



Mr Warwick Wynn
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Our ref: PP_2015_NORTH_006_00 (15/08126)

Dear Mr Wynn *Warwick*

Planning proposal to amend *North Sydney Local Environmental Plan 2013*

I am writing in response to Council's letter dated 23 April 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend *North Sydney Local Environmental Plan 2013* to elevate heritage provisions.

As delegate of the Minister for Planning, I have determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway determination.

I note that the Department of Planning and Environment previously provided advice to Council that individual amendments to the compulsory Standard Instrument heritage clauses would not be supported. I reiterate the Department's previous offer to facilitate a meeting with the Office of Environment and Heritage to discuss alternative mechanisms to achieve Council's desired heritage outcomes.

Should you have any questions regarding this matter, please contact Mr Lee Mulvey, Director, Metropolitan Delivery (CBD), at the Department on (02) 8575 4140.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

03/07/15

Encl: Gateway determination



Gateway Determination

Planning Proposal (Department Ref: PP_2015_NORTH_006_00): to elevate the heritage provisions of *North Sydney Local Environmental Plan 2013*.

I, the Deputy Secretary, Planning Services, as delegate of the Minister for Planning, 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 elevate heritage controls should not proceed for the following reasons:

1. the planning proposal is contrary to the Standard Instrument (Local Environmental Plans) Order 2006. The standard heritage provisions must be adopted by every council, without amendment or alteration;
2. the need for the planning proposal is not apparent. Merit assessment procedures for development applications would ordinarily allow certain provisions in the LEP to have greater weight than others, on a case by case basis;
3. the resulting planning process may be more complicated and costly for applicants, and will create uncertainty for the community; and
4. the planning proposal is unjustifiably inconsistent with section 117 Direction 3.1 Residential Zones.

Dated 3rd day of July 2015.


Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning