

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-1828):** to list 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vaucluse as a local heritage item.

I, the Manager, Place and Infrastructure at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 40 Fitzwilliam Road, Vaucluse as a local heritage item should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 2 months following the date of the Gateway determination.

2. Consultation is required with the following public authorities/organisations and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - Heritage NSW (Department of Planning and Environment)
  - National Trust of Australia (NSW)

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

3. 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 EP&A 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).
4. 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 EP&A 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 EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
5. The planning proposal should be reported to Council for a final recommendation not more than five months from the date of the Gateway determination.
  6. The LEP is to be completed on or before 28 February 2023.

Dated

20<sup>th</sup> June 2022



**Simon Ip**  
**Manager, Place and Infrastructure**  
**Planning and Land Use Strategy**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Homes**