

Gateway Determination

Planning proposal (Department Ref: PP-2025-1941): *To review the Hunters Hill LEP 2012 and amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of the environment, character and heritage of the Municipality.*

I, the Acting Director, Local Planning & 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 Hunters Hill Local Environmental Plan 2012 to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of the environment, character and heritage 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 11 May 2027.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to:
 - (a) Remove proposed amendment to Clause 5.10 Heritage Conservation from the planning proposal.
 - (b) Provide detailed explanation of provisions for amendments to Clause 6.3 Stormwater management, Clause 6.4 Terrestrial biodiversity, Clause 6.5 Riparian land and adjoining waterways and Clause 6.6 Limited development on the foreshore. The planning proposal is to justify what intended outcomes will be achieved by amending the existing LEP provision.
 - (c) Provide assessment against the draft Sydney Plan to ensure consistency with its priorities and responses.
 - (d) Remove the proposed amendment to introduce an objective to the E1 Local Centre zone to 'manage the height, bulk and scale of buildings'
 - (e) Provide justification for the need Clause 4.3A Height of building (Additional provisions) in addition to the height of buildings map and consider potential overlap with state policies.
 - (f) Provide justification for the need for the proposed objectives and how these objectives can be achieved through Clause 4.4 Floor Space Ratio.
 - (g) Include discussion and justification for the removal of Clause 4.4(2A).
 - (h) Remove proposed amendments to Clause 4.5 Calculation of floor space ratio and site area from the planning proposal.

- (i) Provide further justification to understand the need for a development to 'maintain existing natural landscape and landform' as a part of proposed amendments to Clause 6.7 Development on river front areas.
 - (j) Remove the proposed changes to clause 6.11.
 - (k) Note the overlap amendments to item 6 and 7 of Schedule 1 Additional Local Provisions with PP-2023-2209. Also note that PP-2023-1109 may be finalised prior to this planning proposal.
 - (l) Identify the instances or locations where the exempt development 'outdoor dining' clause would apply and not overlap with the Codes SEPP.
 - (m) Update the project timeframe.
2. Prior to exhibition, the planning proposal is to be amended to address condition 1 and forwarded to the Minister under s 3.34(6) of the Act.
3. 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 principal 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
 - (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 Guideline* (Department of Planning and Environment, August 2023).
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Sydney Water
 - Department of Climate Change, Energy, Environment and Water (DCCEEW)

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 30 working days to comment on the proposal.

5. 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, in response to a submission or if reclassifying land).

Dated 30 April 2026



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East and Central Coast
Planning, Land Use Strategy, Housing
and Infrastructure
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Delegate of the Minister for Planning and
Public Spaces