

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-6564):** to amend the height and FSR controls in the *North Sydney LEP 2013* to enable the future redevelopment of 270-272 Pacific Highway, Crows Nest as a 13 storey commercial office building and basement.

I, the Director, North District at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 amend the height and FSR controls for 270-272 Pacific Highway, Crows Nest should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) Include an advisory note that the wording of the site-specific clause will be drafted by Parliamentary Counsel;
  - (b) Update all references to the Ministerial Directions, including removal of all references to the Premiers Priorities; and
  - (c) Update all references to the SEPPs to reflect the consolidated SEPPs.
  
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, 2021) 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).
  
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
  - Sydney Water.

Consultation is also required with the following organisations

- Relevant utility providers
- Civil Aviation Safety Authority
- Sydney Airport Corporation Limited.

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, in response to a submission or if reclassifying land).
5. The planning proposal must be exhibited within **3 months** following the date of the Gateway determination.
6. The planning proposal must be reported to Council for final recommendation within **6 months** from the date of the Gateway determination.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.
8. Given the nature of the proposal and that Council initially determined not to support it, Council is not authorised to be the local plan making authority.

Dated 16<sup>th</sup> day of June 2022.



**Brendan Metcalfe**  
**Director, North District**  
**Metro Central and North**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**