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Our ref: PP_2014_NORTH_002_00 (14/01477)

Warwick Winn
Acting General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2001

Dear Mr Winn,

Planning proposal to amend North Sydney Council Local Environmental Plan 2013

I refer to Council's letter dated 5 December 2013 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 enable mixed use redevelopment of the Crows Nest Plaza, adjoining Council owned car park and portion of Zig Zag Lane, Crows Nest.

As delegate of the Minister for Planning and Infrastructure, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

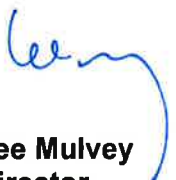
The planning proposal has the potential for inconsistency with s117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones. Therefore, the attached Gateway Determination includes a condition requiring Council to address the potential inconsistency prior to the commencement of community consultation.

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.

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 section 54(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 Martin Cooper of the Metropolitan Delivery (CBD) branch of the Department on 02 8575 4109.

Yours sincerely,


13/2/2014
Lee Mulvey
Director
Metropolitan Delivery (CBD)
Growth Planning & Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2014_NORTH_002_00): to enable mixed use redevelopment of the Crows Nest Plaza, adjoining Council owned car park and portion of Zig Zag Lane, Crows Nest.

I, the Director, Metropolitan Delivery (CBD) at the 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 Council Local Environmental Plan (LEP) 2013 to enable mixed use redevelopment of the Crows Nest Plaza, adjoining Council owned car park, and portion of Zig Zag Lane, Crows Nest, 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 & Infrastructure 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
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 Service; and
 - Adjoining LGAs

Each public authority is 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.
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. Council must address the potential inconsistency with S117 Direction 1.1 Business and Industrial Zones and 3.1 Residential zones in the planning proposal prior to the commencement of community consultation.
5. Prior to the commencement of community consultation, Council will need to amend the planning proposal to include maps showing the existing and proposed height of building and land use zoning controls. The proposed amending maps are to be prepared in accordance with the Standard Technical Requirements for LEP maps.



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

Dated 13th day of February 2014.


Lee Mulvey
Director
Metropolitan Planning (CBD)
Growth Planning & Delivery
Department of Planning and
Infrastructure

Delegate of the Minister for Planning
and Infrastructure