



Gateway Determination

Planning proposal (Department Ref: PP_2020_NORTH_005_00): to amend North Sydney Local Environmental Plan 2013 to facilitate the creation of a mixed use precinct in Alfred 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 the North Sydney Local Environmental Plan (LEP) 2013 to facilitate a mixed use development at the site known as the Alfred Street Precinct should proceed subject to the following conditions:

1. Prior to the commencement of public exhibition, a Heritage Impact Assessment (HIA) is to be prepared for the site that demonstrates the proposed development will not have unacceptable impacts on the adjacent Whaling Road Heritage Conservation Area. The HIA is to have consideration of the proposed building setbacks, landscaped buffers and overshadowing impacts.
2. The planning proposal is required to be updated to create a consolidated document combining the information contained in the original planning proposal, rezoning review and additional information provided following the rezoning review. This is to ensure that the information displayed for public exhibition is consistent and easily legible for the community.
3. The planning proposal is to be updated to outline its consistency with both the North Sydney Local Strategic Planning Statement and North Sydney Local Housing Strategy. This is to be submitted to and approved by the Department prior to the commencement of public exhibition.
4. The draft letter of offer to enter into a voluntary planning agreement is to be updated to demonstrate intent to negotiate with Council and not the PPA.
5. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal 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).

6. 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:
- Roads and Maritime Services branch of Transport for NSW;
 - Transport for NSW;
 - North Sydney Council;
 - Sydney Water;
 - Ausgrid;
 - NSW Health; 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.

7. 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).
8. 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.
9. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 7th day of September 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