

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-5353):** *To amend the North Sydney LEP 2013 as it applies to 378-390 Pacific Highway, Crows Nest by increasing the maximum height of buildings to RL 176 (24 storeys), introducing a maximum FSR of 7.2:1 with an increase to the minimum non-residential FSR to 2:1.*

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 2013 to increase the maximum height of buildings, introduce a maximum FSR and increase the minimum non-residential FSR should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to address the following:
  - (a) include the number of jobs that may be created as a result of the increase to the planning controls on the site;
  - (b) provide consistency throughout the documents to refer to a maximum FSR of 7.2:1 including a non-residential FSR of 2:1 and revise references to GFA accordingly;
  - (c) provide revised mapping to indicate an FSR of 7.2:1 and a HOB of RL176 AHD;
  - (d) address the draft SEPP (Sustainable Buildings) 2022;
  - (e) 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; and
  - (f) include an updated timeline based on this 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 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence 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 (TfNSW);
  - Transport for NSW (Sydney Metro);
  - Ausgrid;

- Sydney Water Corporation;
- NSW Department of Education;
- NSW Department of Health – Northern Sydney Local Health District;
- Sydney Airport Corporation Limited (SACL);
- Airservices Australia; and
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA).

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 timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.

Dated 15<sup>th</sup> day of December 2022.



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