

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-2887):** to amend Sydney LEP 2012 to make minor adjustments to conservation area boundaries across several heritage conservation areas in the LGA.

I, the A/Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, 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 2012* to make minor adjustments to conservation area boundaries across several heritage conservation areas in the LGA should proceed subject to the following:

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 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 Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 20 November 2025.

### Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
  - (a) Remove the proposed local provision to amend the maximum height of building for small scale buildings in Heritage Conservation Areas;
  - (b) Include the amended justification for the Heritage Conservation Area boundaries as submitted to the Department on 13 May 2024;
  - (c) Confirm and clarify any savings provisions proposed;
  - (d) Assess the sites that are being added to heritage conservation areas against the criteria for significance in the *Heritage Act 1977* and *Assessing Heritage Significance* (Department of Planning and Environment, June 2023).
  - (e) Remove reference to State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (f) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

- (g) 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 Guideline* (Department of Planning and Environment, August 2023).

Dated 23 January 2025



**Daniel Thompson**  
**A/Executive Director**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

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