

Gateway Determination

Planning proposal (Department Ref: PP_2020_NORTH_004_00): to facilitate a residential development by increasing development standards and establishing a new special provisions map and site specific clause pertaining to land at 173-179 Walker Street and 11-17 Hampden Street, North Sydney.

I, the Executive Director, Eastern Harbour City at the Department of Planning, Industry 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 *North Sydney Local Environmental Plan (LEP) 2013* to facilitate a residential development at 173-179 Walker Street and 11-17 Hampden Street, North Sydney should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal, Urban Design Report and Draft Site Specific Development Control Plan are to be updated to consider the Sydney North Planning Panel's recommendations to:
 - a. Demonstrate a new special provisions scheme which is compliant with the revised proposal considering the removal of the proposed bonus FSR provision;
 - b. Reconsider the podium based built form to better respond to the site's residential zoning and impacts on nearby heritage properties;
 - c. Include greater vertical building breaks with greater consideration of view impacts arising from the street level and properties located west of the site on Walker Street;
 - d. Better mirror the rhythm and bulk of adjacent heritage items located on the northern side of Hampden Street; and
 - e. Consider the design guidelines contained in North Sydney Council's draft Civic Precinct Planning Study.

The revised proposal and design reference schemes are not to result in any greater overshadowing impact, loss of further on street parking or reduce the net proposed provision of public open space. The revised proposal is to be submitted to the Department and approved prior to the commencement of public exhibition.

2. The planning proposal is to be updated to include a discussion outlining its consistency with both the North Sydney Local Strategic Planning Statement and North Sydney Local Housing Strategy. This to be submitted to and approved by the Department prior to the commencement of public exhibition.
3. Should it be determined that the proposed development requires a permit to conduct a controlled activity within the prescribed airspace under the *Airports Act 1996*, under section 9.1 Direction 3.5 Development Near Licensed Aerodromes, the planning proposal authority is to seek permission from the

relevant Commonwealth authority prior to the commencement of public exhibition.

4. Public exhibition is required under section 3.34(2)(c) and Schedule 1, clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Civil Aviation Safety Authority;
 - Sydney Airport Corporation;
 - Transport for NSW;
 - Transport for NSW (Roads and Maritime Branch);
 - Ausgrid;
 - Sydney Water;
 - NSW Department of Education; and
 - NSW Department of Health

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

6. 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 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).
7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 Section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

8. Prior to completing the LEP the planning proposal authority is to consider any outcomes of North Sydney Council's draft or final Civic Precinct Planning Study.
9. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 6 July 2020.



Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment
Delegate of the Minister for Planning and
Public Spaces