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Our ref: PP_2014_NORTH_003_00 (14/17055)

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

Attention: Alex Williams, Acting Manager Strategic Planning

Dear Mr Winn

Planning Proposal to amend North Sydney Local Environmental Plan 2013

I am writing in response to your Council's letter dated 28 July 2014, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of a planning proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The planning proposal, for land in St Leonards bounded by Albany Street, Chandos Street, Hume Lane, Pacific Highway, and Sergeants Lane, seeks to reinstate the restriction formerly imposed by subclause 4.6(8)(ca) of NSLEP 2013, which limits the variation of the maximum building height for the aforementioned land by more than 3 metres.

This clause, which ceased to apply on 11 March 2014, was intended to allow time for Council to complete the specialist studies for Precincts 2 and 3 of the St Leonard / Crows Nest Planning Study and adopt controls based on the studies findings. I understand Council anticipates the studies will now be finalised in early 2015.

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. I have decided the new cease date for subclause 4.6(8)(ca) should be 31 December 2015 to allow the completion of the above studies, consistent with 'Option 3' in Council's planning proposal.

I encourage Council to submit a future planning proposal to introduce appropriate height of building controls based on the findings of the above studies, prior to the new cease date for the clause.

I have determined that the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 3.3 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of the 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 **6 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 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.

Should you have any queries in regard to this matter, I have arranged for Ms Sandy Shewell to assist you. Ms Shewell can be contacted on 02 8575 4115.

Yours sincerely



Lee Mulvey /
Director, Metropolitan Delivery (CBD)
Planning Services

Delegate of the Minister for Planning

Enclosed:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_NORTH_003_00): to reinstate a restriction which limits the variation of the maximum building height by more than 3 metres for certain land in St Leonards.

I, the 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 Act) that an amendment to the North Sydney Local Environmental Plan 2013 (*NSLEP 2013*) which limits variation of the maximum building height by more than 3 metres for land in St Leonards, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be revised to reflect the new cease date for subclause 4.6(8)(ca), being 31 December 2015.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 16th day of October 2014.


Lee Mulvey
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_2014_NORTH_003_00	Planning proposal - Exceptions to Development Standards in St Leonards - Building Height

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

Dated 16th October 2014



Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services

Delegate of the Minister for Planning