

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

Our ref: IRF23/906

**Attention:** Marcelo Occhiuzzi, Manager Strategic Planning

Dear Ms Manns

**Planning proposal PP-2023-760 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 4.6 and Clause 6.3 of the North Sydney LEP 2013 as relating to building height variations within the North Sydney Centre.

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 will 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 within 3 months of the Gateway determination.

Consistent with the previous Gateway determination issued on 25 August 2022, 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 Matthew Rothwell to assist you. Mr Rothwell can be contacted on 8275 1066.

Yours sincerely



06.07.2023

**Alison Burton**  
**Acting Executive Director**  
**Metro Central and North**  
**Planning and Land Use Strategy**

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-760):** to amend Clause 4.6 and Clause 6.3 of the North Sydney LEP 2013 as relating to building height variations within the North Sydney Centre.

I, the Acting Executive Director, Metro Central and North at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, 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 4.6 and Clause 6.3 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to address the following and submitted to the Minister for review and endorsement prior to public exhibition:
  - (a) include a plain English explanation of the intent of the intended outcomes of the planning proposal under explanations of provisions;
  - (b) remove Council's draft clauses from the body of the planning proposal, include as an annexure and note that they are indicative only and will be subject to drafting by Parliamentary Counsel should the planning proposal proceed to finalisation;
  - (c) update the planning proposal to accurately reflect the current land zonings in the North Sydney Centre following commencement of the employment zones reform on 26 April 2023;
  - (d) 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 **3 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. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.
6. The planning proposal must be reported to Council for a final recommendation **6 months** from the date of the Gateway determination.
7. The LEP should be completed within **9 months** of the date of the Gateway determination.

Dated

6<sup>th</sup> day of July 2023.



**Alison Burton**  
**Acting Executive Director, Metro Central and North**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning and Public Spaces**