

Gateway Determination

Planning proposal (Department Ref: PP_2015_NORTH_010_00): to identify 'special events (including markets)' held by or on behalf of North Sydney Council, or on land owned or managed by North Sydney Council, as a form of exempt development.

I, the Acting Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *North Sydney Local Environmental Plan 2013* (the LEP) to identify 'special events (including markets)' held by or on behalf of Council, or on land owned or managed by the Council as a form of exempt development should proceed subject to the following conditions:

1. The planning proposal be amended to:
 - (a) remove any reference to "a permit issued by the Council";
 - (b) include appropriate standards for the development proposed to be identified as exempt development, such as hours of operation, patron capacity and the like; and
 - (c) include a note in the draft provision to state that 'special events (including markets)' do not contain exempt development already specified in *State Environmental Planning Policy (Exempt and Complying Codes) 2008*.
2. The planning proposal is to be amended in accordance with condition 1 to the satisfaction of the Director, Sydney Region East prior to any consultation with public authorities or any community consultation under section 56 and 57 of the Act.
3. Prior to undertaking community consultation, consultation is required with the following public authorities under section 56(2)(d) of the Act:
 - NSW Rural Fire Service
 - Department of Primary Industries – Crown Lands Division

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment. The planning proposal should be updated to respond to this consultation, and copies of all submissions from public authorities must be included in the public exhibition material.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal 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 (Department of Planning and Environment 2013)*.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
6. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated 20th day of April 2016.



Sandy Chappel
Acting Director, Sydney Region East
Planning Services

Delegate of the Greater Sydney Commission