

Gateway Determination

Planning proposal (Department Ref: PP-2021-6833): to permit advertising on bus shelters as exempt development.

I, the Director Agile Planning and Programs at the Department of Planning, Industry 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 Woollahra Local Environmental Plan (LEP) 2014 to permit advertising on bus shelters as exempt development should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to:
 - (a) provide further information about the intent of the planning proposal in relation to issues around illumination, design compatibility between the bus shelter and advertising structure, and suitability in heritage conservation areas;
 - (b) update the project timeline to reflect the timeframe allowed to complete the LEP, where appropriate; and
 - (c) include an advisory in Section 4 of the planning proposal clearly stating that the wording of the proposed provisions are indicative only, and will be subject to drafting by Parliamentary Counsel's Office should the proposal progress to the finalisation stage.
2. Consultation is required with Transport for NSW under section 3.34(2)(d) of the Act. Transport for NSW is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 the *Local Environmental Plan Making Guideline* (Department of Planning, Industry and Environment, December 2021).
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 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 authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions; and
 - (c) there are no outstanding written objections from public authorities.
6. The planning proposal must be exhibited 2 months from the date of the Gateway determination.
7. The planning proposal must be reported to Council for a final recommendation 4 months from the date of the Gateway determination.
8. The timeframe for completing the LEP is to be **6 months** from the date of the Gateway determination.

Dated 17th day of December 2021.



Louise McMahon
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Department of Planning, Industry
and Environment

Delegate of the Minister for
Planning and Public Spaces