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Ms Veronica Lee
General Manager
Mosman Council
PO Box 211
SPIT JUNCTION NSW 2088

Our ref: PP_2014_MOSMA_002_00 (14/06620)

Dear Ms Lee,

Planning proposal to amend Mosman Local Environmental Plan 2012

I am writing in response to your Council's letter dated 4 April 2014, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) in respect of the planning proposal to amend objectives for the R2 Low Density Residential zone, clause 4.3 Height of buildings and clause 4.4 Floor space ratio, and include new local clauses for wall height, number of storeys and landscaped area in *Mosman Local Environmental Plan 2012*.

As delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In October 2012, the Minister delegated his plan making powers to councils. 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.

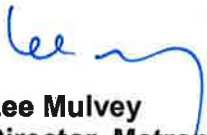
The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the gateway determination. Council should aim to commence exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to 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 for administrative purposes.

When exhibiting the proposal, I request that Council include a clear explanation of the proposed clauses in the LEP, including the proposed wording of these clauses.

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 queries in regard to this matter, please contact Ms Nava Sedghi of the Metropolitan Delivery (CBD) branch on 02 8575 4117.

Yours sincerely,


Lee Mulvey 14/5/14
Director, Metropolitan Delivery (CBD)
Growth Planning and Delivery

Gateway Determination

Planning proposal (Agency Ref: PP_2014_MOSMA_002_00): to amend objectives for the R2 Low Density Residential zone, clauses 4.3 and 4.4, and include new local clauses for wall height, number of storeys and landscaped area in Mosman Local Environmental Plan 2012.

I, the Director, Metropolitan Delivery (CBD) at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) that an amendment to the *Mosman Local Environmental Plan 2012* to amend the objectives for the R2 Low Density Residential zone, clauses 4.3 and 4.4, and include new local clauses for wall height, number of storeys and landscaped area, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as minor as described in *A Guide to Preparing LEPs* (former Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of **28 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 LEPs* (former Department of Planning & Infrastructure 2013).
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 14th of May 2014.


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning

