

Gateway Determination

Planning proposal (Department Ref: PP-2021-5024): to amend the North Sydney LEP 2013 for land at 52 McLaren Street, North Sydney to increase the maximum height of buildings, introduce a maximum floorspace ratio and increase the minimum non-residential floorspace ratio

I, the Director, North District at the Department of Planning, Housing and Infrastructure, 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 2013 to increase the maximum height of buildings, introduce a maximum floorspace ratio and increase the minimum non-residential floorspace ratio should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 17 January 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to include:
 - (a) an updated assessment of SEPP (Housing) 2021 and remove reference to SEPP 65 – Design Quality of Residential Apartment Development; and
 - (b) an updated timeline based on the date of the Gateway determination.
2. The planning proposal is to be updated if required under any formal affordable housing policy applicable to the site that the NSW Government releases prior to the finalisation of the planning proposal, subject to feasibility and considering other contributions that are proposed as part of the VPA with Council.
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 standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 Guideline* (Department of Planning and Environment, August 2023).

4. 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 Act:

- Transport for NSW;
- Transport for NSW (Sydney Metro);
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education including Schools Infrastructure NSW;
- NSW Health – Northern Sydney Local Health District;
- Sydney Airport Corporation Limited (SACL);
- Airservices Australia; and
- Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC).

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 working 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 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).

Dated 22 March 2024



Brendan Metcalfe
Director, North District
Planning, Landuse Strategy & Housing
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces