

Mr Robert Emerson
Acting General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF22/2658

Via email: council@northsydney.nsw.gov.au

Attention: Marcelo Occhiuzzi, Manager Strategic Planning

Dear Mr Emerson

Planning proposal PP-2021-3357 to amend North Sydney Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal for the site at 52 Alfred Street, Milsons Point to increase the maximum height of buildings to facilitate a mixed-use development.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

The planning proposal may still need to be updated to address and comply with the requirements of the Minister's directions, including 4.4 Remediation of Contaminated Land; 5.3 Development Near Regulated Airports and Defence Airfields and 7.1 Business and Industrial zones. Council should ensure this occurs prior to community consultation.

The planning proposal will also require updating to address the conditions of the Gateway determination prior to public exhibition. I note the inconsistencies throughout the planning proposal with regard to the proposed height of buildings. The planning proposal should be updated to reflect to the heights considered by the Sydney North Planning Panel which were RL84 at Alfred Street and 87.1 at Glen Street and should be consistent with the proposed height of building maps. Any outdated references in the planning proposal should also be updated in accordance with the conditions of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible, however no later than 3 months from the date of the Gateway determination.

Given the nature of the planning proposal, I have determined not to authorise Council to be the local plan making authority, as the site has been the subject of a rezoning review and determined by the Sydney North Planning Panel to proceed to Gateway determination. Council's request for the Department of Planning and Environment to

draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The proposed local environmental plan (LEP) is to be finalised on or before 9 July 2023. The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Christina Brooks to assist you. Ms Brooks can be contacted on 9274 6045.

Yours sincerely



9 November 2022
Brendan Metcalfe
Director, North District
Metro Central and North

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2021-3357): to amend the North Sydney Local Environmental Plan 2013 to increase the maximum height of buildings to facilitate a mixed use development at 52 Alfred Street, Milsons Point

I, the Director, North District 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 2103 to increase the maximum height of buildings at 52 Alfred Street, Milsons Point should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to address the following:
 - (a) remove any inconsistencies with the Council draft Development Control Plan from the concept scheme and exhibit Council's site specific DCP concurrently with the planning proposal;
 - (b) include existing maps that apply to the site and provide consistency throughout the planning proposal regarding maximum height sought on the site including any diagrams consistent with the proposed maximum height of buildings map;
 - (c) the estimated number of jobs that may be created as result of the changes to the planning controls on the site;
 - (d) address the consolidated and updated SEPPs of 1 March 2022;
 - (e) address the most recently issued 9.1 Ministerial directions of 1 March 2022 and to remove revoked directions;
 - (f) provide further justification for directions:
 - 4.4 Remediation of Contaminated Land;
 - 5.3 Development Near Regulated Airports and Defence Airfields; and
 - 7.1 Business and Industrial Zones.
 - (g) include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments;
 - (h) reference the new LEP Making Guidelines (September 2022);
 - (i) include an updated timeline based on the issuing of the Gateway determination.
2. 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 standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) 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, 2022).

Exhibition should commence as soon as possible and must be within **3 months** following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Transport for NSW;
 - Ausgrid;
 - Sydney Water Corporation;
 - Heritage NSW;
 - NSW Department of Education; and
 - NSW Department of Health.

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.

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 EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
5. The planning proposal must be reported to council for a final recommendation **6 months** from the date of the Gateway determination.
6. The LEP should be completed within **9 months** of the date of the Gateway determination.

Dated 11th day of November 2022.



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