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Our ref: PP_2015_NORTH_001_00 (15/01140)

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

Attention: Ben Boyd, Executive Strategic Planner

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 proposal to amend the non-residential floor space ratio range for 200-220 Pacific Highway, Crows Nest.

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

I have also agreed the planning proposal's inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is of minor significance and has been justified. No further approval is required in relation to this Direction.

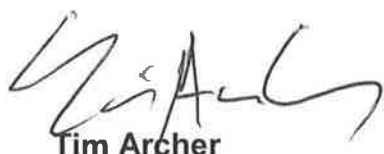
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 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'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 of the Department of Planning and Environment's Metropolitan (CBD) office to assist. Ms Sedghi can be contacted on (02) 8575 4117.

Yours sincerely

 29.1.15

Tim Archer
Acting 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_001_00): to amend the non-residential floor space ratio range to 0.24:1 – 2:1 for 200-220 Pacific Highway, Crows Nest.

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 EP&A Act) that an amendment to the North Sydney Local Environmental Plan 2013 to amend the non-residential floor space ratio range to 0.24:1 – 2:1 for 200-220 Pacific Highway, Crows Nest should proceed subject to the following conditions:

1. 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.
2. Inconsistency with s117 Direction 1.1 Business and Industrial Zones is of minor significance and has been adequately justified.
3. 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).
4. No consultation is required with public authorities under sections 56(2)(c) of the EP&A Act.
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. A written authorisation to exercise delegation under section 59 of the EP&A Act is issued to Council in relation to the planning proposal.
7. The timeframe for completing the Local Environmental Plan is to be **6 months** from the week following the date of the Gateway determination.

Dated 29th day of January 2015.



Tim Archer
Acting 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_001_00	Planning Proposal to amend the non-residential floor space ratio range to 0.24:1 – 2:1 for 200-220 Pacific Highway, Crows Nest.

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 29 January 2015.

Tim Archer
Acting Director, Metropolitan Delivery (CBD)
Planning Services