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Our ref: PP_2010_NORTH_006_00 (10/19391)
Your ref: BMS (PDS)

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

Dear Ms Holloway,

Re: Planning Proposal to allow additional uses on land at Military Road, Neutral Bay

I am writing in response to your Council's letter dated 15 September 2010 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 the North Sydney Local Environmental Plan 2001 to allow additional uses on Lot 1 in DP 191827 and Lot F in DP 441071 Military Road, Neutral Bay which are ancillary to an adjoining service station.

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.

It should be noted that the mechanism of using a site specific clause within the LEP to allow a list of ancillary uses will not be able to be brought forward into Council's Standard Instrument LEP. Council will need to address the issue of permitting the development of service stations in an appropriate zone(s) in its Standard Instrument LEP.

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 within four (4) weeks from the week following this determination. 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 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 Nigel Riley of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_NORTH_006_00): to allow additional uses on Lot 1 in DP 191827 and Lot F in DP 441071 Military Road, Neutral Bay which are ancillary to an adjoining service station.

I, the Deputy Director General, Plan Making & Urban Renewal 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 allow additional uses on Lot 1 in DP 191827 and Lot F in DP 441071 Military Road, Neutral Bay which are ancillary to an adjoining service station 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 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 11th day of October 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning