

Mr Robert Emerson
Acting General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF22/1599

Attention: Marcelo Occhiuzzi, Manager, Strategic Planning

Dear Mr Emerson

Planning proposal (PP-2022-901) 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 amend clause 6.3 as it relates to building heights and massing to development within the North Sydney Centre.

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.

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. 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 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 Brendan Metcalfe, Director, North District to assist you. Mr Metcalfe can be contacted on 9680 1442.

Yours sincerely



Alison McLaren 25 August 2022
Metro Central & North
Planning and Land Use Strategy
Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2022-901): *the purpose of the planning proposal is to amend clause 6.3 as it relates to building heights and massing to development within the North Sydney Centre.*

I, the Executive Director, Metro Central and North, at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 amend clause 6.3 should proceed subject to the conditions of this Gateway determination.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) Include a plain English explanation of the intent of the planning proposal under explanations of provisions.
 - (b) Update the planning proposal to address development applications lodged but not determined.
 - (c) Clarify the intent of the proposed amendments to apply clause 6.3(3) as a requirement to be met for all development on land within the North Sydney Centre or whether a trigger should be included so that the clause only applies to certain development applications.
 - (d) Discuss potential implications on the delivery of commercial floorspace on sites within the North Sydney Centre and Council's independent review of proposed development control plan changes.
 - (e) Remove references to a 'draft' North District Plan;
 - (f) Include updated references to the Section 9.1 Ministerial Directions issued on 1 March 2022;
 - (g) Include consideration of the consolidated State Environmental Planning Policies (SEPPs) and remove reference to repealed SEPPs; and
 - (h) 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 Local Environmental Plan is to be **9 months** following the date of the Gateway determination.
6. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.

Dated 25th day of August 2022.



Alison McLaren
Executive Director,
Metro Central & North
Department of Planning and Environment

Delegate of the Minister for Planning