



Office of the Director General

Mr John Neish
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Our ref: PP_2012_RYDEC_001_00 (12/19847)
Your ref: LEP2012/7 D12/87331

Dear Mr Neish,

Planning proposal to amend the Ryde Local Environmental Plan 2010

I am writing in response to your Council's letter dated 8 November 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 amend Ryde Local Environmental Plan (LEP) 2010 to rezone land at 108 Herring Road, Marsfield from zone R2 Low Density Residential to zone B1 Neighbourhood Centre and include 'hotel or motel accommodation' as an additional permitted use on the site.

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

I have agreed that the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

Council is advised that the *Guide to Preparing Planning Proposals* was recently updated and it now requires a project timeline to be included within the planning proposal. A timeline provides a mechanism to monitor the progress of the plan and minimise delays in the plan making process. Council should include a project timeline within any future planning proposal, when it requests a Gateway determination.

The amending 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 as soon as possible. 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 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 Danijela Karac of the regional office of the department on 02 9228 6111.

Yours sincerely,



Sam Haddad
Director General

18/1/2013

Gateway Determination

Planning proposal (Department Ref: PP_2012_RYDEC_001_00): to rezone land at Herring Road, Marsfield for business purposes and permit 'hotel or motel accommodation' on the site.

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 Ryde Local Environmental Plan (LEP) 2010 to rezone land at 108 Herring Road, Marsfield from zone R2 Low Density Residential to zone B1 Neighbourhood Centre and include 'hotel or motel accommodation' as an additional permitted use on the site should proceed subject to the following conditions:

1. Council is to include an additional map, which identifies the proposed zoning of the site under Ryde LEP 2010 for the purposes for public exhibition.
2. 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)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 18th day of January 2013.


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