

## Gateway Determination

***Planning proposal (27-57 Falcon Street, Crows Nest) to amend North Sydney Local Environmental Plan 2013 for the subject site by:***

- *Rezoning the site to High Density Residential*
- *Increasing the maximum building height.*
- *Introducing a maximum floor space ratio (FSR).*
- *Removing the current non-residential FSR from the site.*

I, the Director, North District 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 should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
  - a. Remove the proposed maximum building height clause and replace it with a plain English explanation.
  - b. Address the now finalised St Leonards and Crows Nest 2036 Plan and accompanying section 9.1 Direction (7.11 Implementation of St Leonards and Crows Nest 2036 Plan). The proposal is also to remove all references to the Draft Plan.
  - c. Remove references to the Draft North Sydney Strategic Planning Statement as this has now been finalised.
  - d. Clearly explain the objectives and intended outcomes and site specific provision for 'exceedances to building height' in the planning proposal report.
  - e. Include a timeframe and milestones for the completion of the planning proposal, including time for the Department to prepare a finalisation report and make an LEP.
  - f. Update the status of the Planning Process and Next Stages section within the planning proposal report.
  - g. Include draft LEP mapping within the planning proposal report.
  - h. Ensure all documentation associated with the Gateway determination is uploaded to the NSW Planning Portal.
2. 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).

3. 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
  - Ausgrid
  - Sydney Water Corporation

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.

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 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. The planning proposal must be exhibited within **3 months** from the date of this Gateway determination.
6. The planning proposal must be reported to Council for a final recommendation **6 months** from the date of this Gateway determination.
7. The planning proposal is to be submitted to the Department for finalisation **9 months** from the date of the Gateway determination.

Dated 5th day of February 2021.



**Brendan Metcalfe**  
**Director, North District**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and Environment**

**Delegate of the Minister for Planning and Public Spaces**