



## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_WOOLL\_008\_00):** to list the Rose Bay Scout Hall including interiors at 3 Vickery Avenue, Rose Bay, as a local heritage item.

I, the Acting Director, Eastern and South Districts, 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 Woollahra Local Environmental Plan (LEP) 2014 to list the Rose Bay Scout Hall including interiors at 3 Vickery Avenue, Rose Bay, as a heritage item should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters prior to public exhibition:
  - (a) Include a note to clarify that the heritage item number in the proposed mapping is indicative only and will be confirmed upon the finalisation of the proposal;
  - (b) Revise the information regarding consistency with the Eastern City District Plan under Part 6.2 of the planning proposal by grouping Action 54 and 63 under Planning Priority E13 and E16 respectively;
  - (c) Update wording of Strategy 4.3 of the Community Strategic Plan, *Woollahra 2030 – our community, our place, our plan* under Part 6.2 of the planning proposal, to ensure consistency with the published version of the Plan;
  - (d) Update Schedule 1 of the planning proposal to address the following:
    - (i) Remove reference to the repealed SEPPs, including SEPP No. 1 – Development Standards, SEPP No. 44 - Koala Habitat Protection, SEPP (Concurrences) 2018 and SEPP (Miscellaneous Consent Provisions) 2007; and
    - (ii) Make reference and provide commentary on the SEPPs currently in force, including SEPP (Koala Habitat Protection) 2019, SEPP (Concurrences and Consents) 2018, SEPP (Activation Precincts) 2020 and SEPP (Major Infrastructure Corridors) 2020;
  - (e) Update Schedule 2 of the planning proposal to:
    - (i) State the correct title of Section 9.1 Directions – 2.2 Coastal Management and 3.5 Development Near Regulated Airports and Defence Airfields; and
    - (ii) Include reference and commentary on Section 9.1 Directions – 2.6 Remediation of Contaminated Land, 3.7 Reduction in Non-Hosted Short Term Rental Accommodation Period, 5.11 Development of Aboriginal Land Council Land, and Directions 7.4 to 7.10 inclusive; and

- (f) Include an updated 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 following public authorities / organisations under section 3.34(2)(d) of the Act:
- NSW Heritage; and
  - Crown Land, Department of Planning, Industry and Environment.
- The public authority / organisation 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** following the date of the Gateway determination.

Dated 21 day of August 2020.



**Brendan Metcalfe**  
**A/Director, Eastern and South Districts**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

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