

Mr Ken Gouldthorp
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF22/1842

Attn: Marcelo Occhiuzzi

Dear Mr Gouldthorp

Planning proposal (PP-2022-1167) to amend North Sydney Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to prohibit residential flat buildings in the R3 Medium Density Residential zone.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway Determination. Some conditions require the proposal to be updated prior to the exhibition of the planning proposal.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

The proposed local environmental plan (LEP) is to be finalised **within 9 months** of the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal **within 4 months** of the date of the Gateway determination.

I have conditioned that the Department of Planning, Industry and Environment be authorised as the local plan-making authority.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway Determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Matthew Rothwell to assist you. Mr Rothwell can be contacted on 8275 1066.

Yours sincerely



12 August 2022
Brendan Metcalfe
Director, North District
Metro Central & North
Department of Planning and Environment

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2022-1167): *the purpose of the planning proposal is to prohibit residential flat buildings within the R3 Medium Density Residential zone.*

I, the Director, North District, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan 2013 to prohibit residential flat buildings within the R3 Medium Density Residential zone should proceed subject to the conditions of this gateway determination.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is required to be updated to:
 - (a) Contain details regarding a savings provision for DAs lodged prior to the proposed amendment of the LEP and not yet determined;
 - (b) Provide further detail of any concerns of built form outcomes resulting from DAs for RFBs in the R3 zone; and
 - (c) Include an updated project timeline to ensure completion in a timely manner.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within **4 months** following the date of the gateway determination.

3. No consultation is required with public authorities or government agencies under section 3.34(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 3.34(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 time frame for completing the LEP is to be **9 months** from the date of the Gateway determination; and
6. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.

Dated 12th day of August 2022.



Brendan Metcalfe
Director, North District
Metro Central & North
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes