

Gateway Determination

Planning proposal (Department Ref: PP-2023-733): to create Heritage Conservation Areas (HCAs) in the suburbs of Banksia, Bardwell Valley, Bexley and Brighton Le Sands

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 Bayside Local Environmental Plan 2021 to create Heritage Conservation Areas (HCAs) in the suburbs of Banksia, Bardwell Valley, Bexley and Brighton Le Sands should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is amended to include an updated timeline to reflect the Gateway Determination.
2. 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, 2022) 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).
3. Consultation is required with the following public authorities 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:
 - Department of Planning and Environment – Environment and Heritage
 - The National Trust of Australia (NSW).Each public 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 working 30 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 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.
6. The LEP should be completed on or before 6 March 2024.

Dated 28 July 2023

A handwritten signature in black ink, appearing to be 'LL', located to the left of the typed name.

Laura Locke
Director
Eastern and South Districts
Department of Planning and Environment
Delegate of the Minister for Planning and
Public Spaces