

Gateway Determination

Planning proposal (Department Ref: PP_2018_NORTH_003_00): to increase the maximum building height and minimum non-residential floor space ratio and introduce a maximum floor space ratio for the site at 23-35 Atchison Street, St Leonards.

I, the Executive Director, Regions 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 (LEP) 2013 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) amend the project timeline to reflect the anticipated time frames for the plan-making process;
 - (b) include a satisfactory arrangements provision for contributions to designated state public infrastructure identified as part of a draft or final special infrastructure contribution for the St Leonards and Crows Nest Station Precinct; and
 - (c) address the St Leonards and Crows Nest 2036 Draft Plan, particularly the area-wide design principles, design criteria and proposed planning controls relevant to the site and justify any inconsistencies.
2. Prior to community consultation, 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:
 - federal Department of Infrastructure, Regional Development and Cities;
 - Airservices Australia;
 - Civil Aviation Safety Authority; and
 - Sydney Airport Corporation.
3. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

4. 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:

- Transport for NSW;
- Roads and Maritime Services; and
- Ausgrid.

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.

5. Prior to finalisation, the planning proposal is to be updated to demonstrate consistency with a revised draft or final St Leonards and Crows Nest 2036 Plan, if available.
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 time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *21st* day of *December* 2018.


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning