

Gateway Determination

Planning proposal (Department Ref: PP-2022-1043): Housekeeping Review 2022

I, the Director, North District at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Ryde Local Environmental Plan 2014* to address a range of miscellaneous administrative issues identified in the operation of the plan should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
 - (a) Update all references to the Section 9.1 Ministerial Directions to reflect the current Directions, including removing references to the repealed 'Minister's Planning Principles'
 - (b) Remove proposal to make recreation areas exempt development in the C2 Environmental Conservation zone under the land use table. Replace with proposal to make recreation areas permissible with consent in the C2 Environmental Conservation zone under the land use table
 - (c) Remove the proposal to permit an educational resource recycling facility within Porters Creek Park as an additional permitted use as this mechanism is not supported
 - (d) Remove the proposed wording for clauses 4.3A and 4.4A and replace with a plain English explanation of the proposed changes
 - (e) Provide further information about the proposal to permit signage (including advertising) as exempt development under Schedule 2 to:
 - i. Clearly identify the areas and structures to which the provision will apply
 - ii. Identify whether Council intends to develop an assessment procedure for exempt signage
 - iii. Identify the intent of the proposal in relation to issues relating to illumination, amenity impacts, design compatibility, suitability in heritage conservation areas and residential zones, appropriateness of displayed content, number of advertisements to be permissible on a single structure, safety provisions and relevant guidelines to be complied with
 - iv. Consistency with the Regional Plan and District Plan
 - v. Remove the suggested wording for the proposed new signage clause under Schedule 2 and identify that the wording of the proposed provisions will be subject to drafting by Parliamentary Counsel should the proposal progress to the finalisation stage.
 - (f) include the advice of the Local Planning Panel
 - (g) address the consistency of the proposal to permit areas in C2 Environmental Conservation zones with the District Plan

- (h) remove all references to water recycling facilities.
 - (i) update the project timeline to reflect the timeframe allowed to complete the LEP, where appropriate.
2. Prior to community consultation, consultation is required with the NSW Rural Fire Service, in accordance with Ministerial Direction 4.3 Planning for Bushfire Protection.
 3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval.
 4. The planning proposal should be made available for community consultation for a minimum of 20 days.
 5. The planning proposal must be exhibited within 4 months of the date of the Gateway determination.
 6. The planning proposal must be reported to council for a final recommendation 6 months from the date of the Gateway determination.
 7. The timeframe for completing the LEP is to be 10 months from the date of the Gateway determination.
 8. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.
 9. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
 10. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Transport for NSW
 - Environment and Heritage NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

11. 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 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).
12. The Secretary as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

13. The LEP should be completed on or before 13 March 2023.

Dated 16th day of May 2022.



Brendan Metcalfe
Director, North District
Eastern Harbour City
Department of Planning and Environment

Delegate of the Minister for Planning and Homes