

Ms Therese Manns
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Ms Manns

Planning proposal PP-2021-5024 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) and additional information received on 12 January 2023 in respect of the planning proposal to increase the maximum height of buildings from RL110m to part RL107m and part RL156m, introduce a maximum floorspace ratio of 5.3:1 and increase the non-residential FSR from 0.5:1 to 1:1.

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

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 17 January 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

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, Housing and Infrastructure, August 2023) 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



22 March 2024
Brendan Metcalfe
Director, Metro North
Metro Central and North

Encl: Gateway determination

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