



**Planning &
Infrastructure**



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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Planning Operations & Regional Delivery

NORTH SYDNEY COUNCIL GATEWAY DETERMINATION:

PP 2013 NORTH 002 00

The attached draft gateway determination and letter is submitted for the Regional Director's signature, if approved.

Contact Officer: Sandy Shewell (MC)
A/ Team Leader
Sydney Region East
Phone number: 02 8575 4115

RJammie 9/9/2013

For: Juliet Grant
Regional Director
Sydney Region East
Planning Operations and Regional Delivery



Contact: Martin Cooper
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Postal: GPO Box 39 SYDNEY NSW 2001
Our ref: PP_2013_NORTH_002_00 (13/10671)
Your ref: MY(PDS)

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

Dear Ms Holloway

Planning proposal to amend North Sydney Local Environmental Plan 2013

I refer to your Council's letter, dated 14 June 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 rezone part of 12 Shirley Avenue, Wollstonecraft to E4 Environmental Living.

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.

I have also determined the planning proposal's inconsistency with section 117 Direction No 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction. However, the planning proposal is to be revised to include a discussion of the proposal's inconsistency with Direction No 1.1 prior to the commencement of community consultation.

In October 2012, the Minister delegated his plan making powers to councils. It is noted that North Sydney Council has accepted this delegation. I have considered the nature of Council's planning proposal and decided to issue an authorisation for Council to exercise delegation to make this plan.

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 practicable. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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.

If you have any questions regarding this matter, I have arranged for Mr Martin Cooper of the Department's Sydney Region East branch, to assist you. Mr Cooper can be contacted on (02) 8575 4109 or via email martin.cooper@planning.nsw.gov.au

Yours sincerely

RJammie 9/9/2013

For: Juliet Grant
Regional Director
Sydney Region East
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_NORTH_002_00): to rezone part of 12 Shirley Avenue, Wollstonecraft to E4 Environmental Living.

I, the Regional Director, Sydney Region East at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the *North Sydney Local Environmental Plan 2013* to rezone part of 12 Shirley Avenue, Wollstonecraft to E4 Environmental Living should proceed subject to the following conditions:

1. The planning proposal is to proceed as an amendment to the draft North Sydney Local Environmental Plan 2013. The proposal document and draft amendment maps are to be updated to reflect an amendment to the comprehensive LEP prior to the commencement of community consultation.
2. The planning proposal is to be revised to include a discussion on the proposal's inconsistency with section 117 Direction No 1.1 - Business and Industrial Zones prior to the commencement of community consultation.
3. A preliminary contamination assessment, in accordance with Clause 6 of *State Environmental Planning Policy No 55 - Remediation of Land*, is required to be undertaken to determine if the land is suitable in its contaminated state or will be suitable, after remediation, for residential uses. The preliminary contamination assessment is to be undertaken prior to the commencement of community consultation, and the results of the assessment are to be incorporated into the planning proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Office of Environmental Heritage
 - NSW Department of Primary Industries – Fishing and Aquaculture

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.

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

Dated 9th day of September 2013.



for Juliet Grant
Regional Director
Sydney Region East
Planning Operations and Regional
Delivery
Department of Planning and
Infrastructure

Delegate of the Minister for Planning
and Infrastructure