

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-1224):** To list 34 Flood Street Bondi (Lot 1 DP 1094020) as a local heritage item in Part 1 of Schedule 5 of the Waverley Local Environmental Plan (LEP) 2012 and amend the corresponding LEP Heritage Map (Sheet HER\_004A) to include the item.

I, the Director, Eastern and South Districts, 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 Waverley Local Environmental Plan 2012 to list 34 Flood Street 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 *basic* as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).

Exhibition must commence within two months following the date of the gateway determination.

2. Consultation with the landowner is required. Council should consider any information provided in its post exhibition assessment and reporting.
3. Consultation is required with the following public authorities, government agencies and organisations 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:
  - Environment and Heritage Group, Department of Planning and Environment

The authority 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 business 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 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).
5. The planning proposal must be exhibited 2 months from the date of the Gateway determination for a minimum of 20 working/business days.

6. The timeframe for completing the LEP is 6 months following the date of the Gateway determination.
7. Given the nature of the proposal, Council is not authorised to be the local plan-making authority.

Dated 2 August 2023.



**Amanda Harvey**  
**Executive Director – Metro East and South**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning and**  
**Public Spaces**