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Our ref: PP_2013_NORTH_004_00 (13/17006)

Ms 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 am writing in response to your Council's letter dated 23 September 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 limit the use of clause 4.6 – Exceptions to Development Standards on land within St Leonards where a proposed development breaches the height control.

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 agreed the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 3.3 Residential Zones is of minor significance.

In October 2012, the Minister delegated his plan making powers to councils. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have 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 6 months of the week following the date of the gateway determination. 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 queries in regard to this matter, please contact Ms Tharani Yoganathan of the regional office of the department on 02 8575 4111.

Yours sincerely,

RJammie
31/10/2013

**For: Regional Director
Sydney Region East
Planning Operations and Regional Delivery**

Gateway Determination

Planning proposal (Department Ref: PP_2013_NORTH_004_00): to limit the use of clause 4.6 – Exceptions to Development Standards on land within St Leonards where a proposed development breaches the height control.

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 & Assessment Act 1979* (EP&A Act) that an amendment to the *North Sydney Local Environmental Plan (LEP) 2013*, which limits the use of clause 4.6 - 'Exceptions to Development Standards' on land within St Leonards where a proposed development breaches the height control should proceed subject to the following conditions:

1. No community consultation is required under sections 56(2)(c) and 57 of the EP&A Act.
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 **6 months** from the week following the date of the gateway determination.

RJ Jamming
31/10/2013

**For: Regional Director
Sydney Region East
Planning Operations and Regional
Delivery
Department of Planning and
Infrastructure
Delegate of the Minister for Planning
and Infrastructure**