

Gateway Determination

Planning proposal (Department Ref: PP_2020_NORTH_002_00): to implement the outcomes of the North Sydney LEP Review program and make a series of housekeeping amendments.

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 the North Sydney Local Environmental Plan (LEP) 2013 to implement the findings of the North Sydney LEP Review and a series of housekeeping amendments should proceed subject to the following conditions:

1. Prior to public exhibition all references to the proposed amendment pertaining to Clause 14 of Schedule 1 are to be removed, as the amendment has been processed as part of another planning proposal.
2. Update the list of planning proposals that are running concurrently to this proposal to include the Kirribilli Small Bars planning proposal (PP_2020_NORTH_001_00)
3. Remove all references to the listing of 33 Spruson Street, Neutral Bay as the proposed amendment is not supported by a heritage assessment detailing how it satisfies the NSW criteria for heritage listing.
4. Council must consult with the landowner(s) of 3 Parker Street, McMahon's Point regarding its proposed listing as an item of local heritage significance.
5. Council must consult with the landowner(s) of 25 Shirley Road, Wollstonecraft regarding the proposed introduction of the 8.5m maximum building height for this land.
6. Council is to remove all references to the proposed introduction of clause 6.12(AA) as intended under the Council resolution of 28 November 2019.
7. In relation to the rezoning of land at the northern end of Benelong Lane adjacent to 107A Young Street, Cremorne, it is requested that Council provide further justification or remove all references to the amendment from the planning proposal.
8. Remove all references to the proposed amendment to Clause 23 Schedule 1 as sufficient discussion within the planning proposal has not been provided.
9. Include a rationale for the proposed amendment to renumber clause 5.3(3)(a1).

10. 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).
11. 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:
- Sydney Water;
 - Transport for NSW;
 - Roads and Maritime Services Division of Transport for NSW;
 - Heritage Council of NSW;
 - NSW Environment, Energy and Science; and
 - NSW Department of Education.
- 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.
12. 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).
13. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 19th day of April 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

