of the Gateway determination.



21 Sept 2020

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