

Ms Therese Cole
Chief Executive Officer
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF24/201

Dear Ms Cole

Planning proposal PP-2023-92 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 601 Pacific Highway, St Leonards. The planning proposal seeks to increase the maximum building height and introduce a maximum FSR in the North Sydney LEP 2013.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination. Council is required to update the planning proposal to address the conditions of the Gateway determination and should ensure this occurs prior to exhibition.

The proposed local environmental plan (LEP) is to be finalised on or before 24 January 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly 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, Housing and Infrastructure.

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, August 2023) 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.

I note the site is subject to the Crows Nest accelerated precinct focus area of the Transport Oriented Development State Led Rezoning. Should the Crows Nest State Led Rezoning conclude prior to Council making a LEP amendment for this planning proposal, the controls implemented in the State Led Rezoning will be supported by

the Department to remain on the site. This may necessitate Council withdrawing the planning proposal or the Department issuing a do not proceed Gateway alteration.

Alternatively, should the planning proposal process conclude prior to the State Led Rezoning, the controls implemented by the proposal would not be further amended unless considered necessary.

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



2 April 2024
Brendan Metcalfe
Director, Metro North
Metro Central and North

Encl: Gateway determination
Encl: Guidance on timeframes