



Office of the Director General

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Our ref: PP_2013_MOSMA_001_00 (13/01762)
Your ref:

Dear Mr May,

Planning proposal to amend Mosman Local Environmental Plan 2012

I am writing in response to Council's letter dated 27 December 2012 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 permit exempt or complying development at Taronga Zoo, at Bradley's Head Mosman and amend the listing of heritage items at the zoo.

As delegate of the Minister for Planning and Infrastructure, I have now 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 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

It is noted that the planning proposal will only include exempt development in the schedule of Council's Local Environmental Plan (LEP) and that Council has not identified the types of development to be included within the schedule and the parameters around each development type. This information is to be provided for exhibition purposes.

The Minister delegated his plan making powers to councils 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 LEP is to be finalised within 3 months of the week following the date of the Gateway determination. As it has been determined this is a low impact proposal, the planning proposal is to be exhibited for 14 days. 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 NSW 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 Glenn Horal of the regional office of the department on 02 4348 5000.

Yours sincerely,


Sam Haddad
Director General

22/2/2013.

Gateway Determination

Planning proposal (Department Ref: PP_2013_MOSMA_001_00): to permit exempt or complying development and amend the listing of heritage items at Taronga Zoo.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Mosman Local Environmental Plan (LEP) 2012 to permit exempt or complying development at Taronga Zoo, at Bradley's Head Mosman and amend the listing of heritage items at the zoo should proceed subject to the following conditions:

1. It is noted that the planning proposal will only include exempt development in the schedule of Council's LEP. The planning proposal should state that the proposal only relates to exempt development, and will not include complying development. Prior to undertaking public exhibition, Council is to identify the types of development to be included within the schedule and the parameters around each development type and is to ensure that the provisions for exempt development are consistent with practice note PN 09-001 *Exempt and complying development*.
2. Prior to undertaking public exhibition, Council is to update the planning proposal's consideration of S117 Direction 2.3 Heritage Conservation by addressing the impacts of removing the heritage listing classification of the entire zoo site and instead listing the heritage items individually.
3. Council is to update the planning proposal's consideration of S117 Direction 4.4 Planning for Bushfire Protection once it has consulted with the NSW Rural Fire Services.
4. 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 and Infrastructure 2012)* 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
5. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. The public authority may request additional information or additional matters to be addressed in the planning proposal.
6. 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).



7. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 22nd day of February 2013.

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Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mosman Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by the instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_MOSMA_001_00	Planning proposal to permit exempt or complying development at Taronga Zoo, at Bradley's Head Mosman and amend the listing of heritage items at the zoo.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated **22nd February** 2013

Sam Haddad
Director General
Department of Planning and Infrastructure