



Planning & Infrastructure

Office of the Director General

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

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Our ref: PP_2012_NORTH_007_00 (12/17449-1)
Your ref:

Dear Ms Holloway,

Planning proposal to amend North Sydney Local Environmental Plan 2001

I am writing in response to your Council's request for 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 (LEP) 2001 to increase the maximum building height and introduce a maximum overall floor space ratio control for land at 545-553 Pacific Highway, St Leonards.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible to meet the 9 month timeframe. 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 NSW 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 Danijela Karać-Cooke of the regional office of the department on 02 9228 6111.

Yours sincerely,


Sam Haddad
Director General

14/11/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_NORTH_007_00): to increase the maximum building height and introduce a maximum overall floor space ratio control for land at 545-553 Pacific Highway, St Leonards.

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 North Sydney Local Environmental Plan 2001 to increase the maximum building height from 26 metres to 50 metres and introduce a maximum overall floor space ratio control of 6.6:1 for land at 545-553 Pacific Highway should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to remove reference to 'a trade off for public benefits' in the explanation of provisions on page 12 of the planning proposal, as this does not relate to how the planning proposal will amend the LEP.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Adjoining Local Government Areas

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.
4. 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).



5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 14th day of November 2012.

SHaddad

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