



Mr Warwick Winn
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: PP_2015_NORTH_009_00 (15/16206)

Dear Mr Winn

Planning Proposal – 31 Albany Street, Crows Nest

I am writing in response to Council's letter dated 26 October 2015, requesting a Gateway determination for a planning proposal at 31-33 Albany Street, Crows Nest, which seeks to implement a maximum building height control of 26 metres and a maximum floor space ratio control of 4.27:1.

As delegate of the Minister for Planning, I have determined that this planning proposal should proceed subject to the conditions in the attached Gateway determination.

The subject site is located within the area subject to the St Leonards strategic planning review being undertaken by the Department in consultation with North Sydney, Lane Cove and Willoughby councils. Prior to public exhibition, the planning proposal is to be updated to include a new satisfactory arrangements clause in regard to contributions to the provision of designated State public infrastructure identified as part of a draft or final strategy for this precinct. The Department is available to assist Council in the wording of such a clause.

Council should also demonstrate that the proposal is consistent with any available findings of the St Leonards strategic planning review prior to finalisation.


The Minister delegated plan making powers to councils in October 2012. Given the strategic importance of St Leonards and the planning review work underway, I have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within **12 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 of Planning and Environment to draft and finalise the Local Environmental Plan should be made 6 weeks prior to the projected public date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, I have arranged for Ms Sandy Shewell of the Department's Metropolitan (CBD) branch to assist you. Ms Shewell can be contacted on 02 9228 6591.

Yours sincerely



28 January 2016

Brett Whitworth
Acting Executive Director, Regions
Planning Services

Delegate of the Minister for Planning

Encl: Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_NORTH_009_00): to allow a maximum height of buildings of 26 metres and a maximum floor space ratio of 4.27:1 for the site at 31-33 Albany Street, Crows Nest.

I, the Acting Executive Director, Regions, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) that an amendment to the *North Sydney Local Environmental Plan 2013* should proceed subject to the following conditions:

1. Prior to undertaking public exhibition the planning proposal is to be updated to:
 - a. include Site Identification, Height of Buildings, and Floor Space Ratio Maps which clearly show both the existing and proposed controls for the site; and
 - b. include a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of a draft or final strategic planning review for St Leonards.

Note: Maps should be prepared to the standards identified in 'Standard Technical Requirements for LEP Maps' (Department of Planning and Environment 2013).

2. Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with any available findings of the St Leonards planning review work being undertaken by the Department in consultation with North Sydney, Lane Cove and Willoughby councils.
3. Prior to public exhibition, consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW (Sydney Trains);
 - Transport - Road and Maritime Services;
 - Lane Cove Council; and
 - Willoughby City Council

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, or to indicate that they will require additional time to comment. The planning proposal should be updated to respond to this consultation.



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 **28 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 and Environment 2013).
5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 28th day of January 2016.

**Brett Whitworth,
A/Executive Director, Regions
Planning Services**

Delegate of the Minister for Planning