



Planning & Infrastructure

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Our ref: PP_2014_NORTH_001_00 (14/01564)

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

Dear Mr Winn

Planning proposal to amend North Sydney Local Environmental Plan 2013

I refer to your Council's letter 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 increase height and floor space ratio controls at 7-19 Albany Street, St Leonards.

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 Direction 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.

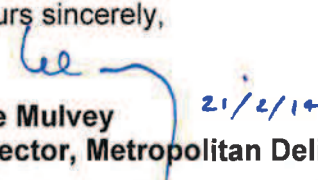
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 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 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.

Should you have any queries in regard to this matter, please contact Tharani Yoganathan of the Department on 02 8575 4111.

Yours sincerely,


Lee Mulvey
Director, Metropolitan Delivery (CBD)

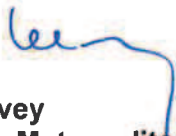
Gateway Determination

Planning proposal (Department Ref: PP_2014_NORTH_001_00): to increase the height of building and floor space ratio controls at 7-19 Albany Street, St Leonards.

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 *Environmental Planning and Assessment Act, 1979* (EP&A Act) that an amendment to the *North Sydney Local Environmental Plan 2013* (LEP) to increase the height of building and floor space ratio controls at 7-19 Albany Street, St Leonards, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 adjoining local government areas under section 56(2)(d) of the EP&A Act. Adjoining local government areas 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.
3. Council must address the potential inconsistency with s117 Direction 3.1 Residential zones in the planning proposal prior to the commencement of community consultation.
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 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway Determination.

Dated 21st day of February 2014.


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

Delegate of the Minister for Planning and Infrastructure