

Gateway Determination

Planning proposal (Department Ref: PP-2023-158): to amend the extent and description of existing heritage items and include additional items of local heritage under Schedule 5 of the Cumberland LEP 2021.

I, Acting Executive Director, Metro Central and North 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 EP&A Act) that the amendments to Schedule 5 of the Cumberland Local Environmental Plan 2021 as described above should proceed subject to the following conditions:

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.

The LEP should be completed on or before 8 June 2024.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is required to be updated as follows:
 - (a) amend the project timeline to reflect the timeframe conditions of this determination; and
 - (b) provide further justification to the address the misalignment between the planning proposal's intended outcomes and the supporting evidence base.
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 complex 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 30 working days;
 - (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, 2021); and

- (c) the planning proposal authority must notify all landowners affected by the planning proposal.

Exhibition must commence within **3 months** following the date of the gateway determination.

3. Consultation is required with Heritage NSW under section 3.34(2)(d) of the EP&A Act. Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working 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).

Dated 8th day of June 2023.



Alison Burton
Acting Executive Director
Metro Central and North
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces