



NSW GOVERNMENT
Department of Planning

Office of the Director-General

Ms Penny Holloway
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Our ref: S09/01722
Your ref: ALW1 (PDS)

Dear Ms Holloway,

Re: Planning Proposal to include a site specific provision that allows 'commercial premises' to be permitted with development consent on land at 162 Blues Point Road, McMahon's Point

I am writing in response to your Council's letter dated 26 August 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 that allows 'commercial premises' to be permitted with development consent on land at 162 Blues Point Road, McMahon's 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.

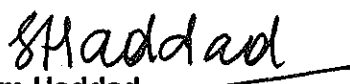
The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 3 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 the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

14/9/2009.



Gateway Determination

Planning Proposal (Department Ref: S09/01722-1): To include a site specific provision in North Sydney Local Environmental Plan 2001 that allows 'commercial premises' to be permitted with development consent on land at 162 Blues Point Road, McMahon's Point.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the North Sydney Local Environmental Plan 2001 to include a site specific provision that allows 'commercial premises' to be permitted with development consent on land at 162 Blues Point Road, McMahon's 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 **3 months** from the week following the date of the Gateway determination.

Dated 14th day of September 2009.


Sam Haddad
Delegate for the Minister for Planning