Gateway Determination

***Planning proposal (Department Ref: PP-2023-2402)**: to expand the existing St Leonards Church local heritage listing to include the entire property of 43 Donnelly Road, Naremburn as a local heritage item under the Willoughby LEP 2012.*

I, the Director, Metro 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 Act) that an amendment to the Willoughby Local Environmental Plan 2012 to identify the property at 43 Donnelly Road, Naremburn as a local heritage item should proceed subject to the following conditions:

The LEP should be completed on or before 31 October 2024.

Gateway Conditions

1. The planning proposal is to be amended to be consistent with and address the findings and recommendations of the NSW Land and Environment Court appeal in relation to the Interim Heritage Order (IHO) on the site. This must occur at the earliest opportunity once the decision is made available. The key matter being whether the school buildings, hall and grounds should be included in the listing.

2. Prior to exhibition, the planning proposal is to be amended to address the following and forwarded to the Minister (or delegate) under s 3.34(6) of the Act for review and endorsement:

   (a) to note that the IHO Court appeal and current development application excludes the presbytery located on the property and the landowner is not disputing this additional listing;

   (b) provide an updated proposed heritage map that applies a solid colour to the item, removes the red hatching, removes the word ‘curtilage’ and refers to ‘item’;

   (c) provide further justification for Ministerial Direction 6.1 Residential Zones given the listing may reduce redevelopment opportunities on the site for residential land uses;

   (d) update references to align with the current in force Ministerial Directions relevant to the proposal and remove reference to a direction titled “Implementation of a Plan for Growing Sydney”; and

   (e) include an updated timeline based on the issuing of the Gateway determination.

3. 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).

4. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
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 18 January 2024



Brendan Metcalfe
Director, Metro North
Metro Central and North
Department of Planning and Environment
Delegate of the Minister for Planning and Public Spaces