

## Gateway Determination

***Planning proposal (Department Ref: PP\_2021\_3823): Miscellaneous Amendments to Mosman Local Environmental Plan 2012***

I, the Director, North District at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that amendments to the Mosman Local Environmental Plan (LEP) 2012 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - Provide a more thorough assessment against the objectives contained within the Greater Sydney Region Plan
  - Update Part 3 Section B (6) 9.1 Ministerial Directions of the planning report to remove revoked Direction 7.1 Implementation of a Plan for Growing Sydney
  - Update the assessment against Ministerial Section 9.1 Direction 2.6 Remediation of Contaminated Land relating to a change in zoning for land at the rear of 37-45 Mandolong Road from SP2 Infrastructure to R2 Low Density Residential to note that a preliminary site investigation has not been completed and is not required, given the site does not have a history of any uses referred to in Table 1 of the Contaminated Land Planning Guidelines being carried out.
  - Apply an E4 Environmental Living zone instead of an R2 Low Density Residential zone to the rear of 37-45 Mandolong Road, Lots 1 and 3-5 DP 1138034, and Lot 1 DP 117108, making necessary amendments to the planning proposal and the draft mapping.
2. Consultation is required with the following public authorities:
  - Sydney Water
  - Transport for NSW (Roads)
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - b) the planning proposal 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 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

5. Council is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - a) Council has satisfied all the conditions of the Gateway determination;
  - b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c) there are no outstanding written objections from public authorities.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

Dated 14th day of September 2021.



**Brendan Metcalfe**  
**Director, North District, Eastern Harbour City**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and Environment**

**Delegate of the Minister for Planning and Public Spaces**