

Adrian Panuccio
Acting General Manager
North Sydney Council
200 Miller Street
NORTH SYDNEY NSW 2060

Dear Mr Panuccio

Planning Proposal PP_2017_NORTH_003_00 to amend North Sydney Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal which seeks to introduce 'shop top housing' as an additional permitted use and increase development standards at 617-621 Pacific Highway, St Leonards.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistencies Section 117 Directions 1.1 Business Zones and Industrial Zones and 3.5 Development near licensed aerodromes are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Plan making powers were delegated to Councils by the Minister 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 months of 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 of Planning and Environment.

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 Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Max Chipchase to assist you. Mr Chipchase can be contacted on 9274 6304

Yours sincerely

 25/10/17 -
Karen Armstrong
Director Sydney Region East
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_NORTH_004_00): to introduce 'shop top housing' as an additional permitted use and increase development standards at 617-621 Pacific Highway, St Leonards

I, the Director Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan (LEP) 2013 to should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to
 - (a) 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 / Crows Nest; and
 - (b) demonstrate consistency with the draft Greater Sydney Region Plan.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (c) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (d) 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Transport for NSW
 - NSW Roads and Maritime Services
 - NSW Office of Environment and Heritage
 - Ministry of Health
 - Sydney Airport Corporation;
 - AirServices Australia;
 - Civil Aviation Safety Authority; and
 - Commonwealth Department of Infrastructure and Regional Development

Each public authority/organisation 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.

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 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 **12 months** following the date of the Gateway determination.

Dated *28TH* day of *OCTOBER* 2017.



Karen Armstrong
Director Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

North Sydney Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_NORTH_004_00	The planning proposal seeks to amend the North Sydney LEP 2012 to make 'shop top housing' a permissible use on the site; introduce a maximum floor space ratio (FSR) of 25.4:1; introduce a minimum non-residential FSR of 4.7:1 and increase the maximum building height from 49 metres to 180 metres.

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 25TH OCTOBER 2017



Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

**Delegate of the Secretary
of the Department of Planning and Environment**