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Department Generated Correspondence (Y)

Contact: Nigel Riley
Phone: (02) 9228 6111
Fax: (02) 9228 6244
Email: Nigel.Riley@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2011_NORTH_007_00 (11/06887)

Ms Penny Holloway
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Ms Holloway,

Re: Planning Proposal to create a new heritage conservation area over land bound by Jeffreys, Fitzroy and Broughton Streets and Kirribilli Avenue, Kirribilli. The Proposal also seeks to include 2 new heritage items, remove 4 existing heritage items and include them as contributory items and include 1 new property as an uncharacteristic element, under the North Sydney Local Environmental Plan 2001

I am writing in response to your Council's letter dated 18 April 2011 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 amend the North Sydney Local Environmental Plan 2001 to create a new heritage conservation area over land bound by Jeffreys, Fitzroy and Broughton Streets and Kirribilli Avenue, Kirribilli. The Proposal also seeks to include 2 new heritage items, remove 4 existing heritage items and include them as contributory items and include 1 new property as an uncharacteristic element, under the North Sydney Local Environmental Plan 2001.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Council is to exhibit the planning proposal in two forms:

- as an amendment to the existing North Sydney LEP 2001; and
- as an amendment to the draft North Sydney LEP 2009.

In the case of the latter, exhibition material, including mapping is to be provided in a form sufficient to clearly demonstrate the intent of the planning proposal in a manner consistent with the Department's Guidelines for the preparation of Standard Instrument LEP maps. The planning proposal is also to be exhibited in a manner consistent with the format of the Standard Instrument LEP schedules, in particular, Schedule 5 Environmental heritage.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 2.3 Heritage Conservation are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 Nigel Riley of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



23/5/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_NORTH_007_00): to create a new heritage conservation area over land bound by Jeffreys, Fitzroy and Broughton Streets and Kirribilli Avenue, Kirribilli. The Proposal also seeks to include 2 new heritage items, remove 4 existing heritage items and include them as contributory items and include 1 new property as an uncharacteristic element, under the North Sydney Local Environmental Plan 2001.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the North Sydney Local Environmental Plan 2001 to create a new heritage conservation area over land bound by Jeffreys, Fitzroy and Broughton Streets and Kirribilli Avenue, Kirribilli. The Proposal also seeks to include 2 new heritage items, remove 4 existing heritage items and include them as contributory items and include 1 new property as an uncharacteristic element, under the North Sydney Local Environmental Plan 2001 should proceed subject to the following conditions:

1. Council is to exhibit the planning proposal in two forms:
 - as an amendment to the existing North Sydney LEP 2001; and
 - as an amendment to the draft North Sydney LEP 2009.In the case of the latter, exhibition material, including mapping is to be provided in a form sufficient to clearly demonstrate the intent of the planning proposal in a manner consistent with the Departments guidelines for the preparation of Standard Instrument LEP maps and in a format consistent with the form of the Standard Instrument LEP schedules, in particular, Schedule 5 Environmental heritage.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("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 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 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 **6 months** from the week following the date of the Gateway determination.

Dated

23rd

day of

may

2011.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**