



Planning & Environment

Mr Warwick Winn
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Our ref: PP_2015_NORTH_003_00(15/01478)

Dear Mr Winn

Planning proposal to amend North Sydney Local Environmental Plan 2013

I am writing in response to your request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) in respect of the planning proposals to include residential flat buildings as a permissible use within the B4 Mixed Use zone, remove maximum non-residential floor space ratio controls and exclude serviced apartments from the calculation of non-residential floor space under North Sydney Local Environmental Plan 2013.

As delegate of the Minister for Planning, I have now determined the planning proposals should proceed subject to the conditions in the attached Gateway determination. Please note that prior to public exhibition, Council is to consolidate the three individual planning proposals into one proposal for efficiency and clarity purposes.

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 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 Local Environmental Plan 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's regional team for administrative purposes.

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 Nava Sedghi to assist. Ms Sedghi can be contacted on (02) 8575 4117.

Yours sincerely

Tim Archer
A/Director Metropolitan Delivery (CBD)
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_NORTH_003_00): to include residential flat buildings as a permissible use within the B4 Mixed Use zone, remove maximum non-residential floor space ratio controls and exclude serviced apartments from the calculation of non-residential floor space under North Sydney Local Environmental Plan 2013.

I, the Acting Director, Metropolitan Delivery (CBD) 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 North Sydney Local Environmental Plan 2013 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to consolidate the three individual planning proposals into one proposal for efficiency and clarity purposes.
2. Prior to public exhibition, Council is to amend the fourth objective of the proposed B4 Mixed Use zone to consider the planning proposal's objective to permit residential flat buildings within the B4 Mixed Use zone.
3. Prior to public exhibition, the planning proposal is to be revised to demonstrate consistency with A Plan for Growing Sydney, released on 14 December 2014.
4. 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 and Environment 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 and Environment 2013)*.
5. Consultation is required with Destination NSW under section 56(2)(d) of the EP&A Act. Destination NSW 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.
6. 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).

7. A written authorisation to exercise delegation under section 59 of the EP&A Act is issued to Council in relation to the planning proposal.
8. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated 6th day of February 2015



Tim Archer
A/Director Metropolitan Delivery (CBD)
Planning Services

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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

Number	Name
PP_2015_NORTH_003_00	Planning Proposal to include residential flat buildings as a permissible use within the B4 Mixed Use zone, remove maximum non-residential floor space ratio controls, and exclude serviced apartments from the calculation of non-residential floor space under North Sydney Local Environmental Plan 2013.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 6th day of February 2015

A handwritten signature in blue ink, appearing to read "Tim Archer".

Tim Archer
A/Director Metropolitan Delivery (CBD)
Planning Services