

## **ATTACHMENT B**

**GATEWAY DETERMINATION FOR THE  
PLANNING PROPOSAL:  
AMENDMENT NO.1 TO SYDNEY LOCAL  
ENVIRONMENTAL PLAN 2012 – SCHEDULE  
2 EXEMPT DEVELOPMENT MOBILE FOOD  
VENDING VEHICLES (FOOD TRUCKS)**





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Our ref: PP\_2012\_SYDNE\_001\_00 (12/10948)  
 Your ref:

Ms Monica Barone  
 General Manager  
 Council of the City of Sydney  
 GPO Box 1591  
 SYDNEY NSW 2001

Dear Ms Barone,

### **Planning Proposal to amend the draft Sydney Local Environmental Plan 2012**

I am writing in response to your Council's letter 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 draft Sydney Local Environmental Plan 2012 to include 'mobile food vending vehicles (food trucks)' as exempt development.

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.

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 Daniel Cutler of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,

*Sam Haddad*  
**Sam Haddad**  
 Director-General

*13/7/2012.*

## Gateway Determination

*Planning Proposal (Department Ref: PP\_2012\_SYDNE\_001\_00): to include 'mobile food vending vehicles (food trucks)' as exempt development.*

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 the draft Sydney Local Environmental Plan 2012 to include 'mobile food vending vehicles (food trucks)' as exempt development 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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Transport for NSW (Roads and Maritime Services)
  - NSW Food Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 13<sup>th</sup> day of July 2012.

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