



## Planning & Environment

Mr Warwick Winn  
General Manager  
North Sydney Council  
PO Box 12  
North Sydney NSW 2059

Contact: Sandy Shewell  
Phone: 02 8575 4115  
Email: [sandy.shewell@planning.nsw.gov.au](mailto:sandy.shewell@planning.nsw.gov.au)  
Postal: GPO Box 39 SYDNEY NSW 2000  
Our ref: PP\_2014\_NORTH\_005\_00  
(14/18327)

Attention: Ben Boyd, Executive Strategic Planner

Dear Mr Winn

### **Planning Proposal to amend North Sydney Local Environmental Plan 2014**

I am writing in response to a request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* for a planning proposal for 18 Berry Street and 144-154 Pacific Highway, North Sydney.

As delegate of the Minister for Planning, I have determined that this planning proposal should proceed, subject to the conditions in the attached Gateway determination. I have determined that the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 7.1 Implementation of the Metropolitan Strategy for Sydney 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 **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. Council's request for the Department to draft and finalise the LEP should be made **6 weeks** prior to the projected publication date.

If you have any queries in regard to this matter, I have arranged for Ms Sandy Shewell of the Department's Metropolitan (CBD) team to assist you. Ms Shewell can be contacted on (02) 8575 4115.

Yours sincerely

**Marcus Ray**  
**Acting Deputy Secretary**  
**Planning Services**  
**Delegate of the Minister for Planning**

18/12/14  
Enclosed: Gateway Determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2014\_NORTH\_005\_00):** to amend North Sydney Local Environmental Plan 2013 to amend the non-residential floor space ratio for 18 Berry Street and 144-154 Pacific Highway, North Sydney.

I, the Acting Deputy Secretary, Planning Services, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan 2013 to amend the non-residential floor space ratio map for 18 Berry Street and 144-154 Pacific Highway, North Sydney, should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to update the planning proposal to ensure that a non-residential floor space ratio of 1.4:1 applies to 18 Berry Street and 144-154 Pacific Highway, North Sydney, by amending:
  - a. the non-residential floor space ratio map series to accommodate a new non-residential floor space ratio of 1.4:1; and
  - b. clause 4.4A(3) to introduce a new non-residential floor space ratio of 1.4:1.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - a. the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and must be made publicly available for a minimum of **28 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
3. Consultation is required with Transport for NSW - Roads and Maritime Services under section 56(2)(d) of the EP&A Act:

Public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment.

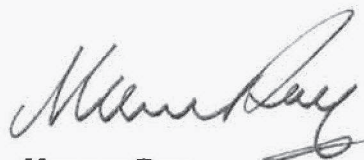
Public authorities may request additional information or additional matters to be addressed in the planning proposal. The planning proposal is to be revised to address submissions from these public authorities and copies of all submissions must be included with the revised proposal.

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 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 18th day of December 2014.

A handwritten signature in dark ink, appearing to read 'Marcus Ray', written in a cursive style.

**Marcus Ray**  
**Acting Deputy Secretary**  
**Planning Services**

**Delegate of the Minister for Planning**