

Gateway Determination

Planning Proposal (Department Ref: PP_2017_MOSMA_001_00): to revise three listings relating to Archaeological Sites under Schedule 5 Part 1 and Part 3 of Mosman LEP 2012.

I, the Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that an amendment to the Mosman Local Environmental Plan (LEP) 2012 to revise three listings relating to Archaeological Sites under Schedule 5 Part 1 and Part 3 of Mosman LEP 2012, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal to be updated to:
 - (a) accurately describe the intended outcomes of the planning proposal; and
 - (b) demonstrate consistency with section 117 Direction 2.3 Heritage Conservation.
2. An amended version of Mosman Residential Development Control Plan 2012, identifying the rock faces of the Former Stone Quarry and Former Harnett's Quarry, is to be exhibited with the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the Office of Environment and Heritage (OEH) under section 56(2)(d) of the EP&A Act. OEH 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.
5. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.



Planning & Environment

7. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated *7TH* day of *AUGUST* 2017.

Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Mr Dominic Johnson
General Manager
Mosman Municipal Council
PO Box 211
Spit Junction NSW 2088

Dear Mr Johnson

Planning Proposal PP_2017_MOSMA_001_00 to amend Mosman Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the Planning Proposal to revise three listings relating to Archaeological Sites under Schedule 5 Part 1 and Part 3 of Mosman LEP 2012.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council will still need to demonstrate that the planning proposal complies with the requirements of Section 117 Direction 2.3 Heritage Conservation. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under Section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Carina Lucchinelli to assist you. Ms Lucchinelli can be contacted on (02) 9274 6563.

Yours sincerely

 7/8/17
Karen Armstrong
Director, Sydney Region East
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mosman Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_MOSMA_001_00	Planning proposal to revise three listings relating to Archaeological Sites under Schedule 5 Part 1 and Part 3 of Mosman LEP 2012.

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 7TH AUGUST 2017


Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

**Delegate of the Secretary
of the Department of Planning and Environment**