

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

Our ref: IRF23/1331

Attention: Neal McCarry, Acting Manager Strategic Planning

Dear Ms Manns

Planning proposal PP-2023-987 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 sites at 50-88 Parraween Street, Cremorne to identify 12 properties as local heritage items, rezone 20 properties and reduce the maximum building height of 20 properties 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 conditions of the Gateway determination and ensure this occurs prior to exhibition. It is requested that Council ensure the Department's Gateway Determination Report document is made publicly available and exhibited with the public exhibition package.

I have also noted the inconsistency of the planning proposal as submitted with Direction 6.1 Residential Zones. The proposal should be updated to address and justify the inconsistency with Direction 6.1 Residential Zones in the context of the proposed local heritage listings.

I understand the NSW Land and Environment Court has dismissed the Class 1 appeals seeking the revocation of Interim Heritage Orders (IHO) applying to sites included in this proposal. A condition has been included for the planning proposal to be updated to consider and respond to the findings of this decision.

I note the recommendations of the North Sydney Local Planning Panel (Panel) in relation to the proposed heritage listing, rezoning and reduction in building height. Consistent with the Panel's recommendation, a post-exhibition review of submissions and Council commissioned heritage studies is to be undertaken by an independent heritage expert to provide a recommendation on the appropriateness of the proposed heritage listings. This additional study is required prior to finalisation.

I have determined not to authorise Council to be the local plan-making authority due to the complexity of the planning proposal and the extent of the Gateway conditions to address various inconsistencies with the strategic planning framework and associated Directions.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to return the updated planning proposal to the Minister (or delegate) for review and endorsement as soon as possible for timely commencement of the exhibition of the planning proposal within 3 months of the date of the Gateway determination. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made at least eight weeks in advance of the date the

LEP is projected to be made.

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



31 July 2023
Leah Schramm
Acting Executive Director
Metro Central and North

Encl: Gateway determination