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Department Generated Correspondence (Y)

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Our ref: PP\_2011\_NORTH\_008\_00 (11/09311)  
Your ref: MY(PDS)

Ms Penny Holloway  
General Manager  
North Sydney Council  
PO Box 12  
NORTH SYDNEY NSW 2059

Dear Ms Holloway,

**Re: Planning Proposal to amend North Sydney Local Environmental Plan 2001 to reduce the current minimum non-residential Floor Space Ratio control for the subject land at 239-247 Pacific Highway, North Sydney, from 3:1 to 0.5:1**

I am writing in response to your Council's letter dated 23 May 2011 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 North Sydney Local Environmental Plan 2001 to reduce the current minimum non-residential Floor Space Ratio control for the subject land at 239-247 Pacific Highway, North Sydney, from 3:1 to 0.5:1.

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 Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 3 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 Nigel Riley of the Regional Office of the Department on 02 9228 6439.

Yours sincerely,



16/6/11

**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_NORTH\_008\_00):** to amend North Sydney Local Environmental Plan 2001 to reduce the current minimum non-residential Floor Space Ratio control for the subject land at 239-247 Pacific Highway, North Sydney, from 3:1 to 0.5:1.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the North Sydney Local Environmental Plan 2001 to reduce the current minimum non-residential Floor Space Ratio control for the subject land at 239-247 Pacific Highway, North Sydney, from 3:1 to 0.5:1 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 public authorities under section 56(2)(d) of the EP&A Act.
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 **3 months** from the week following the date of the Gateway determination.

Dated 16<sup>th</sup> day of June 2011.



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**  
**Delegate of the Minister for Planning and**  
**Infrastructure**