

Gateway Determination

Planning proposal (Department Ref: PP-2021-2926): *To amend the North Sydney LEP 2013 to increase the maximum height limit, increase the maximum floor space ratio, and increase the minimum non-residential floor space ratio at 253-267 Pacific Highway.*

I, the Director North District, Metro Central and North at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2013 to increase the maximum height limit, increase the maximum floor space ratio, and increase the minimum non-residential floor space ratio at 253-267 Pacific Highway should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to address the following:
 - (a) The draft site-specific development control plan is to be updated to provide additional detail including:
 - i. Elevations showing total building height, the building storeys, and the floor-to-ceiling height of each level. Podium height should be noted. These elevations should convey the building form, massing, articulation, and human scale of the proposal.
 - ii. Provisions regarding building articulation, breaks provided for view sharing, and achieving a high-quality landscaped outcome.
 - iii. Provisions for the legibility and articulation of the heritage item from the podium.
 - iv. Plans illustrating the building and podium setbacks.
 - (b) Update to address the consolidated and updated state environmental planning policies.
 - (c) Update the references to the Section 9.1 Ministerial Directions and address relevant new Directions issued since the proposal was prepared.
2. Prior to finalisation of the planning proposal, the proposal is required to be updated to ensure consistency with Direction 4.4 – Remediation of Contaminated Land. A detailed site investigation by a suitably qualified environmental consultant and a Remediation Action Plan must be provided to demonstrate the land is suitable in its contaminated state, or will be suitable, after remediation, for the purposes proposed.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as basic, as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021), and must be made publicly available for a minimum of 30 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 30 days following the date of the Gateway determination.

4. Consultation is required with the following public authorities:

- Transport for NSW
- Sydney Water
- Endeavour Energy

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

5. 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 EP&A 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).
6. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.

Dated 28th day of October 2022.



Brendan Metcalfe
Director North District
Metro Central North
Department of Planning and Environment
Delegate of the Minister for Planning and Homes