

Gateway Determination

Planning Proposal (Department Ref: PP_2017_NORTH_002_00): to implement the outcomes of the North Sydney CBD Land Use and Capacity Strategy.

I, the Acting Deputy Secretary, Planning Services, 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 2013 (LEP) to implement the outcomes of the North Sydney CBD Land Use and Capacity Strategy should proceed subject to the following conditions:

1. Prior to State agency and community consultation the Planning Proposal is to be updated to:
 - a) include the outcomes of the completed North Sydney CBD Public Domain Strategy and Transport Masterplan, and an appropriate heritage analysis of the proposed LEP amendments. These documents are also to be included in the consultation material;
 - b) identify all existing serviced apartments located in the B3 Commercial Core Zone in Schedule 1 - Additional Permitted Uses of North Sydney LEP 2013;
 - c) include an updated project timeline; and
 - d) rectify any discrepancies between the written text and the proposed maps relating to the proposed changes to the 'Special Areas'.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a) the Planning Proposal must be made publicly available for a minimum of **28 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 Local Environmental Plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:
 - Transport for NSW;
 - Transport for NSW: Road and Maritime Services;
 - Office of Environment and Heritage – Heritage Branch;
 - Sydney Airport Corporation Ltd;
 - AirServices Australia; and
 - Civil Aviation Safety Authority.

Each public authority 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** from the week following the date of the Gateway determination.

Dated 20th day of July 2017


Stephen Murray
Acting Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Mr Ross McCreanor
Acting General Manager
North Sydney Council
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NORTH SYDNEY NSW 2059

PP_2017_NORTH_002_00 (17/07047)


Dear Mr McCreanor

Planning Proposal to amend North Sydney Local Environmental Plan 2013

I am writing in response to your Council's letter dated 24 March 2017 requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect to the Planning Proposal to implement the outcomes of the North Sydney CBD Land Use and Capacity Strategy.

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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 117 Directions 2.3 Heritage Conservation and Direction 3.5 Development Near Licensed Aerodromes. Council should ensure this occurs prior to the plan being made.

Due to the potential traffic, transport and heritage issues associated with the proposal, the Gateway Determination requires the North Sydney CBD Public Domain Strategy and Transport Masterplan, and an appropriate heritage analysis of the proposed LEP amendments be completed, and the proposal updated accordingly to better inform agency and community consultation. The determination also requires the proposal be amended to identify all existing serviced apartments located in the B3 Commercial Core Zone in Schedule 1 - Additional Permitted Uses of North Sydney LEP 2013 as it is not considered appropriate that these apartments should rely upon existing use rights in the future.

Plan making powers were delegated to councils by the Minister in October 2012. I have decided not to issue an authorisation for Council to exercise delegation to make this plan, given the scale and complexity of the proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 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 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 queries in regard to this matter, I have arranged for Mr Wayne Williamson of the Department's regional office to assist you. Mr Williamson can be contacted on (02) 9274 6585.

Yours sincerely

 20 July 2017
Stephen Murray
Acting Deputy Secretary
Planning Services

Encl:
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