



Office of the Director-General

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Ms Penny Holloway
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: PP_2010_NORTH_001_00 (10/01287)
Your ref: MY (PDS)

Dear Ms Holloway,

Re: Planning Proposal to amend North Sydney Local Environmental Plan 2001 to include a site specific provision that allows "commercial premises" as an additional use at 35-51 Mitchell Street, McMahons Point

I am writing in response to your Council's letter dated 17 December 2009 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 North Sydney Local Environmental Plan 2001 to include a site specific provision to allow "commercial premises" as an additional use at 35-51 Mitchell Street, McMahons Point.

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.


The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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 Emma Booth of the Regional Office of the Department.

Yours sincerely,


Ian Reynolds
A/Director General

28-1-10

Gateway Determination

Planning Proposal (Department Ref: PP_2010_NORTH_001_00): to amend North Sydney Local Environmental Plan 2001 to include a site specific provision to allow "commercial premises" as an additional use on 35-51 Mitchell Street, McMahons Point.

I, the A/Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the North Sydney Local Environmental Plan 2001 to include a site specific provision to allow "commercial premises" as an additional use on 35-51 Mitchell Street, McMahons Point 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 State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

25th

day of

January

2010.



Ian Reynolds
A/Director General
Delegate for the Minister for Planning