

Ms Therese Manns
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF22/3915

Via email: council@northsydney.nsw.gov.au

Attention: Marcelo Occhiuzzi, Manager Strategic Planning

Dear Ms Manns

Planning proposal PP-2022-3878 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 site at 15 Allister Street, Cremorne to identify the property as a local heritage item under the North Sydney LEP 2013.

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. Council may need to update the planning proposal to address conditions of the Gateway determination and should ensure this occurs prior to exhibition.

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 as soon as possible and within 3 months of the date of the Gateway determination.

In considering the nature of the planning proposal, I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal. Should Council seek to make a proposed LEP, the request to draft the LEP should be made direction to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

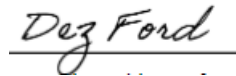
The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

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 Matthew Rothwell to assist you. Mr Rothwell can be contacted on 8275 1066.

Yours sincerely

A handwritten signature in black ink that reads "Dez Ford". The signature is written in a cursive style and is positioned above a horizontal line.

19 December 2022
Dez Ford
A/Director, North District
Metro Central and North

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2022-3878): to list 15 Allister Street, Cremorne as a local heritage item under the North Sydney LEP 2013.

I, the A/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 identify the property at 15 Allister Street, Cremorne as a local heritage item should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before **19 September 2023**.

Gateway Conditions

1. Prior to community consultation the planning proposal is to be updated to address the following:
 - (a) clarify the appropriate inventory of the listing, in particular whether the interiors form part of the listing;
 - (b) address the heritage significance of the site in the context of the adjoining site at No. 17 Allister Street, the adjoining heritage item at No. 7 Cranbrook Avenue and if there is any contribution to the heritage streetscape or potential for a grouping or conservation area;
 - (c) provide further justification for Ministerial Direction 6.1 Residential Zones;
 - (d) include an advisory note that the heritage item number is indicative only and will be confirmed at the finalisation stage; and
 - (e) include an updated timeline based on the issuing of the Gateway determination.
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 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 **3 months** following the date of the gateway determination.

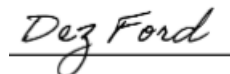
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Heritage Council of NSW
- North Shore Historical Trust
- National Trust

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 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 planning proposal must be reported to Council for a final recommendation **6 months** from the date of the Gateway determination.
6. The LEP should be completed within **9 months** of the date of the Gateway determination.

Dated 19th day of December 2022.



Dez Ford
A/Director North District
Metro Central and North
Department of Planning and Environment

Delegate of the Minister for Planning