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Our ref: PP_2013_MOSMA_002_00 (13/17603)

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

Dear Ms Lee,

Planning proposal to amend Mosman Local Environmental Plan 2012

I am writing in response to your Council's letter dated 17 October 2013, 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 rezone Lot 1 DP 875220 at 7 Ellamatta Avenue, Mosman.

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

I have also agreed the planning proposal's inconsistency with S117 Directions 6.2 Reserving Land for Public Purposes is justified. No further approval is required in relation to this Direction.

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 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 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 for administrative purposes.

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 regional office of the department on 02 8575 4117.

Yours sincerely,


11/12/2013

**For: Regional Director
Sydney Region East
Planning Operations and Regional Delivery**

Gateway Determination

Planning proposal (Department Ref: PP_2013_MOSMA_002_00): to rezone Lot 1 DP 875220 at 7 Ellamatta Avenue, Mosman.

I, the Regional Director, Sydney Region East at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, 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 (LEP) 2012 to rezone Lot 1 DP 875220 at 7 Ellamatta Avenue, Mosman 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 low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and 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 LEPs (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 12th day of December 2013.



For: **Regional Director
Sydney Region East
Planning Operations and Regional
Delivery
Department of Planning and
Infrastructure**

**Delegate of the Minister for Planning
and Infrastructure**