



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_MOSMA_002_00 (10/23857-1)
Your ref: Linda Kelly

Mr Vivian May PSM
General Manager
Mosman Municipal Council
PO Box 211
SPIT JUNCTION NSW 2088

Dear Mr May,

Re: Planning Proposal to rezone 5 Mandolong Road, Mosman

I am writing in response to your Council's letter dated 17 November 2010 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 the Mosman Local Environmental Plan 2010 to rezone 5 Mandolong Road, Mosman (Lots 1-9 SP 13130) from proposed R3 Medium Density to B2 Local Centre and to apply development standards equal to those of the adjacent business area.

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

Council should consider including the Mandolong Road reserve immediately adjacent to the subject properties within the planning proposal (to be rezoned to B2 Local Centre), to facilitate potential future street and footpath activities at ground level.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 Sandy Shewell of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,


15/12/10
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_MOSMA_002_00): to rezone 5 Mandolong Road, Mosman from proposed R3 Medium Density to B2 Local Centre and to apply development standards equal to those of the adjacent business area.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Mosman Local Environmental Plan 2010 to rezone 5 Mandolong Road, Mosman (Lots 1-9 SP 13130) from proposed R3 Medium Density to B2 Local Centre and to apply development standards equal to those of the adjacent business area should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
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 **9 months** from the week following the date of the Gateway determination.

Dated 15th day of December 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning