

Gateway Determination

Planning proposal (Department Ref: PP_2020_NORTH_01_00): to enable small bars as an additional permitted use at identified sites in the Kirribilli Village Centre.

I, the Acting Director, North District, 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 North Sydney Local Environmental Plan (LEP) 2013 to enable small bars as an additional permitted use at identified sites in the Kirribilli Village Centre should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) demonstrate consistency with the Draft North Sydney Local Strategic Planning Statement (LSPS). This must include removing references to actions from the Draft LSPS that are not applicable to land subject to the planning proposal;
 - (b) ensure that directions from the North Sydney Community Strategic Plan (CSP) that are referenced in the planning proposal are consistent with directions contained in the CSP;
 - (c) ensure that the project timeline is accurate and updated to reflect the anticipated twelve month timeframe for completion; and
 - (d) ensure that the draft amendment to clause 14 of schedule 1 in the explanation of provisions does not include conflicting or duplicated property descriptions.
2. 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**;
 - (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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); and
 - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition.
3. Consultation is required with the NSW Police Force (North Sydney Police Area Command) under section 3.34(2)(d) of the Act. NSW Police Force are 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.

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 or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 07 day of February 2020.



Luke Downend
Acting Director, North District
Place, Design and Public Spaces
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces